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

DESIGNATION OF THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, D.C., May 22, 2008. I hereby appoint the Honorable Ed Pastor to act as Speaker pro tempore on this day.

NANCY PELOSI, Speaker of the House of Representatives.

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

O God, You are the source of all that exists. In You there is no falsehood. Make us realistic in our faith. Free us from illusions about ourselves and our world of importance. Help Congress, by our prayer today, to build consistent priorities for the Nation and legislate justice which will lead to peace.

Open our eyes to see the wonders of the world around us. Open our hearts to the wonders of our brothers and sisters who work with us. Together, enable us to read the signs of the times and respond with prudence according to Your wisdom and provident love, both now and forever.

Amen.

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

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

PLEDGE OF ALLEGIANCE
The SPEAKER pro tempore. Will the gentleman from Indiana (Mr. Pence) come forward and lead the House in the Pledge of Allegiance.

Mr. PENCE 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.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore. The Chair will entertain up to five requests for 1-minute speeches on each side of the aisle.

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

Mrs. SCHMIDT. Mr. Speaker, I rise today in honor and celebration of the 60th anniversary of Israel’s founding and pay tribute to a man who contributed greatly to the freedom and democracy enjoyed both by Israel and the United States.

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

Marvin Belkin enlisted in the U.S. Army at the age of 18 to fight in World War II, and by the age of 19 he was a bomber captain. Ultimately, he flew 51 combat missions over the South Pacific until his plane was shot down on New Year’s Day in 1945, when he was subsequently taken prisoner. He was a prisoner of war until August of 1945 when the hostilities with Japan ended.

In 1947, Marvin answered the call again and volunteered to travel to Palestine to help support the formation of the State of Israel. In Palestine, Marvin worked to establish the ground school of the Israeli Air Force. He remained in Israel through the War of Independence, playing an active role in training the new Israeli Air Force pilots. Upon returning to the United States in 1949, Marvin was again called back into military service as an instructor during the Korean War.

Marvin Belkin’s commitment to Israel and the United States is symbolic of the relationship shared by our two nations and his service should be commended, for without it, we may not be here today to celebrate Israel’s independence.
To all the citizens of Israel, I wish you a great happy birthday. I look forward to the continued growth and strengthening of our relationship with you, our ally and our friend.

HONORING ROBERT RACLIN
(Mr. DONNELLY asked and was given permission to address the House for 1 minute.)
Mr. DONNELLY. Mr. Speaker, I rise today to honor and remember the life of Robert Raclin. Bob's service to his country and his family's service to South Bend are unparalleled. His family is well known for their business leadership and philanthropy through our community.

Bob joined the Marines in 1940 and served our country during World War II. His dedication to country and community continued long after he completed his military commitment.

Bob showed leadership in all his work, serving as a director, chairman, or president with a number of organizations. Bob also served the Federal Government as Deputy Undersecretary of Health and Human Services during the Reagan administration.

Bob was a devoted husband, a loving father, and an invaluable citizen of this country. On behalf of all the citizens of the Second District of Indiana, I want to thank Bob Raclin for his many years of service to our region and our country.

It is my honor to rise and recognize Bob's achievements during his long and faithful life. May God bless Robert and all those that he loved.

NEWSWEEK: "THE COOLING WORLD"
(Mr. POE asked and was given permission to address the House for 1 minute.)
Mr. POE. Mr. Speaker, I am alarmed by news in Newsweek magazine. I quote: "There are ominous signs that the Earth's weather patterns have begun to change dramatically, and these changes may cause a drastic decline in food production."

"The evidence has begun to accumulate so massively that meteorologists are hard pressed to keep up with it. The changes in temperature have taken the planet a sixth of the way toward the Ice Age average."

That's right, Mr. Speaker, this article from April 1975 predicts the next ice age. It even suggests melting the polar cap and stockpiling food.

I believed these scientists and thought we were going to all freeze in the dark. Now meteorologists are claiming we're all doomed because of global warming. These meteorologists can't even predict tomorrow's weather, but claim to know as fact about global warming in the future.

The climate is changing, but is it man's fault? Is it getting too cold or too hot? Can we control the weather? Scientists even today disagree.

Before Congress continues to practice the religion of global warming and passing expensive legislation that takes away our personal liberty, we'd better come back to Earth and deal with the truth.

And that's just the way it is.

CONGRATULATING BESS MITSAKOS
(Mr. SIRES asked and was given permission to address the House for 1 minute.)
Mr. SIRES. Mr. Speaker, I am honored to rise today to congratulate a teacher in my district who has been recognized for her excellence in teaching. Bess Mitsakos from the Wallace School in Hoboken, New Jersey, received the International Technology Educators Association Program Excellence Award for elementary schools in New Jersey on February 22, 2008.

Ms. Mitsakos began her teaching career 9 years ago and has spent the last 7 years as a kindergarten through fifth grade science teacher. In that short time, she has become a highly decorated teacher, with a number of awards to her name.

Ms. Mitsakos is committed to increasing student interest, engagement, and learning through the use of computer-based educational tools as well as engineering and technological design activities. I have no doubt that her students will have a strong science, math and engineering foundation that will help them succeed in life. I am proud to recognize her and her accomplishments, and I wish her continued success.

LET'S USE AMERICA'S OWN RESOURCES
(Mr. TIM MURPHY of Pennsylvania asked and was given permission to address the House for 1 minute.)
Mr. TIM MURPHY of Pennsylvania. Well, last week the House and Senate adopted a policy that admits that supply does matter. We voted to stop putting 70,000 barrels of oil each day in the Strategic Petroleum Reserve, less than one-tenth of 1 percent of the world's consumption of oil. Then Iran announced it was going to slow down production.

In the meantime, the U.S. has massive supplies of oil that we're saying "no" to, and Congress continues to say we're not going to drill. Well, the Saudis for oil is not an energy policy. Begging the Saudis for oil is not an energy policy. Just yells in cathartic sessions at oil executives is not an energy policy.

America's families know. America's truckers know, let's drill for our own oil. Let's use America's own resources. Let's lower the price of gasoline and make this affordable.

TENNESSEE VALLEY AUTHORITY
(Mr. CHILDERS asked and was given permission to address the House for 1 minute.)
Mr. CHILDERS. This month marks the 75th anniversary of the Tennessee Valley Authority.

On May 18, 1933, President Franklin D. Roosevelt signed into the law the TVA Act as part of his New Deal to help lift this Nation out of the Great Depression. Soon thereafter, the city of Tupelo, Mississippi, which is part of the First Congressional District that I now am proud to represent, became the first city to receive power service under the initial TVA wholesale power contract. Furthermore, Tupelo, Mississippi also serves as the home of the Honorable Glenn McCullough, the only TVA chairman ever from Mississippi.

In 1933, the Tennessee River Valley faced many challenges and lagged behind this country in almost every indicator, including schools, health and jobs. From the beginning, TVA addressed problems in the valley through providing necessary employment and aspirations of hope to the citizens of Mississippi. TVA has a long and proud history of serving north Mississippi, providing reliable, affordable electricity, supporting a thriving river system, and stimulating economic growth. I am proud to be a serving Member of Congress to represent the First District of Mississippi and our fellow members of the Tennessee Valley.

50TH ANNIVERSARY CELEBRATION OF ED AND JAN SLEVIN
(Mr. LEWIS of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)
Mr. LEWIS. Mr. Speaker, my colleague KEN CALVERT and I want to express our love and admiration for Jan and Ed Slevin.

The congressional schedule may not allow our attendance at their 50th anniversary, a celebration that is taking place on June 20.

Both Ken and I want our colleagues to know much more about this outstanding couple and decades of public service. So together, we are asking consent to include remarks in the RECORD reflecting their lives together and their contribution to our Nation.

CONGRATULATING AMERICAN IDOL WINNER DAVID COOK
(Mr. SKELETON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)
Mr. SKELETON. Mr. Speaker, let me take this opportunity to congratulate a fellow Missourian, David Cook, winner of American Idol: Season 7.

Here are some pertinent facts:
Native of Blue Springs, Missouri;
While attending Blue Springs High School performed in The Music Man, West Side Story, and Singin' in the Rain;
Cook formed the band, Axium, his junior year of high school, for which he was the lead singer and guitarist. In 2004, Axium, was chosen the best band in Kansas City and was
recognized nationally as one of the top 15 independent bands;  
He was a 2006 graduate of the University of Central Missouri with a degree in graphic design;  
Upon completion of college, he released his first solo independent album, Analog Heart, which was chosen the fourth-best CD released in 2006;  
It is worth noting that David Cook did not originally plan to audition for American Idol; he traveled to Omaha, Nebraska to support his younger brother Andrew;  
Cook is seen playing his electric guitar while performing on American Idol;  
He received 56 percent of the vote; 97 million votes were cast.

NATIONAL DRUG COURT MONTH  
(Mr. LARSEN of Washington asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)  
Mr. LARSEN of Washington. Mr. Speaker, today I stand in recognition of National Drug Court Month and the important work done by drug courts in my district and around the country.

Drug courts combine intense judicial supervision and comprehensive treatment in community-wide approaches to rehabilitation. They bring together teams of judges, attorneys, treatment providers, child advocates and law enforcement officers. Their tireless work gives nonviolent offenders a second chance to get clean and take back their lives.

In my district, drug court programs have enhanced public safety, saved taxpayer dollars and, most importantly, saved lives. Since 1999, the Snohomish County Drug Court in Everett, Washington, has graduated over 300 participants, of whom 94 percent have remained clean.

Drug courts are widely recognized as the most effective solution for reducing crime and recidivism among drug-addicted offenders. They come at a fraction of the cost of standard incarceration, and they work. It is our responsibility at the Federal level to provide the funds necessary to ensure that their services are available to people that need them.

So congratulations to dedicated drug court professionals and graduates from Washington State and around the country on a job well done. Thank you for your hard work and your dedication.

CALLING ON CONGRESS TO GIVE THE AMERICAN PEOPLE MORE ACCESS TO AMERICAN OIL  
(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)  
Mr. PENCE. Mr. Speaker, this morning in my hometown of Columbus, Indiana, gasoline hit $3.99 a gallon; one-tenth of 1 cent just shy of $4 a gallon.

So I rise this morning to ask my colleagues, what's it going to take? What's it going to take to get this Congress to take action to lessen our dependence on foreign oil?

Now Democrats think we can tax our way to lower gas prices or, this week, sue our way to lower gas prices. But the American people know the only way to lessen our dependence on foreign oil is to lessen our dependence on foreign oil. Only by drilling in an environmentally responsible way on American soil and off American shores can the American people increase global supply and reduce the price of oil.

As Memorial Day weekend approaches and Hoosiers headed to the lake see gasoline prices blow past $4 a gallon, I urge my fellow Americans, after $4 a gallon, after years of inaction, ask this Congress, what's it going to take to give the American people more access to American oil?

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 5658, DUNCAN HUNTER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009  
Mr. CARDOZA. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1218 and ask for its immediate consideration.

The Clerk reads the resolution, as follows:  
H. Res. 1218  
Resolved, That at any time after the adoption of the 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 further consideration of the bill (H.R. 5658) to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2009, and for other purposes.

No further general debate shall be in order.

SEC. 2. (a) It shall be in order to consider as an original bill and amendments to the bill under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Armed Services and adopted in the Committee of the Whole on the state of the Union for further consideration of the bill (H.R. 5658) to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2009, and for other purposes. No further general debate shall be in order.

(b) Notwithstanding clause 11 of rule XXI, no amendment to the committee amendment in the nature of a substitute shall be considered as read, shall be subject to a demand for division of the question in the House or in the Committee of the Whole.

(c) Each amendment printed in the report of the Committee on Rules or amendments en bloc described in section 3 of this resolution are waived except those arising under clause the XXI.

SEC. 3. It shall be in order at any time for the chairman of the Committee on Armed Services or his designee to offer amendments on the floor, or amendments in the nature of a substitute; and amendments in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution not earlier disposed of. Amendments en bloc offered pursuant to section 3 shall be considered as read, shall be debatable for 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

The original proponent of an amendment included in such amendments en bloc may insert a statement in the Congressional Record immediately before the disposition of the amendments en bloc.

SEC. 4. The Chair of the Committee of the Whole may recognize for consideration of any amendment printed on the report of the Committee on Rules accompanying this resolution out of the order printed, but not sooner than 30 minutes after the chairman of the Committee on Rules designees announces from the floor a request to that effect.

SEC. 5. At the conclusion of consideration of the bill for amendments that committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 6. During consideration in the House of H.R. 5658 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. 7. In the engrossment of H.R. 5658, the Clerk shall—

(a) add the text of H.R. 6048, as passed by the House, as new matter at the end of H.R. 5658;

(b) conform the title of H.R. 5658 to reflect the addition to the engrossment of H.R. 6048;

(c) assign appropriate designations to provisions within the engrossment; and

(d) conform provisions for short titles within the engrossment.

SEC. 8. It shall be in order at any time through the legislative day of Thursday, May 22, 2008, for the Speaker to entertain motions that the House suspend the rules relating to any measure pertaining to agricultural programs.

The SPEAKER pro tempore. The gentleman from California is recognized for 1 hour.

Mr. CARDOZA. Mr. Speaker, for the 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.

Mr. CARDOZA. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on House Resolution 1218.
Mr. CARDOZA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the House Resolution 1218 provides for the further consideration of H.R. 5658, the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009, under a structured rule, without further general debate. The rule makes in order 58 amendments submitted to the Rules Committee for consideration under this rule. The rule waives all points of order against the amendments printed in the committee report and amendments en bloc except those arising under clause 9 or 10 of rule XXI. The rule provides for one motion to recommit with or without instructions. The rule also provides that in the engrossment of H.R. 5658, the text of H.R. 6048, as passed by the House, shall be added at the end of H.R. 5658.

Finally, the rule allows the Speaker to entertain motions to suspend the rules through the legislative day of Thursday, May 22, 2008, relating to any measure pertaining to agricultural programs.

Mr. Speaker, this rule will allow the House to finish consideration of H.R. 5658, the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009. General debate on this measure concluded April 18. This open amendment process has been used over the years to ensure that the Rules Committee has ample time to consider amendments submitted to the committee. This year, 121 amendments were submitted for consideration.

As my friend from Florida (Mr. HASTINGS) said on the floor yesterday, the defense authorization bill is one of the most comprehensive and important pieces of legislation this House considers each year.

I salute the chairman of the Armed Services Committee, Mr. SKELTON, and Ranking Member HUNTER for their hard work and cooperative effort in bringing this piece of legislation to the floor. Their bill passed the Armed Services Committee by a vote of 61-0, a testament to their bipartisan efforts and desire to ensure our Armed Forces have all the tools they need to maintain our national security and to provide for our men and women in harm’s way with the best gear and force protection possible.

America has the finest military in the world, Mr. Speaker. Unfortunately, the Bush administration’s policies in Iraq have depleted our greatest military, put a tremendous strain on our troops, and dropped the Army’s readiness to unprecedented levels.

H.R. 5658 takes us in a new direction. It will help restore our Nation’s military readiness and protect our troops in harm’s way. This bill supports our troops and their families by giving the military a pay raise larger than was requested by the President and prohibiting TRICARE fee increases. It focuses on the war in Afghanistan. It also includes Iraq policy provisions that ban permanent bases in Iraq and require the Iraqi Government to pay its fair share of reconstruction costs.

In the spirit of maintaining the committee agreement and the overwhelming bipartisan support for this bill and to further ensure that our military is fully prepared and our troops get the benefits they deserve, the Rules Committee has made in order 58 amendments on the floor today. These are amendments that the Rules Committee and the Armed Services Committee determined would not disrupt the bill’s carefully negotiated content and warranted further consideration.

In addition, this rule also allows the Speaker to bring up under suspension of the rules any measure pertaining to agricultural programs.

As we all know and we heard on the floor yesterday, an unintentional clerical error occurred prior to the enrollment of the farm bill. As a result, the President did not receive the full bill. The distinguished majority leader, Mr. HOYER, has been working to remedy this situation, and the President may receive the full bill for his consideration.

As a result, if a resolution is reached, and I do not know the status of the negotiations between Mr. HOYER and Mr. BOEHRER, the resulting end product will be brought to the floor without further delay. I am delighted to complete nearly 2 years of effort and deliver once and for all on the promises we made long ago to America’s farmers and ranchers.

In the meantime I must remind my colleagues that the current farm bill extension is set to expire unless we act today. Whether a resolution is reached in the coming days or how we resolve this clerical error, we must, Mr. Speaker, extend the current farm bill and this rule will simply allow that to occur.

Much will be made of this rule by my friends on the other side of the aisle, but I will remind them that any farm bill measure that may come before the House today will come up under suspension of the rules. That means that two-thirds of the House must support any suspension bill in order for it to pass the House. That further means that there will be no political gamesmanship and we must have a strong bipartisan vote in order to pass any bill that reaches the floor.

The farm bill conference report has overwhelming bipartisan support. It passed this House with 318 votes. It passed the Senate with 81 votes. It represents the tireless effort of many Members, including myself, and is far too important to fail, Mr. Speaker, especially in light of what was an unintended clerical error.

This rule ensures swift passage of a bipartisan defense bill and a remedy to our already passed bipartisan farm bill, and I demand that my colleagues on both sides of the aisle support the rule. I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank my friend Mr. CARDOZA for yielding me the customary 30 minutes. I yield myself such time as I may consume.

Mr. HASTINGS of Washington. Mr. Speaker, there are two primary purposes to the rule that is before the House today. One purpose, legitimate, though unfair, relating to the defense authorization bill. The other purpose, a unilateral, partisan abuse of power by the liberal leaders of the House.

The first purpose. This rule provides for consideration of 58 amendments to the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009. Of the 58 amendments that this rule makes in order, 42 are Democrat amendments. Just 14 Republican amendments were allowed. Two of those amendments have bipartisan support.

The Rules Committee has blocked two-thirds of the amendments submitted by members of the Republican Party. Reasonable, responsible amendments that raise legitimate national defense issues relating to the security of American people are not being permitted to be debated on the House floor.

The defense authorization bill was approved by a unanimous bipartisan support, Mr. Speaker, of the Armed Services Committee. But that does not mean that that bill is perfect. Indeed, amendments to the bill were filed with the Rules Committee by both Democrats and Republican members of the Armed Services Committee. These amendments, which had worked in a bipartisan way in committee and who wanted to have their ideas for improving the defense authorization bill considered by the House, were denied that opportunity, and among those amendments that were blocked by the Rules Committee is the ranking Republican member of the Armed Services Committee, for whom this bill is named.

At the same time we are applauding those committee members for their bipartisan advocacy for this Committee steps in and shuts down what has been an open, cooperative process by blocking so many Republican amendments.

Mr. Speaker, the House should recognize that when a committee works in an open and honest manner to produce a truly bipartisan bill, we should recognize that, especially because it has become a rarity in this Congress.

Despite the promises made by the Democrat leaders to run the most open and honest House in history, they have made a pattern of routine to close down debate, take away the ability of every Representative to offer amendments on the House floor, to defy rules,
and to ignore over 200 years of legislative precedents. Yet, Mr. Speaker, this House has never seen anything like the likes of what the Democrat leaders did last night with the vote to override the President’s veto of the farm bill. Despite having been told that the bill that the Speaker of the House certified with her signature and sent to the President was not the exact same bill that passed both the House and the Senate, Democrat leaders deliberately acted to have this House vote on overriding the President’s veto. The simple truth is that the Speaker sent to the President completely omitted title III of the farm bill. This is the entire trade section that runs several dozen pages.

It has been asserted that deletion of this title from the farm bill that the Speaker sent to the President was simply a mistake, an oversight, or a technical error. That may very well be. That may very well be, Mr. Speaker. Yet Democrat leaders deliberately acted to have this House vote on overriding the President’s veto. The simple truth is that the Speaker sent to the President a bill that the House had never, ever passed. They took this action in direct contradiction to the simple procedures established in article I, section 7 of the United States Constitution.

Mr. Speaker, like many of my colleagues, I have often spoken to elementary and high school students about my job as a Congressman and how Congress works. The most fundamental lesson they take away is how a bill becomes law in this Congress. It’s very simple. The House and the Senate must pass the exact same bill. It must be exact. No comma difference. When they do that, the bill is sent to the President to be signed into law or vetoed and returned to the Congress.

Mr. Speaker, this did not happen with the farm bill. The bill passed by both the House and the Senate was not the bill that the Speaker of the House sent to the President. The Democrats knew this, and they did it.

Mr. Speaker, last week I stood right here on the House floor and stated that while I believed that the farm bill was far from perfect, I would vote for the bill because of the positive provisions it included for specialty crop growers in my congressional district.

In my speech to the House and in my communications with my constituents, I specifically cited parts of the farm bill that helped convince me to vote to pass it. In particular, I spoke about the Market Access Program in reference to technical trade assistance for specialty crops, both of which help to break down unfair trade barriers and open new markets for farmers overseas. Both of these programs are part of title III of the farm bill which passed the House and Senate but was not sent to the President.

Mr. Speaker, the farm bill I voted for, and the very reasons I voted for it, was not the bill that the House voted to override yesterday.

Democrat leaders of this Congress acted in an unconstitutional way in voting to override the veto vote yester-
day. That the leaders acted unconstitutionally is not a matter of my personal opinion, it is a matter that has been ruled upon by the United States Supreme Court. In a 6-3 majority opinion written by Justice Stevens in the 1996 line-item veto case, Clinton v. The City of New York, the court concluded, and I quote: “The Balanced Budget Act of 1997 is a 500-page document that became Public Law 105-33 after three procedural steps were taken. One, a bill containing unspecified spending was major to the Speaker, and the House of Representatives. Two, the Senate adopted precisely the same text. Three, that text was signed into law by the President. The Constitution explicitly requires that each of these three steps be taken before a bill may ‘become a law.’ Article 1, section 7. If one paragraph of that text had been omitted at any one of those three stages, Public Law 105-33 would not have been validly enacted.”

Mr. Speaker, last night it wasn’t until Republicans objected that the Democrat majority took any action to speak on the floor and inform the House of what had occurred by the Senate. They took this action in direct violation of the Constitution. The Constitution explicitly requires that each of these three steps be taken before a bill may become law. That was not done. This is the entire trade section that runs several dozen pages. As I stated at the beginning of my remarks, there are two parts to this rule. The first makes in order amendments to the defense authorization bill. The second provides blanket authority for any bill relating to agricultural programs to be considered under suspension of the House rules.

The inclusion of this blanket authority to suspend House rules and consider bills not even discussed with Republicans. I say that with the knowledge I have as I speak here today, right now, at 10:39 a.m.

My colleagues on the other side of the aisle will claim that this is simply an effort to fix the farm bill. Mr. Speaker, I voted for the farm bill and I support getting it enacted into law. But this isn’t just about a fix or finding the most convenient or face-saving way to act on the farm bill. It’s about following the Constitution and holding the Democrat leaders accountable for their deliberate actions yesterday. Mr. Speaker.

They knew the bill they put to an override vote yesterday had never passed the House in the version that it was presented to us for the override, but they did it anyway. The House should not gloss over an incident of this magnitude with such serious constitutional violations.

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

Mr. CARDOZA. I would just like to say to my friend and the gentleman from Washington State that his claim that it was never brought before the House is simply not the facts. I was on the floor. I heard Mr. PETTERSON announce to the floor that in fact there had been an error yesterday during the debate for the override. In fact, Mr. PETTERSON said that he was discussing with Mr. GOODLATTE the situation and how to remedy it. In fact, Mr. HOYER acknowledged it on the floor.

There has been no glossing over this. Mr. HOYER readily acknowledged on the floor last night that there was a simple procedural error about this. Certainly we are concerned about how to remedy this. That is why we are bringing this rule to the floor. We are also concerned that the farm bill expires. We have brought a resolution to the floor that allows for a bipartisan compromise that would fix that situation.

We are trying to solve problems here today. We are trying to do right by our military, we are trying to do right by our farmers, and we are doing it in a manner that would require, with regard to the farmers, at least, a two-thirds vote of this House to resolve the problem.

So, Mr. Speaker, I would submit that we are doing everything possible to resolve this situation, and we are doing it in a bipartisan manner.

With that, I would like to yield 2 minutes to the gentlewoman from California (Ms. MATSUI), a member of the Rules Committee, a leader in the farm bill debate, and a great friend.

Ms. MATSUI. I want to thank the gentleman from California for yielding me time.

Mr. Speaker, I rise today in support of the rule and the Duncan Hunter National Defense Authorization Bill. I want to thank Chairman SKELETON and Ranking Member HUNTER for the way they worked together to craft the balanced bill before us today.

Mr. Speaker, this bill is about the most important women who defend and our country. One of these heroes lives in my hometown of Sacramento, Sergeant Jeremiah Anderson. Sergeant Anderson is a decorated soldier who served as an armored crewman for more than 4 years. He is an American hero.

But a provision in current law has kept him from receiving the full scope of Army College Fund benefits he earned and deserves. At least 40 veterans around this country had the same thing happen to them. The military’s educational benefits are a crucial part of the promise we make to our soldiers. We vow to repay their service by providing them with opportunities to further their education. These educational benefits help our soldiers reintegrate into their communities when they return from overseas, and in return, our communities benefit from their invaluable contributions, both in the military and here at home.

We must deliver on our promise, Mr. Speaker. I urge my colleagues to support the defense authorization bill for the good of our military families.
and for the safety of our Nation in the future.

Mr. HASTINGS of Washington. Mr. Speaker, before I yield to the gentleman from California, I just want to make this point, and this is a very, very important point. Yesterday, prior to taking up and veto override of the farm bill, the Democrat leaders knew that title III was out of the bill. Therefore, it was not a bill that had passed either House. Therefore, the ultimate rule of this land, the Constitution, was violated.

It was at that point, Mr. Speaker, that there should have been discussions on how to remedy this in a way, but there was no discussions on that, at least with the leaders on our side. Yet we went ahead with the action of overriding a veto, overriding a bill that the House had not passed.

That is what the facts were yesterday, and it was not brought to the full House's attention until the leaders on our side after the vote to ask what the procedures were for clarification. Had we known that ahead of time, we probably could have gone through regular order and got this resolved in such a way that would have been acceptable to all committee.

With that, Mr. Speaker, I am pleased to yield 3 minutes to the namesake of the bill that we are debating later on, the Duncan Hunter Defense Authorization Act of 2009. The gentleman from California served as chairman of the Armed Services Committee. He has been somebody that I have looked up to in my years in Congress. He probably, if not the most knowledgeable person in this House on military affairs, he is certainly one of the most.

I yield 3 minutes to my friend from California (Mr. HUNTER).

Mr. HUNTER. Mr. Speaker, I want to thank my great friend from Washington for his kind remarks, and also thank the Rules Committee and the gentleman from California for his work on this bill too.

We have had a great opening session on the Armed Services bill. Our chairman, Mr. SKELTON, who brought this bill up and brought it through the committee with a unanimous vote, I think is to be greatly commended. But let me register my objection to the Rules Committee's determination that one of the amendments that I had offered was not made in order, and that is the amendment that goes to the so-called tanker deal.

Let me just explain to my colleagues that this tanker deal involves hundreds of thousands of American jobs. The Air Force has determined that the European competitor has won the tanker contest. This buy could ultimately be in excess of some $30 billion, so there are enormous numbers of American jobs at stake.

As we went through the markup process, the Members on both sides indicated that they didn't want to try to pass something that would in some way prejudice the GAO protest which is being undertaken right now. But let me tell you as a guy who has looked at the industrial base and the fact that big pieces of our industrial base are moving overseas at a rapid rate, at some point that is going to affect our ability to defend this country.

This is a huge deal. It is a huge transfer of high-paying aerospace jobs, basically a massive economic stimulus package for Europe. Even with the 58 percent of the tanker work that is stated by the European company will be built in the United States, that still is 42 percent of the work that will not be built in the United States, and that is compared to the American company, which does about an 85-15 split.

Now Cap Weinberger talked about this formula that he used, that for every $1 billion you create of defense spending, you create 30,000 jobs. That means that the number of jobs at stake here is enormous. The difference between going with the European competitor or the American competitor, is well over 100,000 American high-paying aerospace jobs.

All my amendment said was this: It said that no matter who won, 85 percent of the tanker work that is done in the United States. That is important to keep our industrial base intact. For those folks that like the European competitor and the American company that was marrying up with it, that is one of the reasons why the company that would be building the European aircraft, that would have been good for them, because they would then, instead of having 58 percent of the work done in the United States, they would have had, if my amendment had been offered and passed, that would have allowed them to get 85 percent of the work done in the United States.

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

Mr. HASTINGS of Washington. I yield the gentleman 1 additional minute.

Mr. HUNTER. That would have meant jobs for the American workers, and it would have meant that we kept a lot of that talent pool, that industrial base capability, in the United States. This would have been a huge win for American workers and it would not have prejudiced the present GAO protest that is underway right now.

So that this amendment was not allowed, and I hope at some point down the line the Democrat leadership will allow us to put this amendment up, which will help American workers, help the industrial base, and help secure the defense of the United States.

Mr. CARDOZA. Mr. Speaker, with regard to the comments we just heard from our distinguished former chairman of the committee, while a lot of us have sympathy for the amendment that he is talking about, it is my understanding that no defense contractor currently can meet the requirements of that 85 percent. So that is an issue that is bigger than just simply this bill. It probably needs to be dealt with in the Armed Services Committee so they can decide the proper course of action, and it was not ruled in order for that reason.

Mr. Speaker, I would now like to yield 3 minutes to the gentleman from Minnesota (Mr. PETERSON), the chairman of the Agriculture Committee.

Mr. PETERSON of Minnesota. I thank the gentleman.

Mr. Speaker, I rise to correct the record. This bill has had a long and tortuous path, and now, unfortunately, is the victim of an unintended clerical error, and I just need to set the record straight about what happened here.

I notified Mr. Goodlatte, who I worked on this bill with on a bipartisan basis, as soon as I found him after I found out about this. We also talked to Mr. Blunt before the vote. So we had discussions on a bipartisan basis.

An error, apparently overlooked here is that there was a procedure that was used to be in place where people would initial each page after they had done the enrollment on the parchment, but that was eliminated apparently 10 years ago when the Republicans were in charge, for what reason, I don't know.

So a mistake was made on both ends of Pennsylvania Avenue. The White House vetoed a bill that was missing this title. We sent a bill down there that was missing this title. So that was the reality of what happened. I notified everybody before the override immediately about what the situation was.

So that is what happened.

Now, the way we came to the conclusion to move ahead with this was discussions with the Parliamentarian and others that this in fact was a bill that was vetoed that was passed in the identical form in both the House and the Senate. We had passed all 14 of those titles in the House that were vetoed. They passed them in the Senate in identical form. It was vetoed by the White House.

There is a case from 1892, Field v. Clark, that was the exact same similar situation. It is very clear that they do not look beyond the parchment when they look at this veto. So the decision to move ahead was made on a bipartisan basis between Mr. Goodlatte and me.

Mr. DREIER. Will the gentleman yield on that point?

Mr. PETERSON of Minnesota. I would be happy to yield.

Mr. DREIER. I thank my friend for yielding, Mr. Speaker.

Let me just say my friend has just indicated that there was discussion that took place with the ranking minority member and the Republican Whip before the vote took place. The concern that we have on this issue is the fact that we even moved ahead with consideration when there was a protectionary provision that has been saying that we have a problem here, it needs to be addressed. I didn't even know that this was taking place until
Mr. DREIER. I thank my friend for yielding.

Mr. PETERSON of Minnesota. Will the gentleman yield?

Mr. DREIER. I am happy to yield to my friend.

Mr. PETERSON of Minnesota. It is not a constitutional quagmire. I don’t know why people bring this up, because it was clear in this 1892 court case what the situation is. The thing is, we initially asked, if I could explain, if it was possible to re-enroll the bill and send it back to the President in the way that it should have been done in the first place. We were told that could not be done.

The problem that we have is not so much a problem in the House, but a problem in the Senate, that there is no way that you could get this bill redone without re-passing the bill.

Mr. DREIER. Reclaiming my time, I simply want to say that the concern that we have was the rush to proceed with that veto override vote last night, when in fact from what I infer from what the distinguished chairman has just said, Mr. Speaker, that obviously the bill should be together. We should in fact move ahead, for all intents and purposes, from scratch on this so that we can follow, as Mr. Hastings up in the Rules Committee, that might next explained when we talk to school groups, how a bill becomes the law.

This is not the way it is done. This is not the way it was envisaged by the Framers of our Constitution. And, as I said last night in the Rules Committee, we have Members looking at article I, section 7 of the U.S. Constitution, which does raise this.

All we are saying is we acknowledge mistakes we’ve made. We won’t believe there was any intent here, until we proceeded after, and, again this is a bipartisan bill, after there was concern raised from our minority leadership staff members.

So that is why I believe that the decision was an incorrect one. And the notion of our now including in this Duncan Hunter National Defense Authorization bill in the rule to allow that bill to come up a provision that allows us to proceed with this kind of debate is just wrong.

Mr. Speaker, I thank my friend for yielding.

Mr. CARDOZA. Mr. Speaker, how much time do we have remaining?

Mr. Speaker, I yield 3 minutes to the chairman of the Agriculture Committee, the gentleman from Minnesota (Mr. PETERSON) to respond to Mr. DREIER’s remarks.

Mr. PETERSON of Minnesota. Again, one of the reasons that we were moving was because the extension of the current law expires Friday and we were trying to make sure we got the work done so that we could finally get this bill passed into law, after all the time that we have been working on this.

If people think that I made the wrong decision here, I will take responsibility for it. But I talked to minority members. There were some on the other side that agreed with the process that we were setting forward, I apologize.

Looking at this the next day, I think there is nobody that wants more time working on this bill. I personally looked over everything that has been in this bill. I guess the one mistake I made was that I didn’t personally read the enrolled copy of this bill and actually check each page of it before it was sent to the White House. I guess I should have done that.

A procedure was eliminated that used to be there under the Republicans. I think that procedure is now going to be reinstated after this experience. Really, this is just an error. And now we have to fix this.

So what we are doing with this rule is allowing us to pass the whole bill again, send it over to the Senate. We are also going to pass a bill that just has title III in it, send that to the Senate, so that we give the Senate all of the options that they need so that we can get this expedited and fixed as soon as possible. That is what we are trying to do here.

I apologize if some people’s feelings were hurt, but we were doing the best we could.

Mr. DREIER. Would the gentleman yield?

It has nothing to do with feelings being hurt on this issue. My feelings aren’t hurt at all over this issue. My concern happens to be the U.S. Constitution. I know the term “the Constitution” is something that my friend might not like. And I congratulate him on his work product on this bill through the process and all. I know he has worked very hard. My feelings aren’t hurt. I am just saying that we believe that things need to be done correctly, under the Constitution.

Mr. PETERSON of Minnesota. Reclaiming my time. This was done correctly. The 14 titles that were overriden will become the law of the land. And the Senate is going to override the veto and the 14 titles that are overridden will become the law of the land.

Clearly the Senate is going to override. We made the right decision, because it is clear that the Senate is going to override.

We acknowledge that mistakes are made. We know that that happens. It has happened under both parties in the past. But to proceed when there has been a vote by the minority staff is another matter.

I thank my friend for yielding.

Mr. PETERSON of Minnesota. Reclaiming my time, we made a decision at the time that we thought was appropriate, and that is that we had the 14 titles. They were passed in the same way between the House and the Senate.

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

Mr. PETERSON of Minnesota. Reclaiming my time.

Mr. Speaker, I thank my friend for yielding.

I am happy to continue engaging in a colloquy with the distinguished Chair of the Committee on Agriculture.

What I would say, Mr. Speaker, is that, again, we all acknowledge that mistakes were made. But this bill that has enjoyed bipartisan support. I am not going to give all my arguments. I have given them during debate on the bill. I voted against the bill, but I am not standing here trying to block it from becoming public law. We saw there were only 10 of us yesterday that voted to sustain the President’s veto, so that much is there.

But the fact is that is not the bill that we voted on in this institution before, and with this concern that has come to the forefront, Mr. Speaker, it seems to me that since our Republican leadership staff indicated to members of the majority that we should not proceed until we resolve this matter, and as we discussed yesterday in our colloquy with the distinguished majority leader, Mr. HOYER, the notion of all of a sudden taking part of one bill, having it signed or vetoed, and that bill not all being included as one, it has created a tremendous constitutional and a potential constitutional quagmire.

Mr. PETERSON of Minnesota. Will the gentleman yield?

Mr. DREIER. I am happy to yield to my friend.

Mr. PETERSON of Minnesota. It is not a constitutional quagmire. I don’t know why people bring this up, because it was clear in this 1892 court case what the situation is. The thing is, we initially asked, if I could explain, if it was possible to re-enroll the bill and send it back to the President in the way that it should have been done in the first place. We were told that could not be done.

The problem that we have is not so much a problem in the House, but a problem in the Senate, that there is no way that you could get this bill redone without re-passing the bill.

Mr. DREIER. Reclaiming my time, I simply want to say that the concern that we have was the rush to proceed with that veto override vote last night, when in fact from what I infer from what the distinguished chairman has just said, Mr. Speaker, that obviously the bill should be together. We should in fact move ahead, for all intents and purposes, from scratch on this so that we can follow, as Mr. Hastings up in the Rules Committee, that might next explained when we talk to school groups, how a bill becomes the law.

This is not the way it is done. This is not the way it was envisaged by the Framers of our Constitution. And, as I said last night in the Rules Committee, we have Members looking at article I, section 7 of the U.S. Constitution, which does raise this.

All we are saying is we acknowledge mistakes we’ve made. We won’t believe there was any intent here, until we proceeded after, and, again this is a bipartisan bill, after there was concern raised from our minority leadership staff members.

So that is why I believe that the decision was an incorrect one. And the notion of our now including in this Duncan Hunter National Defense Authorization bill in the rule to allow that bill to come up a provision that allows us to proceed with this kind of debate is just wrong.

Mr. Speaker, I thank my friend for yielding.

Mr. CARDOZA. Mr. Speaker, how much time do we have remaining?

Mr. CARDOZA. Mr. Speaker, I yield 3 minutes to the chairman of the Agriculture Committee, the gentleman from Minnesota (Mr. PETERSON) to respond to Mr. DREIER’s remarks.
Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Utah (Mr. BISHOP), a member of the Armed Services Committee.

Mr. BISHOP of Utah. I appreciate the opportunity of speaking on this very unique rule, which I assume covers parts of at least two or three bills. I would like to talk about one section of it, which is the Department of Defense portion.

I would also like to first congratulate Chairman SKELETON and the two subcommittee chairmen with whom I work, ABERCROMBIE and ORTIZ, for producing a bipartisan bill. They have given the image that I think could be used on other committees that if the leadership of the committee wants to come up with a bipartisan bill, it is easily possible to do that. They have done that in this particular committee. They have been fair in their leadership, their staffs have been very helpful, they have put together a good bill.

I also want to thank Representative Boren of Oklahoma, who has taken the issue upon which I wish to address very quickly, and continues to move that forward in an attempt to be a bipartisan success.

Unfortunately, the amendment made in order under his name on this particular issue has very vague language in there and, I am afraid, only codifies the existing problem as opposed to trying to find a solution to it.

The problem exists in that a different committee with very little understanding and no jurisdiction over military affairs has passed legislation which has caused a massive problem for the military of this particular country.

A CEO of one of the major airlines has said that for every penny of unexpected cost in fuel, it costs them $1 million of unexpected costs for their overall operations. The military has the same problem of fuel costs. In 2001, we spent $2 billion a year for fuel. This year, it may go anywhere between $12 billion to $13 billion a year for fuel. The administration to provide the American people with more transparency and accountability regarding the funding of the war in Iraq and Afghanistan.

When it comes down to it, maintaining a strong national defense and providing for our troops should never be a partisan issue. We can disagree regarding specific provisions and proposals on occasion, but the fact remains that the American people want bipartisan solutions, that the administration to provide the American people with more transparency and accountability regarding the funding of the war in Iraq and Afghanistan.

Mr. Speaker, I rise in strong support of this rule, the fiscal year 2009 Defense Authorization Act, which this year is appropriately named after the distinguished Republican ranking member, Mr. HUNTER.

I commend Chairman SKELETON and the entire House Armed Services Committee for their ability to work in a strong bipartisan fashion to produce a defense authorization bill that will enhance our Nation's security by providing our troops with superior equipment, and improve the quality of life for our servicemembers and their families by providing a 3.9 percent pay raise for 2009. We should require the administration to provide the American people with more transparency and accountability regarding the funding of the war in Iraq and Afghanistan.

In closing, Mr. Speaker, I would just like to urge my colleagues to resist the temptation to point fingers and be partisan on this issue with the farm bill. We need to work in a bipartisan way, because this is what is important to America's farmers, and very, very important to America. By passing this rule and the farm bill today, we can prove to the American people that bipartisanship still exists inside the walls of Congress.
and Mr. Goodlatte would say that. In point of fact what happened was Mr. Peterson learned of it, talked to Mr. Goodlatte about it, then discussed it with me, and they decided jointly and bipartisanship to proceed.

Unlike the Deficit Reduction Act, the first thing that Mr. Peterson said in arguing for the override of the President's veto was, there is a problem here. He wanted all the Members to know what the problem was. There was not a one floor who didn't know what the problem was.

When they voted, a majority of the minority party voted to override the President's veto because they believed the problem was in that bill, it was not a good one. The overwhelming majority of Democrats voted for that bill, and 316 out of 435 of us—there weren't 35 of us; there were 11 absentees. So 316 out of about 424 voted for this bill.

The bill, ultimately, included fourteen-fifteenths of the bill we passed, and really a larger proportion of that because in terms of pages it was probably 95 percent, 98 percent of the bill.

Now, a mistake was made. It was not a venal mistake. It was not a conscious mistake. And the mistake was made, as everybody ought to know, by the Clerk of the Congress and OMB, and they both made the same mistake. And the mistake they made was reading from the printed copy as opposed to the parchment copy. OMB didn't read from the parchment copy, because the belief at the time was that the parchment was too expensive, but to read from the printed copy which then, if found in error, could be corrected and reprinted and then programmed for the parchment to be printed from that. And both our side—our side, the Congress—and the OMB made the same mistake. They assumed, as normally is the case, that the parchment reflected exactly what the conference printed report said.

Unfortunately, in this instance it did not. We still don't have a full explanation of how that happened. But obviously, notwithstanding the fact that parchment indicates that title III in the table of contents is included, when you go to page 169, the end of title II, and you turn the page to 170, you go to title IV. Now, one would have thought it would have been a pretty simple proofing job if you read the parchment. Unfortunately, the print document which was used by OMB and the Congress to proof did in fact include title III.

Okay. So we made a mistake. The administration made a mistake, we made a mistake, the bill was not whole.

This is my friends, not an unusual situation. In an 1892 case, which was relied upon in the budget case as well, the Court clearly said: Whatever the facts are internally to the House of Representatives, what the President signs is the statute, is the law.

The Supreme Court says clearly, therefore, that what the President sent us back and the veto overridden is in fact what the court has found is the law. Now, unfortunately, it doesn't include title III. We want to pass title III.

This bill took some 15 months, 18 months of deliberation. The farm bill expires tonight or tomorrow, Friday. So we can either do another extension, which is possible, or we can pass what was overwhelmingly passed in the Senate, overwhelmingly passed in the House of Representatives, and, as I said on the floor last night, was passed in exactly the same form without title III as was passed in both Houses. There were no changes. No alterations. That was not the case in the deficit bill that was referred to by Mr. Boehner yesterday.

In fact, a very substantial difference was made in the bill without notice to the Democrats, a $2 billion change, I might add, changing from 36 months to 13 months the implications of the reimbursement of Medicare for implement.

Now, what this is, is it this is not without precedent, number one. There are a number of cases that hold that what we did yesterday was exactly appropriate, and that law is not subject to question. Everything is subject to question, but not valid question or winning question.

So what have we done?

First of all, I discussed it with the Parliamentarian. I had not done so when we had the colloquy with Mr. Boehner. I then discussed if with the chairman. The chairman discussed it throughout the next few hours with Mr. Goodlatte, Mr. Chambliss, Mr. Harkin and others.

I discussed it with Mr. Reid to figure out, a mistake has been made, how do we correct it. We corrected it to everybody, on a bill, that, by the way, the Deficit Reduction Act was passed by a two-vote margin in the House, and in the United States Senate was passed because of the Vice President's vote. And we were not informed, so we were somewhat concerned about the $2 billion mistake that had been made.

In this case, that is not the issue at all, and it's a bill that was, in a bipartisan basis, passed by a majority of the Republicans and overwhelming majority of Democrats.

So what solution did we come up with? Resending the bill that, under the Supreme Court's edict is, in fact, law if it is overridden in the Senate, so that fourteen-fifteenths of what is the Congress' intent will be accomplished.

The rule then says, but in an abundance of caution, we'll also provide for the passage of the entire bill and send it over to the Senate, as has been passed overwhelmingly in both Houses.

In addition to that said, the bill does not include title III that is going to be in the veto message that's sent to the Senate.

I know for the public, this is pretty esoteric, and they don't really care. What they care is the substance.

But the point that I'm trying to make is, we are trying to correct a mistake and serve the agricultural community, serve millions of people who are relying on the nutritional aid, serving those people who are relying on the conservation assistance throughout this country, to have this bill, after 18 months almost of consideration, serious bipartisan working and consensus effort, getting bipartisan votes in both Houses, enacted into law.

But we are also providing separately for the passage of title III. In other words, we're doing title III twice, once as the full bill so we can repass the full bill. If the Senate decides, as I hope it will, to pass that again, then we will not only have passed fourteen-fifteenths, we will have passed fifteen-fifteenths in another bill, and they will be reconciled and they will be consistent with the wishes of the will of this body representing the American people.

Now at about 7 p.m. last night, those of you who heard the colloquy, I indicated to Mr. Boehner we ought to talk about this. I went by Mr. Boehner's office to explain to him what I thought the solution to this problem was and discuss it with him. He was not at his office. I left a message and my phone number at 7 o'clock last night. I have not yet received a response to that visit.

I went to his office to suggest that, pursuant to my representation on the floor, we discuss that. I have not yet received a phone call.

I did talk to Mr. Blunt last night. I've talked to Mr. Blunt this morning. I frankly am offended, I will tell you, by the mischaracterization of what we are doing here by the representatives of the minority leader's office.

There are no games being played here. There was a mistake made. And if we were adults and nonpartisan and wanted to deal with this in a responsible way, I suggest we would have agreed on this proposal.

Now, unfortunately, we didn't get to an agreement. I don't allege that anybody on your side has agreed to this. But to suggest that it hasn't been discussed, informed, and I called as soon as I came in this morning, the leadership on your side, to explain exactly this procedure.

Now you can disagree with the farm bill or not disagree with the farm bill. I understand that additional games are going to be played, as it was my perception last week were played. On Thursday, 131 or 32 of you decided, notwithstanding the fact that I am sure you are for funding the troops in Iraq, you voted "present." That was your decision.

It's my understanding now that perhaps we're being urged, some of you who are for this bill, to deny the two-thirds on the suspension of a bill that has gotten essentially three-quarters of
Mr. HOYER. I would be glad to yield to my friend, Mr. BLUNT, if he wants time.

Mr. BLUNT. Well, I thank my friend for yielding. And certainly we do have a disagreement here on how to move forward. I tend to agree with the idea that we had to rectify this and not have future court challenges is to send a bill to President that there’s no question about. Let’s go through that process and get it done.

I would say that the lecture on adult behavior from my very good friend, the majority leader, and he and I both know we are good friends; we’re going to be friends when we leave here with this discussion today, is I don’t know that that’s very helpful.

The standards of the House on trying to help people through mistakes did not just begin yesterday. And I, personally, the Republican leaders generally, were challenged over and over again on anything that could potentially be a way to challenge our integrity, our good will on the issue that you just brought up of the Deficit Reduction Act.

Let me tell you the big difference in that and this. The big difference in that and this is that at least this Republican leader had no idea until we were at the bill signing ceremony that there was a problem because it all happened in the Senate. I’m not sure what I knew, Mr. HOYER. I had no idea. My guess is that nobody else did either or they wouldn’t have scheduled a bill signing ceremony where 100 people were sitting in the East Room waiting for 30 minutes beyond the time it was supposed to start because the White House was deciding how to deal with this particular problem. And they did decide how to deal with it, and they may very well have looked at the case that you looked at, the Court eventually looked at that. The Parliamentarian may have given advice at that time on that case. It may have been the same advice you’re getting now.

But the big difference in then and now is the President and the House and the Senate are for the farm bill. And I don’t really know how the House would have started that process again. It wasn’t something that back at the House that we had some options to deal with.

That’s why I’m supportive of the option that would give the President the bill we intended to give him. I’m not supportive of sitting here all day and being told that that’s not an adult point of view.

Mr. HOYER. Will the gentleman yield?

Mr. BLUNT. It’s your time, and if you’d give back time, I’d yield to you right now.

Mr. HOYER. I thank you. I hope I didn’t interrupt that. What I said, what I meant to say, if I misspoke, not that the—we, first of all agree and, as I’ve said, we’re going to do what you suggest in an abundance of caution to assure us, ourselves, and I would hope that we would all, or least those who are for the farm bill would vote for it, the entire bill will be put on suspension. In light of the fact we had 75 percent of this House support that bill, that would be more than enough to pass it, I am just saying in doing that in an abundance of caution.

In addition, we’re going to do title III separately so the Senate can have that option as well, so if on the veto over—rider they do fourteen-fifteenths of the bill, that we can do the one-fifteenth, that is title III at the same time so they would contemporaneously move forward.

When I refer to, and if I offended the gentleman, adult behavior, this is not a political problem. It is a procedural problem because we’ve been working to cure it. You and I have had discussions about it, very positive discussions about it over the last 12 hours. And I would hope that we could proceed on that basis.

And I yield back some time.

Mr. BLUNT. Well, I thank my friend for yielding back. You know, it’s possible, for instance, on dividing this bill and you could have been for the farm bill, which I was, at great criticism from my colleagues and some editorial writers in the country. I was for the farm bill 6 years ago. I live in a district where the farm bill matters.

It’s very possible that I’m not all that excited about the soft wood lumber provision in title III. I would just suggest to my friend, I might vote against title III and be doing that because I have real opportunities to do that since we divided this up, which was part of my case yesterday as to why a partial bill sent to the President doesn’t mean that the entire House was in favor of the bill in its division rather than its totality. I hate to start down that line where that happens.

I would also say that I read from the Clerk of the House today that somehow this is a problem because of a Republican procedure, change in procedure 10 years ago. 10 years ago. And again, instead of the majority saying it’s a mistake I made 10 years ago, which I’m willing to accept, the majority has to say, well, it’s really something foisted upon us by the Republicans a decade ago.

Amazingly, we dealt with those same procedures for a decade, and on our side of the building I’m not aware of any problems created by that. Certainly the problem we’ve talked about was a Senate side of the building problem, and I think we all know that. But, again, you know, looking back 10 years.

Now, if you want to change the procedures, apparently Republicans changed them 10 years ago, lived with those for 10 years or more. If you want to change the procedures to have a protection of the process, I think that’s fine.

But to have to reach back 10 years and say this was a mistake created by the Republicans, there’s only so long that we can take blame for everything on anything that happens on the House floor.

This is a procedural problem. I’m not sure it’s the first one. We haven’t really sent that many bills to the White House that were either substantive or controversial in my time in this Congress. But I’m not opposed to that.

But, you know, again, looking back 10 years and saying this is really a problem the Republicans created a decade ago does not move us toward acting like adults on the floor of the House.

I hope we can solve this problem. I hope I can be part of that solution. Frankly, I don’t think dividing up the bill is part of that solution, and I think it subjects the whole process to court cases. And you might win again on the 1892 case.

But the difference in this and the last case, the most recent case, is that the
House has the bill back under its control, as opposed to a bill signed by the President, exactly like the 1892 case was, where the President signed the bill and then the courts say, well, the President signed a bill that the House and Senate purposed up, and the finally passed, and we now think it’s the law also.

Well, the President didn’t sign this bill, and so we have a great opportunity to do something to ensure that we don’t spend all kinds of time and effort in court proving that a 1892 standard would still be the case in 2008 or 2009.

I thank the gentleman for yielding. I’m sure we’re going to have a vigorous debate today.

Mr. HOYER. Reclaiming my time. I thank the gentleman for his comments. I simply rise to say that this rule accomplishes exactly, in my opinion, what the minority whip wants to accomplish. It provides for the full passage of this bill under suspension, which was for it when it passed before, which I was for, and I will vote for. And that suspension accomplishes exactly that objective, so that any defect caused by the mistake will be cured.

Secondly, it’s not blame. I, frankly, think the decision that was made 10 years ago was a rational decision. The decision was not to use the parchment copy as a copy to mark on to correct. There was no criticism there. It was simply when the decision was made. I think it, frankly, was a good decision.

The problem was, neither OMB nor ourselves used the parchment copy. We used the printed copy. The printed copy did, in fact, have title III in there. And obviously both the President and ourselves thought that the bill that was signed was the full bill. It ended up not being so, so we’re going to correct that. I think we’re correcting it properly.

I would urge all Members to vote for the rule, vote for the full bill, the farm bill which, as I said, got over 75 percent of the House and over 80 percent the Senate. Vote for title III so that, frankly, that can be passed more quickly by the Senate under its rules, and the leader has already indicated he will move forward on that.

If you have a disagreement, you won’t vote for that. I understand that. And I think we will, therefore, cure the issue at hand.

I congratulate the Rules Committee for adopting this rule. I urge my colleagues to vote for the rule, and if we do so, we will adopt a farm bill that I think will be good for the country. I think it will enact a farm bill which will be unimpeachable in either aspect, and I think we will have done what the American people expect us to do.

Mr. HASTINGS of Washington. For the purpose of a unanimous consent, I yield to the gentleman from Georgia (Mr. BROUN).

(Mr. BROUN of Georgia asked and was given permission to revise and extend his remarks.)

Mr. BROUN of Georgia. Mr. Speaker, Scripture states in Ephesians 5:6–7, “Let no one deceive you with empty words, for because of these things the wrath of God comes upon the sons of disobedience. Therefore, do not be partakers with them.”

I want to talk about the truth. The fight against earmarks is a fight against abusing the legislative process to fund non-constitutional, Member pet projects—that usually lack any federal purpose—with the American taxpayer’s money. Not all earmarks are bad, but the process has corrupted it that has led to blatant abuse—bridges to nowhere, space museums, tropical rainforests, wine centers in California, and other highly questionable items. In the past few years, literally thousands of earmarks have frequently been added in the dead of night, without any oversight, without hearings, without transparency, and without accountability.

I signed a pledge this year not to seek earmarks after this process has been cleaned up, for which I have been attacked on all sides. Nevertheless, I will not partake in a corrupt process. It must be reformed, and I for one am willing to lead that fight. It is a fight that will determine if our children have a better standard of living than we do, or a worse standard of living.

This bill has made the process more difficult to weed out the pork, instead of easier to eliminate real abuse of taxpayers’ dollars. It makes it difficult to regulate because it expands the definition of an earmark to include prudent, relevant changes within the normal committee structure. I believe that the Chairman is well intentioned, but we all know where the road of good intentions leads to . . . to ruin and destruction. The Chairman’s definition of an earmark is overly broad and misleading. The Armed Services Committee is the appropriate committee to oversee and modify military programs and to make adjustments when needed. Mr. FRANKS for example, offered an amendment in committee to restore $6 million to the Joint Tactical Ground System Pre-Programmed Product Improvement and offered an offset from a program that could not use it yet. The Commanding General of U.S. Army Space Missile Defense Command/Army Forces Strategic Command sent a letter calling attention to the risks caused by under-funding. The Armed Services Committee is the appropriate place to address this issue. The Committee exercised proper oversight, and the amendment was offered during the committee mark-up. Are we now calling this an earmark? Can Members of the Armed Services Committee no longer exercise oversight? Where else would we legislate, if it is not on the authorization bill?

We’ve cut our military into muscle and bone, and yet we’re asking more now of them than ever. Threats to America are real and rapidly growing. Countries like China, North Korea, Iran, and others could potentially challenge us, and yet we’re underfunding programs like missile defense, we’re not replacing our aging aircraft as quickly as we should, and when Members of the Armed Services Committee offer amendments to strengthen our national security, to strengthen our defense, now . . . for the first time, we are treating amendments offered in the normal committee mark-up process as if they are pork projects for Members. Are badly needed aircraft and ships—that usually lack any federal purpose—now to be treated in the same manner as pork projects tucked into bills during the middle of the night? We’re diluting the entire meaning of the word earmark . . . and we’re making this broken earmarking process even worse.

I would like to be able to offer an amendment today, that would give the President the authority to take some of these earmarks . . . some that are not needed as badly as are life protecting and lifesaving equipment needed immediately to save lives of our troops in Iraq . . . . I would like to let the President use the use the process appropriate for these items, but I can’t offer my amendment. I cannot offer my amendment now for fear that it would potentially strip vital equipment—F–22s, C–17s,
MR. HASTINGS OF WASHINGTON. Mr. Speaker, I reserve my time.

MR. CARDOZA. Mr. Speaker, I continue to reserve.

MR. HASTINGS OF WASHINGTON. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Arizona (Mr. FLAKE).

MR. FLAKE. I thank the gentleman for yielding.

Mr. Speaker, you know, we just heard the gentleman, the majority leader, say the public expects us to act as adults, not as partisan protagonists. That, I certainly hope, is the case. And I ask you not to draw attention not to the farm bill portion of the rule but to the defense authorization portion of this rule.

As Members of this body know, over the last couple of years I have brought more than 100 amendments to the floor to strike particular earmarks. Not once, not once on one bill did I target just Democrat earmarks or Republican earmarks. Earmarking is a bipartisan problem. I have a former Member of this body in jail today because we didn’t do proper vetting and oversight on earmarks that came through the committee process or just through the appropriations process and then sailed through the floor. That same thing is happening today.

Are there more than 500 earmarks in this bill. I’m told that Members of the minority party weren’t even given the list during the markup. So there was never any opportunity to challenge those earmarks or to even find out what they are. Now we get the list and, and when I submit amendments to be offered to strike the particular earmarks, I’m given one. I offered four: two Democrat earmarks, two Republican earmarks. And the only earmark amendment made in order was one challenging one Republican earmark.

Now, we just heard that the public expects us to act as adults, not as partisan protagonists. I spoke to the majority leader this morning. I asked him to please rectify this problem. I asked him to please just make in order one of the Democratic earmarks. He said he would work at it.

I know this isn’t the proper forum. We can’t ask for unanimous consent. This is for debate only. But if we really want to act as adults and not partisan protagonists, then we can’t treat this earmark debate as a Republican problem or a Democrat problem. It’s our problem.

And I would urge a “no” vote on the rule unless it’s corrected.

Mr. CARDOZA. Mr. Speaker, in reference to the gentleman from Arizona, I would certainly like to say he’s certainly been bipartisan in his offering of striking of earmarks. He’s offered them in the past on both sides, and I acknowledge that the gentleman has talked to the majority leader and it will be under discussion.

I continue to reserve the balance of my time.

Mr. HASTINGS OF WASHINGTON. Mr. Speaker, this is a 2-minute gentleman from Arizona, a member of the Armed Services Committee, Mr. FRANKS.

Mr. FRANKS of Arizona. I thank the gentleman. Thank you, Mr. Chairman. I have told our selves time and time again, the first purpose of this body is to help this government defend its citizens against external national security threats. I believe that the most dangerous threat to peace on the planet today is the danger of Iran gaining nuclear capabilities. Yet the majority of this Congress has prevented us from even voting on a military contingency plan to prevent Iran from gaining this deadly capability.

Mr. Speaker, the reality is that Iran is moving inexorably toward the capability to have nuclear weapons. If they gain those weapons, we will see proliferation across the world, and I am convinced that terrorists will gain this deadly technology. If one such weapon is detonated in the United States of America, it will change our concept of freedom forever.

Mr. Speaker, there should be an opportunity for this body to vote to make it clear that if Iran continues to pursue that, that the military option is on the table. There are only two reasons, in my judgment, ultimately that Iran will not pursue the planet today is the danger of Iran gaining nuclear capabilities, or the conviction on the part of Iranian leaders that that will indeed take place if they do not desist from this effort to gain nuclear capability.

Mr. Speaker, the highway of history is littered with the consequences of strategic ambiguity. And this is a danger here today. We tell Iran that it is our policy that they will not gain nuclear capabilities, and yet do nothing to make it clear to them that the military option is on the table if they proceed.

The best chance for us to prevent Iran from gaining a nuclear capability and at once to prevent war with Iran is to make sure that they know that we will not avoid the military option if it becomes necessary. It is the best hope of doing both of those things. Mr. Speaker. We must proceed to do everything in every way, diplomatically and otherwise, to prevent this, but we must not take the military option off the table.

Mr. CARDOZA. Mr. Speaker, I would like to inquire from the gentleman from Washington if he has any remaining speakers.

MR. HASTINGS OF WASHINGTON. I have numerous people that would like to speak, but I haven’t got the time for that. If the gentleman would entertain a motion to add a section to the rule, not to the de-
The SPEAKER pro tempore.

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

Mr. HASTINGS of Washington.

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

The yeas and nays were ordered.

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 adopting House Resolution 1218, if ordered; and suspending the rules and adopting House Resolution 986.

The vote was taken by electronic device, and there were—yeas 228, nays 192, not voting, 14 as follows:

[Roll No. 350]

[House Roll Call List]

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

Mr. Speaker, I demand the yeas and nays.

Because the vote today may look bad for the Democratic majority they will say that the ayes have it. But that is not what they have always said. Listen to the definitions of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here’s how the Rules Committee described the rule using information from Congressional Quarterly’s “American Congressional Dictionary”: “If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority leader) who may offer a special rule or amendment, and who controls the time for debate thereon.”

Clearly, the vote on the previous question for a rule does not have substantive policy implications whatsoever. 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. 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 then taken, and the Speaker pro tempore announced that the ayes appeared to have it.
MESSRS. MCKEON AND TURNER changed their vote from "yea" to "nay.

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Mr. CARTER. Mr. Speaker, on rollcall No. 350, On Ordering the Previous Question, Providing for consideration of H.R. 5658, the Department of Defense Authorization, 2009, I was unavoidably absent due to a family medical emergency. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. HINOJOSA. Mr. Speaker, on rollcall Nos. 350 and 351, had I been present, I would have voted "yea" on No. 350 and "yea" on No. 351.

RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. BOEHNER. Mr. Speaker, I have a privileged resolution at the desk and ask for its immediate consideration.

The SPEAKER pro tempore (Mr. SERRANO). The Clerk will report the resolution.

The Clerk read the resolution, as follows:

Whereas the Democratic Leadership has engaged in a continuing pattern of withholding accurate information vital for Members of the House of Representatives to have before voting on legislation;

Whereas the conference report on H.R. 3419, which was adopted by the House on May 14, 2008, and the Senate on May 15, 2008, contains title III, relating to trade, which contained sections 3001 through 3301 and was not an accurate or complete document;

Whereas the President vetoed and returned to the House said certified copy; Whereas before laying the President’s message before the House, the Speaker and the Democratic Leadership were informed by the Office of the Law Revision Counsel and the Committee on Agriculture that said certified copy was erroneous and not an accurate or complete document.

So the resolution was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. CARTER. Mr. Speaker, on rollcall No. 351, On Agreeing to the Resolution H. Res. 1218, Providing for consideration of H.R. 5658, the Department of Defense Authorization, 2009, I as unavoidably absent due to a family medical emergency. Had I been present, I would have voted "nay."
 Whereas Speaker Pelosi and Majority Leader Hoyer knowingly scheduled and began consideration of the President’s veto of H.R. 2419, without regard to the serious and controversial constitutional questions and detrimental implications to the sanctity of the House and its process; 

 Whereas at the direction of the Democratic Leader, senior staff contacted the Chief of Staff to the Speaker and the Floor Director for the Majority Leader, requesting that they immediately halt consideration of the veto message until the facts surrounding the errors could be sorted out and all Members could be notified; 

 Whereas the Democratic Leadership requested that Message be Considered; 

 Whereas in the 109th Congress, the current Speaker, Nancy Pelosi, offered a privileged veto message until the facts surrounding the errors could be sorted out and all Members could be notified; 

 Whereas the Democratic Leadership repeated efforts to thwart the normal legislative process by cutting corners, ignoring requirements of the Constitution and House Rules, and rushing through legislation with major errors, thus forcing Members to vote on controversial legislation without thorough time for review and must be denounced: Now, therefore, be it

 Resolved, That— 

(1) the Committee on Standards of Official Conduct shall begin an immediate investigation into the abuse of power surrounding the inaccuracies in the processes and completion of H.R. 2419, Food and Energy Security Act of 2008, veted by the President on May 21, 2008; and, 

(2) the Speaker, Majority Leader and other Members of the Democratic Leadership are hereby admonished for their roles in the events surrounding this enrollment error. 

The SPEAKER pro tempore. The resolution qualifies.

MOTION TO TABLE

Mr. CARDOZA. Mr. Speaker, I move to lay the resolution on the table.

The SPEAKER pro tempore. The motion to table is agreed to by the ayes appearing to have it.

yeas 220, nays 0, answered —

Mr. CARDOZA. Mr. Speaker, I move the ayes appeared to have it.

The SPEAKER pro tempore. The motions to reconsider was laid on the table.

Not VOTING——

Mr. GENE GREEN of Texas changed his vote from "yea" to "present," but the motion to table was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The Clerk read the title of the bill. The text of the bill as follows:

H.R. 624

FOOD, CONSERVATION, AND ENERGY ACT OF 2008

Mr. PETERSON of Minnesota. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 624) to provide for the continuation of agricultural and other programs of the Department of Agriculture through fiscal year 2012, and for other purposes.

The Clerk read the title of the bill. The text of the bill as follows:

SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “Food, Conservation, and Energy Act of 2008.”

(b) Table of Contents.—The table of contents of this Act is as follows:

SECTION I. SHORT TITLE; TABLE OF CONTENTS.
TITLE I—COMMODITY PROGRAMS

Sec. 1001. Definitions.

Subtitle A—Direct Payments and Counter-Cyclical Payments

Sec. 1101. Base acres.
Sec. 1102. Payment yields.
Sec. 1103. Availability of direct payments.
Sec. 1104. Availability of counter-cyclical payments.
Sec. 1105. Average crop revenue election program.
Sec. 1106. Producer agreement required as condition of provision of payments.
Sec. 1107. Planting flexibility.
Sec. 1108. Special rule for long grain and medium grain rice.
Sec. 1109. Period of effectiveness.

Subtitle B—Marketing Assistance Loans and Loan Deficiency Payments

Sec. 1201. Availability of nonrecourse marketing assistance loans for loan commodities.
Sec. 1202. Loan rates for nonrecourse marketing assistance loans.
Sec. 1203. Term of loans.
Sec. 1204. Repayment of loans.
Sec. 1205. Loan deficiency payments.
Sec. 1206. Payments in lieu of loan deficiency payments for grazed acreage.
Sec. 1207. Special marketing loan provisions for upland cotton.
Sec. 1208. Special competitive provisions for extra long staple cotton.
Sec. 1209. Availability of recourse loans for high moisture feed grains and seed cotton.
Sec. 1210. Adjustment of loans.

Subtitle C—Peanuts

Sec. 1301. Definitions.
Sec. 1302. Base acres for peanuts for a farm.
Sec. 1303. Availability of direct payments for peanuts.
Sec. 1304. Availability of counter-cyclical payments for peanuts.
Sec. 1305. Producer agreement required as condition of provision of payments.
Sec. 1306. Planting flexibility.
Sec. 1307. Marketing assistance loans and loan deficiency payments for peanuts.
Sec. 1308. Adjustments of loans.

Subtitle D—Sugar

Sec. 1401. Sugar program.
Sec. 1402. United States membership in the International Sugar Organization.
Sec. 1403. Flexible marketing allotments for sugar.
Sec. 1404. Storage facility loans.
Sec. 1405. Commodity Credit Corporation storage payments.

Subtitle E—Dairy

Sec. 1501. Dairy product price support program.
Sec. 1502. Dairy forward pricing program.
Sec. 1503. Dairy export incentive program.
Sec. 1504. Revision of Federal marketing order amendment procedures.
Sec. 1505. Dairy indemnity program.
Sec. 1506. Milk income loss contract program.
Sec. 1507. Dairy promotion and research program.
Sec. 1508. Report on Department of Agriculture reporting procedures for nonfat dry milk.
Sec. 1509. Federal Milk Marketing Order Review Commission.
Sec. 1510. Mandatory reporting of dairy commodities.

Subtitle F—Administration

Sec. 1601. Administration generally.
Sec. 1602. Suspension of permanent price support authority.
Sec. 1603. Payment limitations.
Sec. 1604. Adjusted gross income limitation.
Sec. 1605. Availability of quality incentive payments for covered oilseed producers.
Sec. 1606. Personal liability of producers for deficiencies.
Sec. 1607. Extension of existing administrative authority regarding loans.
Sec. 1608. Assignment of payments.
Sec. 1609. Tracking of benefits.
Sec. 1610. Government publication of cotton price forecasts.
Sec. 1611. Prevention of released individuals receiving payments under farm commodity programs.
Sec. 1612. Hard white wheat development program.
Sec. 1613. Durum wheat quality program.
Sec. 1614. Storage facility loans.
Sec. 1615. State, county, and area committees.
Sec. 1616. Prohibition on charging certain fees.
Sec. 1617. Signature authority.
Sec. 1618. Modernization of Farm Service Agency.
Sec. 1619. Information gathering.
Sec. 1620. Leasing of office space.
Sec. 1621. Geographically disadvantaged farmers and ranchers.
Sec. 1622. Implementation.
Sec. 1623. Repeals.

TITLE II—CONSERVATION

Subtitle A—Definitions and Highly Eradicable Land and Wetland Conservation


Subtitle B—Conservation Reserve Program

Sec. 2101. Extension of conservation reserve program.
Sec. 2102. Land eligible for enrollment in conservation reserve.
Sec. 2103. Maximum enrollment of acreage in conservation reserve.
Sec. 2104. Designation of conservation priority areas.
Sec. 2105. Treatment of multi-year grasses and legumes.
Sec. 2106. Revised pilot program for enrollment of wetland and buffer acreage in conservation reserve.
Sec. 2107. Additional duty of participants under conservation reserve contract.
Sec. 2108. Managed haying, grazing, or other commercial use of forage on enrolled land and installation of wind turbines.
Sec. 2109. Cost sharing payments relating to trees, windbreaks, shelterbelts, and wildlife corridors.
Sec. 2110. Evaluation and acceptance of contract offers, annual rental payments, and payment limitations.

Subtitle C—Wetlands Reserve Program

Sec. 2201. Establishment and purpose of wetlands reserve program.
Sec. 2202. Maximum enrollment and enrollment methods.
Sec. 2203. Duration of wetlands reserve program and lands eligible for enrollment.
Sec. 2204. Terms of wetlands reserve program.
Sec. 2205. Compensation for easements under wetlands reserve program.
Sec. 2206. Wetlands reserve enhancement program and reserved rights pilot program.
Sec. 2207. Duties of Secretary of Agriculture under wetlands reserve program.
Sec. 2208. Payment limitations under wetlands reserve contracts and easements.
Sec. 2209. Repeal of payment limitations except for State agreements for wetlands reserve enhancement program.

Subtitle D—Conservation Stewardship Program

Sec. 2301. Conservation stewardship program.

Subtitle E—Farmland Protection and Grassland Reserve

Sec. 2401. Farmland protection program.
Sec. 2402. Farm viability program.
Sec. 2403. Grassland reserve program.

Subtitle F—Environmental Quality Incentives Program

Sec. 2501. Purposes of environmental quality incentives program.
Sec. 2502. Definitions.
Sec. 2503. Establishment and administration of environmental quality incentives program.
Sec. 2504. Evaluation of applications.
Sec. 2505. Duties of producers under environmental quality incentives program.
Sec. 2506. Environmental quality incentives program plan.
Sec. 2507. Duties of the Secretary.
Sec. 2508. Limitation on environmental quality incentives program payments.
Sec. 2509. Conservation innovation grants and payments.
Sec. 2510. Agricultural water enhancement program.

Subtitle G—Other Conservation Programs of the Food Security Act of 1985

Sec. 2601. Conservation of private grazing land.
Sec. 2602. Wildlife habitat incentive program.
Sec. 2603. Grassroots source water protection program.
Sec. 2604. Great Lakes Basin Program for soil erosion and sediment control.
Sec. 2605. Chesapeake Bay watershed program.
Sec. 2606. Voluntary public access and habitat incentive program.

Subtitle H—Funding and Administration of Conservation Programs

Sec. 2701. Funding of conservation programs under Food Security Act of 1985.
Sec. 2702. Authority to accept contributions to support conservation programs.
Sec. 2703. Regional equity and flexibility.
Sec. 2704. Assistance to certain farmers and ranchers to improve their access to conservation programs.
Sec. 2705. Report regarding enrollments and assistance under conservation lands reserve program.
Sec. 2706. Delivery of conservation technical assistance.
Sec. 504. Premiums.
Sec. 505. Certification of premiums.
Sec. 506. Rural utility loans.
Sec. 507. Equalization of loan-making powers of certain district associations.

Subtitle F—Miscellaneous
Sec. 5501. Loans to purchasers of highly Taxed land.

TITLE VI—RURAL DEVELOPMENT
Subtitle A—Consolidated Farm and Rural Development Act
Sec. 6001. Water, waste disposal, and wastewater facility grants.
Sec. 6002. SEARCH grants.
Sec. 6003. Rural business opportunity grants.
Sec. 6004. Child day care facility grants, loans, and loan guarantees.
Sec. 6005. Community facility grants to advance broadband.
Sec. 6006. Rural water and wastewater circuit rider program.
Sec. 6007. Tribal College and University essential community facilities.
Sec. 6008. Emergency and imminent community water assistance grant program.
Sec. 6009. Water systems for rural and native villages in Alaska.
Sec. 6010. Grants to nonprofit organizations to finance the construction, refurbishing, and servicing of individually-owned household water well systems in rural areas for individuals with low or moderate incomes.
Sec. 6011. Interest rates for water and waste disposal facility loans.
Sec. 6012. Cooperative equity security guarantee.
Sec. 6013. Rural cooperative development grants.
Sec. 6014. Grants to broadcasting systems.
Sec. 6015. Locally or regionally produced agricultural food products.
Sec. 6016. Appropriate technology transfer for rural areas.
Sec. 6017. Rural economic area partnership zones.
Sec. 6018. Definitions.
Sec. 6019. National rural development partnership.
Sec. 6020. Historic barn preservation.
Sec. 6021. Grants for NOAA weather radio transmitters.
Sec. 6022. Rural microentrepreneur assistance program.
Sec. 6023. Grants for expansion of employment opportunities for individuals with disabilities in rural areas.
Sec. 6024. Health care services.
Sec. 6025. Delta Regional Authority.
Sec. 6026. Northern Great Plains Regional Authority.
Sec. 6027. Rural Business Investment Program.
Sec. 6028. Rural Collaborative Investment Program.
Sec. 6029. Funding of pending rural development loan and grant applications.

Subtitle B—Rural Electrification Act of 1936
Sec. 6101. Energy efficiency programs.
Sec. 6102. Reinstatement of Rural Utility Services direct lending.
Sec. 6103. Deferral of payments to allow loans for improved energy efficiency and demand reduction for energy efficiency and demand reduction research.
Sec. 6104. Rural electrification assistance.
Sec. 6105. Substantially underserved trust areas.
Sec. 6106. Guarantees for bonds and notes issued for electrification or telephone purposes.
Sec. 6107. Expansion of 911 access.
Sec. 6108. Electric loans for renewable energy.
Sec. 6109. Bonding requirements.
Sec. 6110. Access to broadband telecommunication services in rural areas.
Sec. 6111. National Center for Rural Telecommunications Assessment.
Sec. 6112. Comprehensive rural broadband strategy.
Sec. 6113. Study on rural electric power generation.

Subtitle C—Miscellaneous
Sec. 6201. Distance learning and teledicine.
Sec. 6202. Value-added agricultural market development program grants.
Sec. 6203. Agriculture and nutrition center demonstration program.
Sec. 6204. Rural firefighters and emergency medical service assistance program.
Sec. 6205. Insurance of loans for housing and related facilities for domestic farm labor.
Sec. 6206. Study of rural transportation issues.

Subtitle D—Housing Assistance Council
Sec. 6301. Short title.
Sec. 6302. Assistance to Housing Assistance Council.
Sec. 6303. Audits and reports.
Sec. 6304. Persons not lawfully present in the United States.
Sec. 6305. Limitation on use of authorized amounts.

TITLE VII—RESEARCH AND RELATED MATTERS
Sec. 7101. Definitions.
Sec. 7103. Specialty crop committee report.
Sec. 7104. Renewable energy committee.
Sec. 7105. Veterinary medicine loan repayment.
Sec. 7106. Eligibility of University of the District of Columbia for grants and fellowships for food and agricultural sciences education.
Sec. 7107. Grants to 1890 schools to expand extension capacity.
Sec. 7108. Expansion of food and agricultural sciences awards.
Sec. 7109. Grants and fellowships for food and agricultural sciences education.
Sec. 7110. Grants for research on production and marketing of alcoholic and industrial hydrocarbons from agricultural commodities and forest products.
Sec. 7111. Policy research centers.
Sec. 7112. Education grants to Alaska Native-serving institutions and Native Hawaiian-serving institutions.
Sec. 7113. Emphasis of human nutrition initiative.
Sec. 7114. Human nutrition intervention and health promotion research program.
Sec. 7115. Pilot research program to combine medical and agricultural research.
Sec. 7116. Nutrition education program.
Sec. 7117. Continuing animal health and disease research programs.
Sec. 7118. Cooperation among eligible institutions.
Sec. 7119. Appropriations for research on national regional problems.
Sec. 7120. Animal health and disease research program.
Sec. 7121. Authorization level for extension at 1890 land-grant colleges.
Sec. 7122. Authorization level for agricultural research at 1890 land-grant colleges.
Sec. 7123. Grants to upgrade agricultural and food sciences facilities at 1890 land-grant colleges, including Tuskegee Institute.
Sec. 7124. Grants to upgrade agriculture and food sciences facilities at the District of Columbia land-grant university.
Sec. 7125. Grants to upgrade agriculture and food sciences facilities and equipment at insular area land-grant institutions.
Sec. 7126. National research and training virtual centers.
Sec. 7127. Matching funds requirement for research and extension activities of 1890 institutions.
Sec. 7128. Hispanic-serving institutions.
Sec. 7129. Hispanic-serving agricultural colleges and universities.
Sec. 7130. International agricultural research, extension, and education.
Sec. 7131. Competitive grants for international agricultural science and education programs.
Sec. 7132. Administration.
Sec. 7133. Research equipment grants.
Sec. 7134. University research.
Sec. 7135. Extension Service.
Sec. 7136. Supplemental and alternative crops.
Sec. 7137. New Era Rural Technology Program.
Sec. 7138. Capacity building grants for NLGCA Institutions.
Sec. 7139. Boling international agricultural science and technology fellowship program.
Sec. 7140. Aquaculture assistance programs.
Sec. 7141. Rangeland research grants.
Sec. 7142. Special authorization for biosecurity planning and response.
Sec. 7143. Resident instruction and distance education grants program for insular area institutions of higher education.

Subtitle B—Food, Agriculture, Conservation, and Trade Act of 1990
Sec. 7201. National genetics resources program.
Sec. 7202. National Agricultural Weather Information System.
Sec. 7203. Partnerships.
Sec. 7204. High-priority research and extension areas.
Sec. 7205. Nutrient management research and extension initiative.
Sec. 7206. Organic Agriculture Research and Extension Initiative.
Sec. 7207. Agricultural bioenergy feedstock and energy efficiency research and extension initiative.
Sec. 7208. Farm business management and benchmarking.
Sec. 7209. Agricultural telecommunications program.
Sec. 7210. Assistive technology program for farmers with disabilities.
Sec. 7211. Research on honey bee diseases.
Sec. 7212. National Rural Information Center Clearinghouse.

Subtitle C—Agricultural Research, Extension, and Education Reform Act of 1998
Sec. 7301. Peer and merit review.
Sec. 7302. Partnerships for high-value agricultural product quality research.
Sec. 7303. Precision agriculture.
Sec. 7304. Biobased products technology.
Sec. 7305. Thomas Jefferson Initiative for Crop Diversification.
Sec. 7306. Integrated research, education, and extension competitive grants program.

Sec. 7307. Fusarium graminearum grants.

Sec. 7308. Bovine Johnes' disease control program.

Sec. 7309. Grants for youth organizations.

Sec. 7310. Agricultural biotechnology research and development for developing countries.

Sec. 7311. Specialty crop research initiative.

Sec. 7312. Food animal residue avoidance database program.

Sec. 7313. Office of pest management policy.

Subtitle D—Other Laws


Sec. 7403. Smith-Lever Act.


Sec. 7405. Agricultural Experiment Station Research Facilities Act.

Sec. 7406. Agriculture and food research initiative.


Sec. 7408. Exchange or sale authority.

Sec. 7409. Enhanced use lease authority pilot program.

Sec. 7410. Beginning farmer and rancher development program.

Sec. 7411. Public education regarding use of biotechnology in producing food for human consumption.

Sec. 7412. McIntire-Stennis Cooperative Forestry Act.


Sec. 7415. Construction of Chinese Garden at the National Arboretum.


Sec. 7417. Eligibility of University of the District of Columbia for certain land-grant university assistance.

Subtitle E—Miscellaneous

PART I—GENERAL PROVISIONS

Sec. 7501. Definitions.

Sec. 7502. Grazinglands research laboratory.

Sec. 7503. Fort Reno Science Park Research Facility.

Sec. 7504. Roadmap.

Sec. 7505. Review of plan of work requirements.

Sec. 7506. Budget submission and funding.

PART II—RESEARCH, EDUCATION, AND ECONOMICS

Sec. 7511. Research, education, and economics.

PART III—NEW GRANT AND RESEARCH PROGRAMS

Sec. 7521. Research and education grants for the study of antibiotic-resistant bacteria.

Sec. 7522. Farm and ranch stress assistance network.

Sec. 7523. Seed distribution.

Sec. 7524. Live virus foot and mouth disease research.

Sec. 7525. Natural products research program.

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<th>Definition</th>
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<tr>
<td>Average crop revenue election payment</td>
<td>The term “average crop revenue election payment” means the payment made to producers on a farm under section 1105.</td>
</tr>
<tr>
<td>Base acres</td>
<td>The term “base acres” means the number of acres established under section 1101 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7911) as in effect on September 30, 2007, after any adjustment under section 1101 of this Act.</td>
</tr>
<tr>
<td>Counter-cyclical payment</td>
<td>The term “counter-cyclical payment” means a payment made to producers on a farm under section 1104.</td>
</tr>
<tr>
<td>Covered commodity</td>
<td>The term “covered commodity” means wheat, corn, grain sorghum, barley, oats, upland cotton, long grain rice, medium grain rice, pulse crops, soybeans, and other oilseeds.</td>
</tr>
<tr>
<td>Direct payment</td>
<td>The term “direct payment” means a payment made to producers on a farm under section 1103.</td>
</tr>
<tr>
<td>Effective price</td>
<td>The term “effective price” means the price calculated by the Secretary under section 1104 to determine whether counter-cyclical payments are required to be made for the crop year.</td>
</tr>
<tr>
<td>Extra long staple cotton</td>
<td>The term “extra long staple cotton” means cotton that—(A) is produced from pure strain varieties of the Barbados species or any hybrid of the species, or other similar types of long staple cotton, designated by the Secretary, having characteristics needed for various end uses for which United States upland cotton is not suitable and grown in irrigated cotton-growing regions of the United States designated by the Secretary or other areas designated by the Secretary as suitable for the production of the varieties or types; and (B) is ginned on a roller-type gin or, if authorized by the Secretary, ginned on another type gin for experimental purposes.</td>
</tr>
<tr>
<td>Loan commodity</td>
<td>The term “loan commodity” means Indian corn, sorghum, barley, oats, upland cotton, extra long staple cotton, long grain rice, medium grain rice, soybeans, other oilseeds, graded wool, non-irrigated grain sorghum, dry peas, lentils, small chickpeas, and long chickpeas.</td>
</tr>
<tr>
<td>Medium grain rice</td>
<td>The term “medium grain rice” includes short grain rice.</td>
</tr>
<tr>
<td>Other oilseed</td>
<td>The term “other oilseed” means a crop of sunflower seed, rapeseed, canola, safflower, flaxseed, mustard seed, crambe, sesame seed, or any oilseed designated by the Secretary under section 1101(a)(2).</td>
</tr>
<tr>
<td>Payment acres</td>
<td>The term “payment acres” means, in the case of direct payments and counter-cyclical payments—(A) except as provided in subparagraph (B), 85 percent of the base acres of a covered commodity on a farm on which direct payments or counter-cyclical payments are made; and (B) in the case of direct payments for each of the 2009 through 2011 crop years, 83.3 percent of the base acres for the covered commodity on a farm on which direct payments are made.</td>
</tr>
<tr>
<td>Payment yield</td>
<td>The term “payment yield” means the yield established for direct payments and the yield established for counter-cyclical payments under section 1102 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7912) as in effect on September 30, 2007, or under section 1102 of this Act, for a farm for a covered commodity.</td>
</tr>
<tr>
<td>Producer</td>
<td>The term “producer” means the owner, operator, landlord, tenant, or sharecropper that shares in the risk of producing a crop and is entitled to share in the crop available for marketing from the farm, or would have shared had the crop been produced.</td>
</tr>
<tr>
<td>Hybrid seed</td>
<td>In determining whether a grower of hybrid seed is a producer, the Secretary shall—(i) not take into consideration the existence of a hybrid seed contract; and (ii) ensure that program requirements do not adversely affect the ability of a grower to receive a payment under this title.</td>
</tr>
<tr>
<td>Pulse crop</td>
<td>The term “pulse crop” means dry peas, lentils, small chickpeas, and large chickpeas.</td>
</tr>
<tr>
<td>State</td>
<td>The term “State” means—(A) a State; (B) the District of Columbia; (C) the Commonwealth of Puerto Rico; and (D) any other territory or possession of the United States.</td>
</tr>
<tr>
<td>United States premium factor</td>
<td>The term “United States premium factor” means the percentage by which the difference in the United States loan schedule premium for Strict Middling (SM) 1-inch upland cotton and for middling (M) 1%-inch upland cotton exceeds the difference in the applicable premiums for comparable international qualities.</td>
</tr>
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### Subtitle A—Direct Payments and Counter-Cyclical Payments
### SEC. 1101. Base acres.

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<tr>
<th>Type of Payment</th>
<th>Definition</th>
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</thead>
<tbody>
<tr>
<td>Adjustment of base acres</td>
<td>The Secretary shall provide for an adjustment, as appropriate, in the base acres for covered commodities for a farm whenever any of the following circumstances occur: (A) A conservation reserve contract entered into under section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) with respect to a farm that is subsequently terminated, or was terminated or expired during the period beginning on October 1, 2007, and ending on the date of enactment of this Act. (B) Cropland is released from coverage under a conservation reserve contract by the Secretary, or was released during the period beginning on October 1, 2007, and ending on the date of enactment of this Act. (C) The producer has eligible pulse crop acreage, which shall be determined in the same manner as eligible oilseed acreage under section 1101(a)(2) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7911(a)(2)). (D) The producer has eligible oilseed acreage as the result of the Secretary designating additional oilseeds, which shall be determined in the same manner as eligible oilseed acreage under section 1101(a)(2) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7911(a)(2)).</td>
</tr>
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### Subtitle B—Ensuring Adequate Incentives for Longer-Term Conservation
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<tr>
<td>Section 1231</td>
<td>The program shall provide for an agreement with the United States to construct, develop, or operate certain research, conservation, and other projects, and to make a contribution to such projects, with respect to which the United States is a partner.</td>
</tr>
</tbody>
</table>

### Subtitle C—Provisions Relating to the Commodity Credit Corporation
### SEC. 1301. Equalization of certain trade benefits.

<table>
<thead>
<tr>
<th>Title</th>
<th>Description</th>
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<tr>
<td>Title</td>
<td>The Joint Explanatory Statement submitted by the Committee on Conference for the conference report to accompany H.R. 2419 of the 110th Congress (House Report 110-227) shall be deemed to be part of the legislative history of this Act and shall have the same effect with respect to the implementation of this Act as it would have had with respect to the implementation of H.R. 2419 of the 110th Congress, and the amendments made by that Act, are repealed, effective on the date of enactment of that Act.</td>
</tr>
</tbody>
</table>

### Subtitle D—Trade Provisions
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<tr>
<th>Title</th>
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### Title II—Miscellaneous Trade Provisions
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### Title III—Explanatory Statement
The Explanatory Statement submitted by the Committee of Conference for the conference report to accompany H.R. 2419 of the 110th Congress (House Report 110-227) shall be deemed to be part of the legislative history of this Act and shall have the same effect with respect to the implementation of this Act as it would have had with respect to the implementation of H.R. 2419 of the 110th Congress, and the amendments made by that Act, are repealed, effective on the date of enactment of that Act.

### Title IV—Repeal of Duplicitative enactment.

<table>
<thead>
<tr>
<th>Type of Payment</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) In general</td>
<td>The Act entitled “An Act to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes” (H.R. 2419 of the 110th Congress), and the amendments made by that Act, are repealed, effective on the date of enactment of that Act.</td>
</tr>
</tbody>
</table>

### Title V—Protection of Social Security

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</tr>
</tbody>
</table>
prorated payment under the conservation reserve contract, but not both.

(b) Prevention of Excess Base Acres.—

(1) Required Reduction.—If the sum of the base acres of any cropped land, together with the acreage described in paragraph (2) exceeds the actual crop land acreage of the farm, the Secretary shall reduce the base acres for 1 or more crops or commodities for the farm in an amount equal to the sum of the base acres and acreage described in paragraph (2) does not exceed the actual cropland acreage of the farm.

(2) Other Acreage.—For purposes of paragraph (1), the Secretary shall include the following:

(A) Any base acres for peanuts for the farm.

(B) Any acreage on the farm enrolled in a conservation reserve program or wetlands reserve program under chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3830 et seq.).

(C) Any other acreage on the farm enrolled in a Federal conservation program for which payments are made in exchange for not producing an agricultural commodity on the acreage.

(D) Any eligible pulse crop acreage, which shall be determined in the same manner as eligible oilseed acreage under section 1101(a)(2) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7911(a)(2)).

(E) If the Secretary designates additional oilseeds, any eligible oilseed acreage, which shall be determined in the same manner as eligible oilseed acreage under section 1101(a)(2) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7911(a)(2)).

(3) Selection of Acres.—The Secretary shall have the opportunity to select the base acres for a covered commodity or the base acres for peanuts for the farm against which the reduction required under section 1101(a)(2) will be made.

(4) Exception for Double-Cropped Acreage.—In applying paragraph (1), the Secretary shall make an exception in the case of double cropping, as determined by the Secretary.

(5) Coordinated Application of Requirements.—The Secretary shall take into account, when applying the requirements of this subsection:

(c) Reduction in Base Acres.—

(1) Reduction at Option of Owner.—(A) The owner of a farm may reduce, at any time, the base acres for any covered commodity for the farm.

(B) Effect of Reduction.—A reduction under this paragraph (B) shall be permanent and made in a manner prescribed by the Secretary.

(2) Required Action by Secretary.—

(A) In General.—The Secretary shall proportionately reduce base acres on a farm for covered commodities for land that has been subdivided and developed for multiple residential use or for professional or commercial use if the size of the tracts and the density of the subdivision is such that the land is unlikely to return to the previous agricultural use, unless the producer on the farm demonstrate that the land—

(i) remains devoted to commercial agricultural production; or

(ii) is likely to be returned to the previous agricultural use.

(B) Requirement.—The Secretary shall establish procedures to identify land described in subparagraph (A).

(3) Review and Report.—Each year, to ensure, to the maximum extent practicable, that payments are received only by producers on farms that comply with the conditions specified in paragraph (1), the Secretary shall submit to Congress a report that describes the results of the actions taken under paragraph (2).

(d) Treatment of Farms With Limited Base Acres.—

(1) Prohibition on Payments.—Except as provided in paragraph (2) and notwithstanding any other provisions of this title, a producer on a farm may not receive direct payments, counter-cyclical payments, or average crop revenue election payments if the farm is not a covered commodity, the Secretary shall determine the average yield for any covered commodity for land that has been designated as a covered commodity for land that has been designated as a covered commodity or is subject to any other restrictions, as determined by the Secretary.

(2) Exceptions.—Paragraph (1) shall not apply to a farm owned by—

(A) a disadvantaged farmer or rancher, as defined in section 355(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008(e)); or

(B) a limited resource farmer or rancher, as defined by the Secretary.

(3) Data Collection and Publication.—The Secretary shall—

(A) collect and publish segregated data and survey information about the farm profiles, utilization of land, and crop production; and

(B) perform an evaluation on the supply and price of fruits and vegetables based on the effects of suspension of base acres under this section.

SEC. 1102. PAYMENT YIELDS.

(a) Establishment and Purpose.—For the purpose of making direct payments and counter-cyclical payments under this subtitle, the Secretary shall provide for the establishment of a payment yield for each eligible oilseed or eligible pulse crop for which a production payment was not established under section 1102 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7912) in accordance with this section.

(b) Payment Yields for Eligible Oilseeds and Eligible Pulse Crops.—

(1) In General.—In the case of designated oilseeds and eligible pulse crops, the Secretary shall determine the average yield per planted acre for the designated oilseed or eligible pulse crop for each farm for the period from 1998 through 2001 crop years, excluding any crop year in which the acreage planted to the designated oilseed or pulse crop was zero.

(2) Adjustment for Payment Yield.—

(A) In General.—The payment yield for a farm for a designated oilseed or eligible pulse crop shall be equal to the product of the following:

(i) The average yield for the designated oilseed or pulse crop determined under paragraph (1).

(ii) The ratio resulting from dividing the national average yield for the designated oilseed or pulse crop for 1981 through 1985 crops by the national average yield for the designated oilseed or pulse crop for the 1998 through 2001 crops.

(B) No National Average Yield Information Available.—If the yield per planted acre for a crop of a designated oilseed or pulse crop for a farm for any of the 1998 through 2001 crop years was less than 75 percent of the county yield for that designated oilseed or pulse crop, the Secretary shall assign a yield for that crop year equal to 75 percent of the county yield for the purpose of determining the average yield for that crop year.

(C) Use of Partial County Average Yield.—If the yield per planted acre for a crop of a designated oilseed or pulse crop for a farm for any of the 1998 through 2001 crop years was less than 75 percent of the county yield for that designated oilseed or pulse crop, the Secretary shall assign a yield for that crop year equal to 75 percent of the county yield for the purpose of determining the average yield for that crop year.

(D) No Historic Yield Data Available.—In the case of establishing yields for designated oilseeds and eligible pulse crops, as determined by the Secretary, the yield data is not available, the Secretary may provide for the establishment of a payment yield for each eligible oilseed or eligible pulse crop for each farm for the period from 1998 through 2001 crop years, excluding any crop year in which the acreage planted to the designated oilseed or pulse crop was zero.

(3) Treatment of Farms with Limited Base Acres.—In the case of establishing yields for designated oilseeds and eligible pulse crops, as determined by the Secretary, the yield data is not available, the Secretary may provide for the establishment of a payment yield for each eligible oilseed or eligible pulse crop for each farm for the period from 1998 through 2001 crop years, excluding any crop year in which the acreage planted to the designated oilseed or pulse crop was zero.

(4) No Historic Yield Data Available.—In the case of establishing yields for designated oilseeds and eligible pulse crops, as determined by the Secretary, the yield data is not available, the Secretary may provide for the establishment of a payment yield for each eligible oilseed or eligible pulse crop for each farm for the period from 1998 through 2001 crop years, excluding any crop year in which the acreage planted to the designated oilseed or pulse crop was zero.

(5) Establishment of Payment Yields.—The payment yields for designated oilseeds and eligible pulse crops, as determined by the Secretary, shall be used by the Secretary to provide a payment yield for each farm for the 1998 through 2001 crop years.

(b) Payment Rate.—Except as provided in section 1105, the payment rates used to make direct payments with respect to covered commodities for a year shall be as follows:

(1) Wheat, $0.52 per bushel.

(2) Corn, $0.26 per bushel.

(3) Grain sorghum, $0.35 per bushel.

(4) Barley, $0.24 per bushel.

(5) Oats, $0.24 per bushel.

(6) Upland cotton, $0.6067 per pound.

(7) Long grain rice, $2.35 per hundredweight.

(8) Medium grain rice, $2.35 per hundredweight.

(9) Soybeans, $0.41 per bushel.

(10) Other oilseeds, $0.80 per hundredweight.

(c) Payment Amount.—The amount of the direct payment to be paid to the producers on a farm for a covered commodity for a crop year shall be equal to the product of the following:

(1) The payment rate specified in subsection (b).

(2) The payment acres of the covered commodity for the farm.

(3) The payment yield for the covered commodity for the farm.

(d) Time for Payment.—The payment for a crop year shall be made in 22 equal monthly installments, beginning on December 1 of the calendar year in which the crop was harvested.

(2) Advance Payments.—

(A) Option.—

(1) In General.—At the option of the producers on a farm, the Secretary shall pay in advance up to 22 percent of the direct payment for a covered commodity for any of the crops through 2011 crop years to the producers on a farm.

(2) 2008 Crop Year.—If the producers on a farm elect to receive advance direct payments, in compliance with the parity clause of the 2008 crop year of the covered commodity for the 2008 crop year, as soon as practicable after the election, the Secretary shall make the advance direct payment to the producers on the farm.

(B) Month.—

(1) Selection.—Subject to clauses (i) and (ii), the producers on a farm shall select the month during which the advance payment for a crop year will be made.

(2) Duration.—The month selected by the producers on a farm shall be a period of at least 1 month but not exceeding 3 months of the calendar year before the calendar year in which the crop of the covered commodity is harvested.

(3) Ending during the Month Within Which the Direct Payment Would Otherwise Be Made.—

(1) Change.—The producers on a farm may change the selected month for a subsequent advance payment by providing advance notice to the Secretary.

(2) Repayment of Advance Payments.—If a producer on a farm that receives an advance direct payment for a crop year ceases to be a producer on that farm, or the extent to which the producer shares in the risk of production changes, before the date the remainder of the direct payment is made, the producer shall be responsible for repaying...
the Secretary the applicable amount of the advance payment, as determined by the Secretary.

SEC. 1104. AVAILABILITY OF COUNTER-CYCLICAL PAYMENTS.

(a) PAYMENT REQUIRED.—Except as provided in section 1105, for each of the 2008 through 2012 crop years for each covered commodity the Secretary shall make counter-cyclical payments to producers on farms for which payment yields and base acres are established with respect to the covered commodity if the Secretary determines that the effective price for the covered commodity is less than the target price for the covered commodity.

(b) EFFECTIVE PRICE.—

(1) COVERED COMMODITIES OTHER THAN RICE.—Except as provided in paragraph (2), for purposes of subsection (a), the effective price for a covered commodity is equal to the sum of the following:

(A) The higher of the following:
   (i) The national average market price received by producers during the 12-month marketing year for the covered commodity, as determined by the Secretary.
   (ii) The national average loan rate for a marketing assistance loan for the covered commodity in effect for the applicable period under subtitle B.

(B) The rate in effect for the covered commodity under section 1103 for the purpose of making direct payments with respect to the covered commodity.

(2) RICE.—In the case of long grain rice and medium grain rice, for purposes of subsection (a), the effective price for each type or class of rice is equal to the sum of the following:

(A) The higher of the following:
   (i) The national average market price received by producers during the 12-month marketing year for the type or class of rice, as determined by the Secretary.
   (ii) The national average loan rate for a marketing assistance loan for the type or class of rice in effect for the applicable period under subtitle B.

(B) The rate in effect for the type or class of rice under section 1103 for the purpose of making direct payments with respect to the type or class of rice.

(c) EFFECTIVE PRICE RICE.

(1) 2008 CROP YEAR.—For purposes of the 2008 crop year, the target prices for covered commodities shall be as follows:

(A) Wheat, $3.92 per bushel.
(B) Corn, $2.63 per bushel.
(C) Grain sorghum, $2.63 per bushel.
(D) barley, $2.63 per bushel.
(E) oats, $1.79 per bushel.
(F) Upland cotton, $0.7125 per pound.
(G) Long grain rice, $10.50 per hundredweight.
(H) Medium grain rice, $10.50 per hundredweight.

(2) 2009 CROP YEAR.

(I) Soybeans, $5.00 per bushel.
(J) Other oilseeds, $12.68 per hundredweight.
(K) Large chickpeas, $12.81 per hundredweight.
(L) Lentils, $12.81 per hundredweight.
(M) Small chickpeas, $10.36 per hundredweight.
(N) Large chickpeas, $12.81 per hundredweight.

(3) SUBSEQUENT CROP YEARS.—For purposes of each of the 2010 through 2012 crop years, the target prices for covered commodities shall be as follows:

(A) Wheat, $3.92 per bushel.
(B) Corn, $2.63 per bushel.
(C) Grain sorghum, $2.63 per bushel.
(D) barley, $2.63 per bushel.
(E) oats, $1.79 per bushel.
(F) Upland cotton, $0.7125 per pound.
(G) Long grain rice, $10.50 per hundredweight.
(H) Medium grain rice, $10.50 per hundredweight.
(I) Soybeans, $6.00 per bushel.
(J) Other oilseeds, $12.68 per hundredweight.
(K) Dry peas, $8.32 per hundredweight.
(L) Lentils, $12.81 per hundredweight.
(M) Small chickpeas, $10.36 per hundredweight.
(N) Large chickpeas, $12.81 per hundredweight.

(4) PAYMENT.—The payment rate used to make a counter-cyclical payment with respect to a covered commodity for a crop year shall be equal to the difference between:

(A) The target price for the covered commodity; and
(B) The effective price determined under subsection (b) for the covered commodity.

(5) PAYMENT AMOUNT.—If counter-cyclical payments are required to be paid under this section for any of the 2008 through 2012 crop years of a covered commodity, the amount of the counter-cyclical payment to be paid to the producers on a farm for that crop year shall be equal to the product of the following:

(A) The payment rate specified in subsection (d); and
(B) The payment yields for the covered commodity on the farm.

(6) TIME FOR PARTIAL PAYMENTS.

The Secretary shall make partial payments to producers for a covered commodity for each crop year in accordance with paragraph (3) to the producers on a farm for which payment yields and base acres are established with respect to the covered commodity for the crop year, as determined by the Secretary.

(b) EFFECTIVE PRICE.

(1) IN GENERAL.

The Secretary shall allow producers on a farm that receive a partial payment under this subsection for a crop year to repay the Secretary the amount by which the total of the partial payments exceed the actual counter-cyclical payment to be made by the Secretary for the covered commodity for that crop year.

(2) LIMITATION.

No producer on a farm may receive ACRE payments under this section for the initial crop year for which the election is made to receive ACRE payments under this section or for the subsequent crop years, the Secretary shall give the producers on the farm an opportunity to make an irrevocable election to instead receive average crop revenue payments under this section as “ACRE” payments under subsection (a) of this section for the crop year for which the election is made to receive the 2012 crop year.

(c) TIME FOR PARTIAL PAYMENTS

(1) IN GENERAL.

If, before the end of the 12-month marketing year for a covered commodity, the Secretary receives estimates that counter-cyclical payments will be required for the crop of the covered commodity, the Secretary shall give producers on a farm the opportunity to receive partial payments of the counter-cyclical payment projected to be made for that crop of the covered commodity.

(2) TIME FOR REPAYMENT.

(a) GENERAL RULE.

As an alternative to the 50 percent reduction in direct payments under section 1103 or 1303 and a 30-percent reduction in marketing assistance loan rates under section 1302 or 1307, with respect to all covered commodities and peanuts on a farm, during each of the 2009, 2010, 2011, and 2012 crop years, the Secretary shall give the producers on the farm an opportunity to make an irrevocable election to instead receive average crop revenue payments under this section as “ACRE” payments under subsection (a) of this section for the crop year for which the election is made to receive the 2012 crop year.

(3) LIMITATION.

No producer on a farm may receive ACRE payments under this section or for the subsequent crop years, the Secretary shall give the producers on the farm an opportunity to make an irrevocable election to instead receive average crop revenue payments under this section as “ACRE” payments under subsection (a) of this section for the crop year for which the election is made to receive the 2012 crop year.

(4) TIME FOR PARTIAL PAYMENTS.

When the Secretary makes partial payments for a covered commodity for any of the 2008 through 2010 crop years—

(A) the first partial payment shall be made after completion of the first 160 days of the marketing year for the covered commodity; and

(B) the final partial payment shall be made beginning October 1, or as soon as practicable thereafter, after the end of the applicable marketing year for the covered commodity.

(5) REPAYMENT.—The Secretary shall make partial payments to producers on a farm for which payment yields and base acres are established with respect to the covered commodity for the crop year, as determined by the Secretary.

The Secretary shall make partial payments to producers on a farm for which payment yields and base acres are established with respect to the covered commodity for the crop year, as determined by the Secretary.

SEC. 1105. AVERAGE CROP REVENUE ELECTION PROGRAM.

(a) AVAILABILITY AND ELECTION OF ALTERNATIVE APPROACH.

(1) AVERAGE CROP REVENUE ELECTION PAYMENTS.—As an alternative to receiving counter-cyclical payments under section 1104 or 1304 and in exchange for a 20-percent reduction in direct payments under section 1103 or 1303 and a 30-percent reduction in marketing assistance loan rates under section 1302 or 1307, with respect to all covered commodities and peanuts on a farm, during each of the 2009, 2010, 2011, and 2012 crop years, the Secretary shall give the producers on the farm an opportunity to make an irrevocable election to instead receive average crop revenue payments under this section as “ACRE” payments under subsection (3) of this section for the crop year for which the election is made to receive the 2012 crop year.

(2) LIMITATION.

No producer on a farm may receive ACRE payments under this section or for the subsequent crop years, the Secretary shall give the producers on the farm an opportunity to make an irrevocable election to instead receive average crop revenue payments under this section as “ACRE” payments under subsection (3) of this section for the crop year for which the election is made to receive the 2012 crop year.

(3) ELECTION; TIME FOR ELECTION.

(A) IN GENERAL.

The total number of planted acres for which the producers on a farm may receive ACRE payments under this section may not exceed the total base acreage for all covered commodities and peanuts on the farm.

(B) ELECTION.—If the total number of planted acres to all covered commodities and peanuts on a farm exceeds the total base acreage of the farm, the producers on the farm may choose which planted acres to enroll in the program under this section.

(4) NOTICE REQUIREMENTS.—The notice shall be received by the Secretary no later than 60 days prior to the end of the marketing year for that covered commodity.

(5) DATE OF ISSUANCE.—The notice shall include (i) the opportunity of the producers on a farm to make the election; and (ii) information regarding the manner in which the election must be made and the time periods and manner of the election must be submitted to the Secretary.
(4) ELECTION DEADLINE.—Within the time period and in the manner prescribed pursuant to paragraph (3), all of the producers on a farm shall submit to the Secretary notice of an election under paragraph (1).

(5) EFFECT OF FAILURE TO MAKE ELECTION.—If all of the producers on a farm fail to make an election under paragraph (1), make different elections under paragraph (1), or fail to timely notify the Secretary of the election made, as required by paragraph (4), all of the producers on the farm shall be deemed to have made an election to receive counter-cyclical payments under section 1104 or 1304 for all covered commodities and peanuts, as determined by the Secretary; or

(6) OR PEANUTS.—In the case of producers on a farm who make an election under subsection (a) to receive ACRE payments for any of the 2009 through 2012 crop years for all covered commodities and peanuts, the Secretary shall make ACRE payments available to the producers on a farm in accordance with this subsection.

ACRE PAYMENTS.—

(A) IN GENERAL.—Subject to paragraph (3), in the case of producers on a farm in described in paragraph (1), or 1304 for all covered commodities and peanuts determined by the Secretary, or otherwise not having made the election described in paragraph (1), for the applicable crop years.

(B) PAYMENTS REQUIRED.—

(1) THE SECRETARY.—The case of producers on a farm who make an election under subsection (a) to receive ACRE payments for any of the 2009 through 2012 crop years for all covered commodities and peanuts, the Secretary shall make ACRE payments available to the producers on a farm in accordance with this subsection.

ACRE PAYMENTS.—

(A) IN GENERAL.—Subject to paragraph (3), the case of producers on a farm in described in paragraph (1), or 1304 for all covered commodities and peanuts, as determined by the Secretary, or otherwise not having made the election described in paragraph (1), for the applicable crop years if—

(i) the actual State revenue for the crop year for the covered commodity or peanuts in the State determined under subsection (c); is less than

(ii) the ACRE program guarantee for the crop year for the covered commodity or peanuts in the State determined under subsection (d);

(B) INDIVIDUAL LOSS.—The Secretary shall make ACRE payments available to the producers on a farm in a State for a crop year only if as determined by the Secretary—

(1) the actual farm revenue for the crop year for the covered commodity or peanuts, as determined under subsection (e); is less than

(ii) the farm ACRE benchmark revenue for the crop year for the covered commodity or peanuts, as determined under subsection (f).

(2) TIME FOR PAYMENTS.—In the case of each of the 2009 through 2012 crop years, the Secretary shall assign a benchmark State yield for each planted acre for a crop year for a covered commodity or peanuts in the State determined under subsection (c); and

(3) THE SECRETARY.—The Secretary shall establish the benchmark State yield for each planted acre for a crop year for a covered commodity or peanuts in a State In accordance with subparagraph (A) or if the yield determined under subparagraph (A) is an unrepresentative average yield for the State as determined by the Secretary, the Secretary shall assign a benchmark State yield for each planted acre for the crop year for the covered commodity or peanuts in the State for the most recent 5 crop years, excluding each of the crop years with the highest and lowest yields, using National Agricultural Statistics Service data.

(B) ASSESSED YIELD.—If the Secretary cannot establish the benchmark State yield for each planted acre for a crop year for a covered commodity or peanuts in a State In accordance with subparagraph (A) or the yield determined under subparagraph (A) is an unrepresentative average yield for the State as determined by the Secretary, the Secretary shall assign a benchmark State yield for each planted acre for the crop year for the covered commodity or peanuts in the State for the most recent 5 crop years, excluding each of the crop years with the highest and lowest yields, using National Agricultural Statistics Service data.

(C) ACTUAL STATE REVENUE.—

(1) IN GENERAL.—For purposes of subsection (b)(2)(A), the benchmark State yield for each planted acre for the crop year for a covered commodity or peanuts shall equal the product obtained by multiplying—

(i) the ACRE program guarantee for the crop year for the covered commodity or peanuts in the State determined under paragraph (2); and

(ii) the national average market price for the crop year for the covered commodity or peanuts determined under paragraph (3).

(2) ACTUAL STATE YIELD.—For purposes of paragraph (1)(A), the actual State yield for each planted acre for a crop year for a covered commodity or peanuts in a State shall equal (as determined by the Secretary)—

(1) the actual yield for the covered commodity or peanuts of the producers on the farm; or

(2) the national average market price for the crop year for the covered commodity or peanuts determined under subsection (c)(3).

(3) FARM ACRE BENCHMARK REVENUE.—For purposes of subsection (b)(2)(B), the ACRE program guarantee price for the crop year for a covered commodity or peanuts shall equal the sum obtained by adding—

(1) the amount determined by multiplying—

(A) the average yield per planted acre for the covered commodity or peanuts of the producers on the farm for the most recent 5 crop years, excluding each of the crop years with the highest and lowest yields; and

(B) the ACRE program guarantee price for the applicable crop year for the covered commodity or peanuts in a State determined under subsection (d); and

(2) the amount of the per acre crop insurance premium required to be paid by the producers on the farm for the applicable crop year for the covered commodity or peanuts on the farm.

(4) PAYMENT AMOUNT.—If ACRE payments are required to be paid for any of the 2009 through 2012 crop years of a covered commodity or peanuts under this section, the amount of the ACRE payment to be paid to the producers on the farm for the applicable crop year under this section shall equal the product obtained by multiplying—

(1) the lesser of—

(A) the difference between—

(i) the ACRE program guarantee for the crop year for the covered commodity or peanuts in the State determined under subsection (d); and

(ii) the actual State revenue from the crop year for the covered commodity or peanuts in the State determined under subsection (c); and

(B) 25 percent of the ACRE program guarantee for the crop year for the covered commodity or peanuts in the State determined under subsection (d);

(2)(A) for each of the 2009 through 2011 crop years, 83.3 percent of the acreage planted or considered planted to the covered commodity or peanuts for harvest on the farm in the crop year; and

(B) for the 2012 crop year, 85 percent of the acreage planted or considered planted to the covered commodity or peanuts for harvest on the farm in the crop year; and

(3) the quotient obtained by dividing—

(A) the average yield per planted acre for the covered commodity or peanuts of the producers on the farm for the most recent 5 crop years, excluding each of the crop years with the highest and lowest yields; and

(B) the ACRE benchmark State yield for the crop year, as determined under subsection (d)(2).

SEC. 1106. PRODUCER AGREEMENT REQUIRED AS CONDITION OF PROVISION OF PAYMENTS.

(a) COMPLIANCE WITH CERTAIN REQUIREMENTS.—

(1) REQUIREMENTS.—Before the producers on a farm may receive direct payments, counter-cyclical payments, or average crop revenue election payments with respect to the farm, the producers shall agree, during the crop year for which the payments are made and in exchange for the payments—

(A) to comply with applicable conservation requirements under subtitle B of title XII of the Food, Nutrition, and Commodity Security Act of 1985 (16 U.S.C. 3011 et seq.); and

(B) to comply with applicable wetland protection requirements under subtitle C of title XII of that Act (16 U.S.C. 3821 et seq.).

(C) to comply with the planting flexibility requirements of section 1107;
shall take effect on the date determined by
or production report.
report unless the producers on the farm
shall be assessed against the producers on a
basis.
the producers on a farm on a fair and equi-
sary to ensure producer compliance with
the requirements of paragraph (1).
(3) MODIFICATION.—At the request of the transforee or owner, the Secretary may mod-
ify the requirements of this subsection if the
modifications are consistent with the objec-
tives of this subsection, as determined by the
Secretary.
(b) TRANSFER OR CHANGE OF INTEREST IN
FARM.—
(1) TERMINATION.—
(A) IN GENERAL.—Except as provided in paragraph (2), a transfer of (or change in)
the interest of the producers on a farm in base
acres for which direct payments or counter-
cyclical payments, or average crop revenue
election payments are based, shall result in the termination of the
direct payments, counter-cyclical payments, or
average crop revenue election payments to
the extent the payments are made or
based on the base acres, unless the transforee
or owner of the acreage agrees to assume all
obligations under subsection (a).
(B) EXCEPTION.—If a producer entitled to a
direct payment, counter-cyclical payment,
or average crop revenue election payments dies, becomes incompetent, or is otherwise
unable to receive the payment, the Secretary
shall make the payment, in accordance with
rules issued by the Secretary.
(c) REPORTS.—(1) ACREAGE REPORTS.—As a condition on
the receipt of any benefits under this sub-
title or subtitle B, the Secretary shall re-
quire the producers on a farm to submit to the
Secretary annual acreage reports with re-
spect to all cropland on the farm.
(2) PRODUCTION REPORTS.—As a condition on the receipt of any benefits under this sub-
title or subtitle B, the Secretary shall re-
quire producers on a farm that receive pay-
ments under section 1105 to submit to the
Secretary annual production reports with re-
spect to all covered commodities and pea-
nuts produced on the farm.
(3) PENALTIES.—No penalty with respect to benefits under this subtitle or subtitle B shall be assessed against the producers on a farm for an inaccurate acreage or production report unless the producers on the farm knowingly and willfully falsified the acreage or production report.
(d) TENANTS AND SHARECROPPERS.—In car-
ying out this subtitle, the Secretary shall provide adequate safeguards to protect the
interests of tenants and sharecrops.
(e) SHARING OF PAYMENTS.—The Secretary shall provide for the sharing of direct pay-
ments, counter-cyclical payments, or aver-
age crop revenue election payments among
the producers on a farm on a fair and equi-
table basis.
SEC. 1107. PLANTING FLEXIBILITY.
(a) PERMITTED CROPS.—Subject to sub-
section (b), any commodity or crop may be
planted on base acres on a farm.
(b) LIMITATIONS REGARDING CERTAIN COM-
MODITIES.—
(1) GENERAL LIMITATION.—The planting of an agricultural commodity specified in para-
graph (3) shall be prohibited on base acres unless the commodity, if planted, is de-
stroyed before harvest.
(2) TREATMENT OF TREES AND OTHER PEREN-
NIAL PLANTS.—The planting of an agricultural
commodity specified in paragraph (3) that is
produced on a tree or other perennial plant
shall be prohibited on base acres.
(3) COVERAGE OF SPECIFIC COMMODITIES.—
Parasag (1) and (2) apply to the following
agricultural commodities:
(A) Fruits.
(B) Vegetables (other than mung beans and
crop pulses).
(C) Wild rice.
(e) EXCEPTIONS.—Paragraphs (1) and (2) of subsection (b) shall not limit the planting of an
agricultural commodity specified in para-
graph (3) of that subsection:
(1) in any region in which there is a history of
double-cropping of covered commodities
with agricultural commodities specified in
subsection (b)(3), as determined by the Sec-
retary, in which case the double-cropping
shall be permitted;
(2) on a farm that the Secretary deter-
mines has an established history of produ-
ing such agricultural commodity or
(3) by the producers on a farm that the
Secretary determines has an established
history of planting and production of a
covered commodity.
(4) TEMPORARY REDUCTION IN BASE ACRES.—
The base acres on a farm for a crop year
shall be reduced by an acre for each acre
planted under the pilot program.
(b) PILOT IMPACT EVALUATION.—
(1) IN GENERAL.—If the Secretary recal-
culates base acres for a farm while the farm is
included in the pilot project, the planting
and production of a commodity specified in
paragraph (1) on base acres for which a temporary reduction was made
under this section shall be considered to be
the planting and production of a
covered commodity.
(2) PROHIBITION.—Nothing in this para-
graph provides authority for the Secretary to recalibrate base acres for a farm.
(c) MONITORING.—As soon as practicable after
carrying out an evaluation under this para-
graph, the Secretary shall report to the
Committee on Agriculture of the House of
Representatives and the Committee on Agri-
culture, Nutrition, and Forestry of the Sen-
ate a report that describes the results of the
evaluation.
SEC. 1108. SPECIAL RULE FOR LONG GRAIN AND
MEDIUM GRAIN RICE.
(a) CALCULATION METHOD.—Subject to sub-
sections (b) and (c), for the purposes of deter-
mining the amount of the counter-cyclical
payments to be paid to the producers on a
farm for long grain rice and medium grain
rice under section 1108, the base acres of rice
on the farm shall be apportioned using the 4-
year average of the percentages of acreage
planted in the applicable State to long grain
rice and medium grain rice during the 2003
through 2006 crop years, as determined by
the Secretary.
(b) PRODUCER ELIGIBILITY.—As an alterna-
tive to the calculation method described in
section (a), the Secretary shall provide pro-
ducers on a farm the opportunity to elect to
apportion rice base acres on the farm using the 4-year average of—
(1) the percentages of acreage planted on
the farm to long grain rice and medium grain
rice during the 2003 through 2006 crop
years;
(2) the percentages of any acreage on the
farm that the producers were prevented from
planting to long grain or medium grain
rice during the 2003 through 2006 crop years
because of drought, flood, other natural dis-
aster, or other condition beyond the control
of the producers, as determined by the Sec-
retary; and
(3) in the case of a crop year for which a
producer on a farm elected not to plant to
long grain and medium grain rice during the
2003 through 2006 crop years, the percentages of acreage planted in the applicable State to
long grain and medium grain rice, as
determined by the Secretary.
(c) LIMITATION.—In carrying out this sec-
section, the Secretary shall use the same total
base acres, payment acres, and payment
yields established with respect to rice under
sections 1101 and 1102 of the Farm Security
Programs.
and Rural Investment Act of 2002 (7 U.S.C. 7911, 7912), as in effect on September 30, 2007, subject to any adjustment under section 1101 of this Act.

SEC. 1201. PERIOD OF EFFECTIVENESS.

This subtitle shall be effective beginning with the 2008 crop year of each covered commodity through the 2012 crop year.

Subtitle B—Marketing Assistance Loans and Loan Deficiency Payments

SEC. 1201. AVAILABILITY OF NONRECOURSE MARKETING ASSISTANCE LOANS FOR LOAN COMMODITIES.

(a) NONRECOURSE LOANS AVAILABLE.—

(1) AVAILABILITY.—For each of the 2008 through 2012 crops of each loan commodity, the Secretary shall make available to producers on a farm nonrecourse marketing assistance loans for loan commodities produced on the farm.

(2) TERMS AND CONDITIONS.—The marketing assistance loans shall be made under terms and conditions that are prescribed by the Secretary and at the loan rate established for the loan commodity under this section 1201 for a loan commodity, a marketing assistance loan under section 1201 for a loan commodity shall be equal to the following:

(1) In the case of wheat, $2.75 per bushel.

(2) In the case of corn, $1.95 per bushel.

(3) In the case of grain sorghum, $1.95 per bushel.

(4) In the case of barley, $1.85 per bushel.

(5) In the case of oats, $1.33 per bushel.

(6) In the case of base quality of upland cotton, $0.52 per pound.

(7) In the case of extra long staple cotton, $0.7797 per pound.

(8) In the case of long grain rice, $5.50 per hundredweight.

(9) In the case of medium grain rice, $6.50 per hundredweight.

(10) In the case of soybeans, $5.00 per bushel.

(11) In the case of other oilseeds, $0.30 per hundredweight for each of the following kinds of oilseeds:

(A) Sunflower seed.

(B) Rapeseed.

(C) Canola.

(D) Safflower.

(E) Flaxseed.

(F) Mustard seed.

(G) Crambe.

(H) Sesame seed.

(I) Other oilseeds designated by the Secretary.

(12) In the case of dry peas, $0.40 per hundredweight.

SEC. 1202. LOAN RATES FOR NONRECOURSE MARKETING ASSISTANCE LOANS.

(a) 2008 CROP YEAR.—For purposes of the 2008 crop year, the loan rate for a marketing assistance loan under section 1201 for a loan commodity shall be equal to the following:

(1) In the case of wheat, $2.75 per bushel.

(2) In the case of corn, $1.95 per bushel.

(3) In the case of grain sorghum, $1.95 per bushel.

(4) In the case of barley, $1.85 per bushel.

(5) In the case of oats, $1.33 per bushel.

(6) In the case of base quality of upland cotton, $0.52 per pound.

(7) In the case of extra long staple cotton, $0.7797 per pound.

(b) EXTENSIONS PROHIBITED.—The Secretary may not extend the term of a marketing assistance loan for any loan commodity for more than 1 year.

SEC. 1203. TERM OF LOANS.

(a) GENERAL RULE.—The loan rate for a marketing assistance loan under section 1201 for a loan commodity, a marketing assistance loan under section 1201 for a loan commodity shall be at the loan rate established for the loan commodity under section 1202, plus interest (determined in accordance with section 163 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7283)) and applicable wetland protection requirements under subsection (c) of this section.

(b) E XTENSIONS PROHIBITED.—The Secretary may not extend the term of a marketing assistance loan for any loan commodity for more than 1 year.

SEC. 1204. REPAYMENT RATES.

(a) 2008 CROP YEAR.—For purposes of the 2008 crop year, the loan rate for a marketing assistance loan under section 1201 for a loan commodity shall be equal to the following:

(1) The lesser of—

(A) a rate (as determined by the Secretary) that—

(i) is $0.7977 per pound.

(B) minimizes discrepancies in marketing loan benefits across county boundaries; or

(ii) is $0.69 per pound.

(C) minimizes discrepancies in marketing loan benefits across State boundaries and among county boundaries.

(b) REPAYMENT RATES FOR UPLAND COTTON, LONG GRAIN RICE, AND MEDIUM GRAIN RICE.—The Secretary shall permit producers to repay a marketing assistance loan under section 1201 for a loan commodity (other than upland cotton, long grain rice, medium grain rice, extra long staple cotton, and confectionery (other kind of sunflower seed)) at a rate that is the lesser of—

(1) the rate established for the commodity under section 1202, plus interest determined in accordance with section 163 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7283); or

(2) a rate (as determined by the Secretary) that—

(A) is calculated based on average market prices for the loan commodity during the preceding 90-day period; and

(B) will minimize discrepancies in marketing loan benefits across State boundaries and across county boundaries; or

(c) REPAYMENT RATES FOR OILSEEDS.—For purposes of the 2008 crop year, the loan rate for a marketing assistance loan under section 1201 for a loan commodity shall be equal to the following:

(1) In the case of other oilseeds, $0.30 per hundredweight for each of the following kinds of oilseeds:

(A) Sunflower seed.

(B) Rapeseed.

(C) Canola.

(D) Safflower.

(E) Flaxseed.

(F) Mustard seed.

(G) Crambe.

(H) Sesame seed.

(I) Other oilseeds designated by the Secretary.

(2) For purposes of section 1203(c), the Secretary shall determine the repayment rate for a loan commodity that—

(A) minimizes loan forfeitures;

(B) minimizes the accumulation of stocks of the commodity by the Federal Government; or

(C) minimizes the cost incurred by the Federal Government in storing the commodity;

(D) allows the commodity produced in the United States to be marketed freely and competitively, both domestically and internationally; and

(E) minimizes discrepancies in marketing loan benefits across State boundaries and across county boundaries.
the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7283)).

(d) PREVAILING WORLD MARKET PRICE.—For purposes of this section and section 1207, the Secretary may:

(1) a formula to determine the prevailing world market price for each of upland cotton, long grain rice, and medium grain rice; and

(2) a mechanism by which the Secretary shall announce periodically those prevailing world market prices.

(e) PAYMENT RATE.—

(1) ADJUSTMENT.—The Secretary may adjust the payment rate in effect under section 1205 for a loan commodity or commodity referred to in subsection (a) in the manner, and at the same rates as the Secretary provided storage payments for the 2006 crop of cotton, except that the rates shall be reduced by 10 percent.

(2) AUTHORITY TO TEMPORARILY ADJUST PAYMENT RATES.—

(a) IN GENERAL.—In the event of a severe disruption to marketing, transportation, or related infrastructure, the Secretary may adjust the payment rate otherwise applicable under this section if the producer enters into an agreement with the Secretary to forgo any other harvesting of the wheat, barley, or oats on that acreage.

(b) PAYMENT AMOUNT.—

(i) In general.—The payment amount shall be equal to the amount determined by multiplying—

(A) the loan deficiency payment rate determined under section 1205(c) in effect, as of the date of the agreement, for the county in which the farm is located; by

(B) the payment quantity determined by multiplying—

(ii) the quantity of the grazed acreage on the farm with respect to which the producer elects to forgo harvesting of wheat, barley, or oats; and

(ii) the payment yield in effect for the calculation of direct payments under subtitle A with respect to that loan commodity on the farm or, in the case of a farm without a payment yield for that loan commodity, an appropriate yield established by the Secretary in a manner consistent with section 1102 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7912).

(c) TIME, MANNER, AND AVAILABILITY OF PAYMENT.—

(i) Time and manner.—A payment under this section shall be made not later than May 1. In the case of a farm without a payment yield for wheat, an appropriate yield established by the Secretary in a manner consistent with section 1102 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7912).

(ii) The payment yield in effect for the calculation of direct payments under subtitle A with respect to wheat on the farm or, in the case of a farm without a payment yield for wheat, an appropriate yield established by the Secretary in a manner consistent with section 1102 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7912).

(d) AUTHORITY TO TEMPORARILY ADJUST PAYMENT RATES.—

(a) IN GENERAL.—Effective for the 2008 through 2012 crop years, in the case of a producer that uses acreage planted to triticale for the grazing of livestock, the Secretary shall make a payment to the producer under this section if the producer enters into an agreement with the Secretary to forgo the harvesting of triticale on that acreage.

(b) PAYMENT AMOUNT.—

(i) In general.—The payment amount shall be equal to the amount determined by multiplying—

(A) the loan deficiency payment rate determined under section 1205(c) in effect, as of the date of the agreement, for the county in which the farm is located; by

(B) the payment quantity determined by multiplying—

(ii) the quantity of the grazed acreage on the farm with respect to which the producer elects to forgo harvesting of wheat, barley, or oats; and

(ii) the payment yield in effect for the calculation of direct payments under subtitle A with respect to that loan commodity on the farm or, in the case of a farm without a payment yield for that loan commodity, an appropriate yield established by the Secretary in a manner consistent with section 1102 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7912).

(c) TIME, MANNER, AND AVAILABILITY OF PAYMENT.—

(i) Time and manner.—A payment under this section shall be made not later than May 1.

(d) AUTHORITY TO TEMPORARILY ADJUST PAYMENT RATES.—

(a) IN GENERAL.—Effective for the 2008 through 2012 crop years, in the case of a producer that uses acreage planted to triticale for the grazing of livestock, the Secretary shall make a payment to the producer under this section if the producer enters into an agreement with the Secretary to forgo the harvesting of triticale on that acreage.

(b) PAYMENT AMOUNT.—

(i) In general.—The payment amount shall be equal to the amount determined by multiplying—

(A) the loan deficiency payment rate determined under section 1205(c) in effect, as of the date of the agreement, for the county in which the farm is located; by

(B) the payment quantity determined by multiplying—

(ii) the quantity of the grazed acreage on the farm with respect to which the producer elects to forgo harvesting of wheat, barley, or oats; and

(ii) the payment yield in effect for the calculation of direct payments under subtitle A with respect to that loan commodity on the farm or, in the case of a farm without a payment yield for that loan commodity, an appropriate yield established by the Secretary in a manner consistent with section 1102 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7912).

(d) AUTHORITY TO TEMPORARILY ADJUST PAYMENT RATES.—

(a) IN GENERAL.—Effective for the 2008 through 2012 crop years, in the case of a producer that uses acreage planted to triticale for the grazing of livestock, the Secretary shall make a payment to the producer under this section if the producer enters into an agreement with the Secretary to forgo the harvesting of triticale on that acreage.

(b) PAYMENT AMOUNT.—

(i) In general.—The payment amount shall be equal to the amount determined by multiplying—

(A) the loan deficiency payment rate determined under section 1205(c) in effect, as of the date of the agreement, for the county in which the farm is located; by

(B) the payment quantity determined by multiplying—

(ii) the quantity of the grazed acreage on the farm with respect to which the producer elects to forgo harvesting of wheat, barley, or oats; and

(ii) the payment yield in effect for the calculation of direct payments under subtitle A with respect to that loan commodity on the farm or, in the case of a farm without a payment yield for that loan commodity, an appropriate yield established by the Secretary in a manner consistent with section 1102 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7912).

(c) TIME, MANNER, AND AVAILABILITY OF PAYMENT.—

(i) Time and manner.—A payment under this section shall be made not later than May 1. In the case of a farm without a payment yield for wheat, an appropriate yield established by the Secretary in a manner consistent with section 1102 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7912).

(d) AUTHORITY TO TEMPORARILY ADJUST PAYMENT RATES.—

(a) IN GENERAL.—Effective for the 2008 through 2012 crop years, in the case of a producer that uses acreage planted to triticale for the grazing of livestock, the Secretary shall make a payment to the producer under this section if the producer enters into an agreement with the Secretary to forgo the harvesting of triticale on that acreage.

(b) PAYMENT AMOUNT.—

(i) In general.—The payment amount shall be equal to the amount determined by multiplying—

(A) the loan deficiency payment rate determined under section 1205(c) in effect, as of the date of the agreement, for the county in which the farm is located; by

(B) the payment quantity determined by multiplying—

(ii) the quantity of the grazed acreage on the farm with respect to which the producer elects to forgo harvesting of wheat, barley, or oats; and

(ii) the payment yield in effect for the calculation of direct payments under subtitle A with respect to that loan commodity on the farm or, in the case of a farm without a payment yield for that loan commodity, an appropriate yield established by the Secretary in a manner consistent with section 1102 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7912).

(d) AUTHORITY TO TEMPORARILY ADJUST PAYMENT RATES.—

(a) IN GENERAL.—Effective for the 2008 through 2012 crop years, in the case of a producer that uses acreage planted to triticale for the grazing of livestock, the Secretary shall make a payment to the producer under this section if the producer enters into an agreement with the Secretary to forgo the harvesting of triticale on that acreage.
SEC. 1207. SPECIAL MARKETING LOAN PROVISIONS FOR UPLAND COTTON.

(a) Special Import Quota.

In this subsection, the term ‘special import quota’ means a quantity of imports that is not subject to the over-quota tariff rate of a tariff-rate quota.

(b) Establishment.

(A) In general.—The President shall carry out a marketing program during the period beginning on the date of enactment of this Act through July 31, 2013, as provided in this subsection.

(B) Certain Commodities.—Whenever the Secretary determines and announces that for any consecutive 4-week period, the Friday through Thursday average price quotation for the lowest-priced United States growth, as quoted for Middling (M) 1%–inch cotton, delivered to a definable and significant international market, as determined by the Secretary, exceeds the prevailing world market price, there shall immediately be in effect a special import quota.

(c) Quantity.

The quota shall be equal to 1 week’s consumption of cotton by domestic mills at the seasonally adjusted average rate of the most recent 3 months for which data are available.

(d) Application.

The quota shall apply to upland cotton purchased not later than 90 days after the date of the Secretary’s announcement of the quota (Subsection 2) and imported into the United States not later than 180 days after that date.

(e) Overlap.

A special quota period may be established that overlaps any existing quota period if required by paragraph (2), except that a special quota period may not be established under this subsection if a quota period has been established under subsection (b).

(f) Preferential Tariff Treatment.

The quantity under a special import quota shall be considered to be an in-quota quantity for purposes of—

(A) section 231(d) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2373(d));

(B) section 201 of the Andean Trade Preference Act (19 U.S.C. 2201);

(C) section 501(d) of the Trade Act of 1974 (19 U.S.C. 2271(d));

(D) General Note 3(a)(IV) to the Harmonized Tariff Schedule.

(g) Limitation.

The quantity of cotton entered into the United States during any marketing year under the special import quota established under this subsection may not exceed the equivalent of 10 weeks’ consumption by domestic mills, (adjusted to United States quality and location) and the seasonally adjusted average rate of the 3 months immediately preceding the first special import quota established in any marketing year.

(h) Limited Global Import Quota for Upland Cotton.

(1) Definitions.—In this subsection:

(A) Supply.—The term ‘supply’ means, using the latest official data of the Bureau of the Census, the Department of Agriculture, and the Secretary of the Treasury—

(i) the carry-over of upland cotton at the beginning of the marketing year (adjusted to 480-pound bales) in which the quota is established;

(ii) the production of the current crop; and

(iii) imports to the latest date available during the marketing year.

(B) Demand.—The term ‘demand’ means—

(i) the average seasonally adjusted annual rate of domestic mill consumption of cotton during the previous 3 months for which data are available; and

(ii) the larger of—

(I) average exports of upland cotton during the preceding 6 marketing years; or

(II) cumulative exports of upland cotton plus outstanding export sales for the marketing year in which the quota is established.

(C) Limited Global Import Quota.—The term ‘limited global import quota’ means a quantity of imports that is not subject to the over-quota tariff rate of a tariff-rate quota.

(2) Program.

(A) In general.—The President shall carry out an import quota program that provides that whenever the Secretary determines and announces that the price of the base quality of upland cotton, as determined by the Secretary, in the designated spot markets for a month, exceeds a percentage of the average price of the quality of cotton in the markets for the preceding 36 months, notwithstanding any other provision of law, there shall immediately be in effect a limited global import quota subject to the following conditions:

(A) Quantity.—The quantity of the quota shall be equal to 1 week’s consumption of cotton by domestic mills at the seasonally adjusted average rate of the most recent 3 months for which data are available or as estimated by the Secretary.

(B) Quantity if Prior Quota.—If a quota has been established under this subsection during the preceding 12 months, the quantity of the quota previously established under this subsection shall be the smaller of 21 days of domestic mill consumption calculated under subparagraph (A) or the quantity required to increase the supply to 130 percent of the demand.

(C) Preferential Tariff Treatment.—The quantity under a limited global import quota shall be considered to be an in-quota quantity for purposes of—

(i) section 231(d) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2373(d));

(ii) section 201 of the Andean Trade Preference Act (19 U.S.C. 2201); and

(iii) imports to the latest date available under subparagraph (A) or the quantity required to increase the supply to 130 percent of the demand.

(D) Quota Entry Period.—When a quota is established under this subsection, cotton may be entered under such quota during the 90-day period beginning on the date the quota is established by the Secretary.

(3) No Overlap.—Notwithstanding paragraph (2), a quota period may not be established that overlaps an existing quota period or a special quota period established under subsection (a).

(C) Economic Adjustment Assistance to Users of Upland Cotton.

(1) In general.—Subject to paragraph (2), the Secretary shall, on a monthly basis, provide economic adjustment assistance to domestic users of upland cotton in the form of payments for all documented use of that upland cotton during the calendar month preceding the 90-day period regardless of the origin of the upland cotton.

(2) Value of assistance.—

(A) Beginning period.—During the period beginning on August 1, 2008, and ending on July 31, 2012, the value of the assistance provided under paragraph (1) shall be 4 cents per pound.

(B) Subsequent period.—Effective beginning on August 1, 2012, the value of the assistance provided under paragraph (1) shall be 3 cents per pound.

(3) Allowable purposes.—Economic adjustment assistance under this subsection shall be made available only to the domestic users of upland cotton that certify that the assistance shall be used only to acquire, construct, install, modernize, develop, convert, expand land, plant, buildings, equipment, facilities, or machinery.

(4) Review or Audit.—The Secretary may conduct such review or audit of the records of a domestic user under this subsection as the Secretary determines necessary to carry out this subsection.

(5) Improper use of assistance.—If the Secretary determines, after a review or audit of the records of the domestic user, that economic adjustment assistance under this subsection was not used for the purposes specified in paragraph (3), the domestic user shall—

(A) liable to repay the assistance to the Secretary, plus interest, as determined by the Secretary; and

(B) ineligible to receive assistance under this subsection for a period of 1 year following the determination of the Secretary.

SEC. 1208. SPECIAL COMPETITIVE PROVISIONS FOR EXTRA LONG STAPLE COTTON.

(a) Competitive Program.—Notwithstanding any other provision of law, during the period beginning on the date of enactment of this Act through July 31, 2013, the Secretary shall carry out a program to maintain and encourage the domestic use of extra long staple cotton produced in the United States;

(1) to increase exports of extra long staple cotton produced in the United States; and

(2) to ensure that extra long staple cotton produced in the United States remains competitive in world markets.

(b) Payments Under Program; Trigger.—Under this program, the Secretary shall make payments available under this section whenever—

(1) for a consecutive 4-week period, the prevailing market price for the lowest priced competing growth of extra long staple cotton (adjusted to United States quality and location) and for other factors affecting the competitiveness of such cotton, as determined by the Secretary, is below the prevailing United States market price for a competing growth of extra long staple cotton; and

(2) the lowest priced competing growth of extra long staple cotton (adjusted to United States quality and location) and for other factors affecting the competitiveness of such cotton, is less than 134 percent of the loan rate for extra long staple cotton.

(c) Eligible Recipients.—The Secretary shall make payments available under this section to domestic users of extra long staple cotton produced in the United States and exporters of extra long staple cotton produced in the United States that enter into an agreement with the Commodity Credit Corporation to participate in the program under this section.

(d) Payment Amount.—Payments under this section shall be based on the difference in the prices received by the domestic users of extra long staple cotton, as determined by the Secretary, during the fourth week of the consecutive 4-week period multiplied by...
the amount of documented purchases by domestic users and sales for export by exporting
makers in the week following such a consecu-
tive 4-week period.

SEC. 1209. AUTOICIAL ARRANGEMENTS OF RECOUACE LOANS FOR HIGH MOISTURE FEED GRAINS AND SEED COTTON.

(a) HIGH MOISTURE FEED GRAINS.—

(1) DEFINITION OF HIGH MOISTURE STATE.—In this subsection, the term ‘‘high moisture state’’ means corn or grain sorghum having a moisture content in excess of Commodity Credit Corporation standards for marketing assistance loans made by the Secretary under section 1302.

(2) RECOUACE LOANS AVAILABLE.—For each of the 2008 through 2012 crops of corn and grain sorghum, the Secretary shall make available recourse loans, as determined by the Secretary, to producers on a farm that—

(A) normally harvest all or a portion of their crop of corn or grain sorghum in a high moisture state;

(B) possess—

(i) certified scale tickets from an inspected, certified commercial scale, including a licensed warehouse, feedlot, feed mill, distillery, or another entity approved by the Secretary, pursuant to regulations issued by the Secretary; or

(ii) field or other physical measurements of the standing or stored crop in regions of the United States, as determined by the Secretary, that do not have certified commercial scales from which certified scale tickets may be obtained within reasonable proximity of harvest operation;

(C) certify that they were the owners of the feed grain at the time of delivery to, and that the feed grain to be placed under loan under this subsection was in fact harvested on the farm and delivered to, a feedlot, feed mill, commercial or on-farm high-moisture storage facility, a distillery, or other similar entity approved by the Secretary, pursuant to regulations issued by the Secretary;

(D) comply with deadlines established by the Secretary for harvesting the corn or grain sorghum and submit applications for loans under this subsection within deadlines established by the Secretary.

(3) ELIGIBILITY OF ACQUIRED FEED GRAINS.—A loan under this subsection shall be made on a quantity of corn or grain sorghum of the same crop acquired by the producer equivalent to a quantity determined by multiplying—

(A) the acreage of the corn or grain sorghum in a high moisture state harvested on the producer’s farm;

(B) the lower of the farm program payment yield used to make counter-cyclical payments under subtitle A or the actual yield on a field, as determined by the Secretary, that is similar to the field from which the corn or grain sorghum was obtained.

(b) RECOUACE LOANS AVAILABLE FOR SEED COTTON.—For each of the 2008 through 2012 crops of upland cotton and extra long staple cotton, the Secretary shall make available recourse loans, as determined by the Secretary, on any production.

(c) REPAYMENT RATES.—Repayment of a recourse loan made under this section shall be at the rate established for the commodity by the Secretary, plus interest determined in accordance with section 1303.

(d) PAYMENTS.—Adjustments under subsection (a) shall, to the maximum extent practicable, be made in such a manner that the average loan level for the commodity will, on the basis of the anticipated incidence of the factors, be equal to the level of support determined in accordance with this subtitle and subtitles B through E.

(e) PAYMENTS.—The Secretary shall not make adjustments in the loan rates for low-quality rice and medium grain rice, except for differences in grade and quality (including millibility).

Subtitle C—Peanuts

SEC. 1301. DEFINITIONS.

In this subtitle:

(1) BASE ACRES FOR PEANUTS.—

(A) IN GENERAL.—The term ‘‘base acres for peanuts’’ means the number of acres assigned to a farm pursuant to section 1302 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7852), as in effect on September 30, 2007, subject to any adjustment under section 1302 of this Act.

(B) COVERED COMMODITIES.—The term ‘‘base acres’’, with respect to a covered commodity, has the meaning given in section 1101.

(2) COUNTER-CYCLICAL PAYMENT.—The term ‘‘counter-cyclical payment’’ means a payment made to producers on a farm under section 1304.

(3) DIRECT PAYMENT.—The term ‘‘direct payment’’ means a direct payment made to producers on a farm under section 1302 of this Act.

(4) EFFECTIVE PRICE.—The term ‘‘effective price’’ means the price calculated by the Secretary under section 1304 for peanuts to determine whether counter-cyclical payments are required to be made under that section for a crop year.

(5) PAYMENT ACRES.—The term ‘‘payment acres’’, means the area of peanuts on a farm on which direct payments or counter-cyclical payments are made.

(6) PAYMENT YIELD.—The term ‘‘payment yield’’ means the yield established for direct payments and the yield established for counter-cyclical payments under section 1302 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7852), as in effect on September 30, 2007, for a farm on peanuts.

(7) PRODUCER.—

(A) IN GENERAL.—The term ‘‘producer’’ means the owner, operator, landlord, tenant, or sharecropper that shares in the risk of producing a crop on a farm and is entitled to share in the crop available for marketing from the farm, or would have shared had the crop been produced.

(B) HYBRID SEED.—In determining whether a grower of hybrid seed is a producer, the Secretary shall—

(i) not take into consideration the existence of a hybrid seed contract; and

(ii) ensure that program requirements do not adversely affect the ability of the grower to receive a payment under this subtitle.

(8) STATE.—The term ‘‘State’’ means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

(9) TARGET PRICE.—The term ‘‘target price’’ means the price per ton of peanuts used to determine the payment rate for counter-cyclical payments.

SEC. 1302. BASE ACRES FOR PEANUTS FOR A TERTORY OR POSSESSION

(a) ADJUSTMENT OF BASE ACREAGE FOR PEANUTS.—

(1) BASE ACRES FOR PEANUTS.—
(1) **In general.**—The Secretary shall pro-
vide for an adjustment, as appropriate, in the base acres for peanuts for a farm when-
ever any of the following circumstances occur:

(A) A conservation reserve contract en-
tered into under section 1231 of the Food Se-
curity Act of 1985 (16 U.S.C. 3861) with re-
spect to the farm expires or is voluntarily tes-
terminated, or was terminated or expired
during the period beginning on October 1, 2007, and ending on the date of enactment of this Act.

(B) Cropland is released from coverage under a conservation reserve contract by the Secretary, or was released during the period beginning on October 1, 2007, and ending on the date of enactment of this Act.

(C) The producer has eligible pulse crop acreage, which shall be determined in the same manner as eligible oilseed acreage under section 1101(a)(2) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7911(a)(2)).

(D) The producer has eligible oilseed acreage as the result of the Secretary design-
ating additional oilseeds, which shall be de-
termined in the same manner as eligible oil-
seed acreage under section 1101(a)(2) of the
Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7911(a)(2)).

2. **COOPERATIVE CONSERVATION RESERVE AC-
CREASE PAYMENT RULES.**—For the crop year in which a base acres for peanuts adjustment under subparagraph (A) or (B) of paragraph (1) is first made, the owner of the farm shall be provided in paragraph (2) and notwith-
sanding any other provision of this title, the Secretary shall submit to Con-
gress a report that describes the results of the actions taken under paragraph (2).

(B) **REQUIRED ACTION BY SECRETARY.**—The Secretary shall est-
ablish procedures to identify land described in subparagraph (A).

(3) **Review and report.**—Each year, to en-
sure the accuracy and the integrity of the ac-
treates, the Secretary shall submit to Con-
gress a report that describes the results of the actions taken under paragraph (2).

2. **TREATMENT OF FARMS WITH LIMITED BASE ACRES.**—

(1) **Prohibition of payments.**—Except as provided in paragraph (2) and notwithstanding any other provision of this title, a producer on a farm may not receive direct payments, counter-cyclical payments, or aver-
aage crop revenue payments if the sum of the base acres of the farm is 10 acres or less, as determined by the Secretary.

2. **Selection.**—Subject to clauses (i) and (iii), the producers on a farm shall select the month during which the advance payment for a crop year will be made.

(B) **Selection.**—The month selected may be any month during the period—

(ii) 2008 crop year—If the producers on a farm elect to receive direct payments for any of the 2008 through 2012 crops of peanuts, the producer shall be responsible for repaying the Secretary the applicable amount of the advance payment, as determined by the Secretary.

**SEC. 1304. AVAILABILITY OF COUNTER-CYCLICAL PAYMENTS FOR PEANUTS.**

(A) **Payment required.**—Except as provided in section 1105, for each of the 2008 through 2012 crop years for peanuts, the Secretary shall make direct payments to the producers on a farm for which a payment yield and base acres for peanuts are established.

(B) **Payment rate.**—Except as provided in section 1105, the payment rate used to make direct payments with respect to peanuts for a crop year shall be equal to the product of the following:

(i) the target price specified in sub-
section (b);

(ii) the payment acres on the farm;

(iii) the payment yield for the farm.

2. **Effective price.**—For purposes of sub-
section (a), the effective price for peanuts is equal to the sum of the following:

(i) the higher of the following:

(A) the national average market price for peanuts received by producers during the 12-
month marketing year for peanuts, as deter-
mined by the Secretary.

(B) the national average loan rate for a market-
ing assistance loan for peanuts in effect for the applicable period under this sub-
section.

(ii) the payment rate per ton for peanuts under section 1303 for the purpose of making direct payments.

(C) **Target price.**—For purposes of sub-
section (a), the target price for peanuts shall be equal to $495 per ton.

(D) **Maximum price.**—The maximum price for peanuts for a crop year shall be equal to the difference between—

(i) the target price for peanuts; and

(ii) the effective price determined under sub-
section (b) for peanuts.

(E) **Payment amount.**—If a producer on a farm elect to receive direct payments for the 2008 through 2012 crops of peanuts, the amount of the counter-cyclical payment to
be paid to the producers on a farm for that crop year shall be equal to the product of the following:

1. The payment rate specified in subsection (b), or 
2. The payment rate on a crop revenue election basis

The Secretary shall make the counter-cyclical payments for the crop.

(ii) Amount of Partial Payments

(A) In General.—The Secretary shall make a partial payment to the producers under this subsection for a crop year if the Secretary determines that a counter-cyclical payment is being made for the crop.

(B) Effective Date.—The partial and counter-cyclical payments shall be made beginning October 1, or as soon as practicable thereafter, after the end of the applicable marketing year for that crop.

(iii) Date of Issuance.—The Secretary shall make a partial payment to the producers under this subsection for a crop year if the Secretary determines that a counter-cyclical payment is being made for the crop.

(iv) Termination.—The Secretary shall make a partial payment to the producers under this subsection for a crop year if the Secretary determines that a counter-cyclical payment is being made for the crop.

(v) Acreage Reports.—The Secretary shall make a partial payment to the producers under this subsection for a crop year if the Secretary determines that a counter-cyclical payment is being made for the crop.

(vi) Repayment.—The producers on a farm that receive a partial payment under this subsection for a crop year shall repay to the Secretary the amount of any counter-cyclical payments made to the producers under this subsection.

(vii) Monitoring.—The Secretary may monitor the production of any crop under this section to ensure that the requirements of this section are being met.

(viii) Acreage Reports.—The Secretary shall require producers to submit acreage reports for each crop year to verify the number of acres planted to each crop.

(ix) Penalties.—Whoever knowingly and willfully falsifies an acreage report under this section shall be fined not more than $100,000 or imprisoned for not more than 5 years, or both.

(x) Penalties.—Whoever knowingly and willfully makes or delivers a false report or statement to the Secretary under this section shall be fined not more than $100,000 or imprisoned for not more than 5 years, or both.

(xi) Penalties.—Whoever knowingly and willfully falsifies an acreage report under this section shall be fined not more than $100,000 or imprisoned for not more than 5 years, or both.

(xii) Penalties.—Whoever knowingly and willfully falsifies an acreage report under this section shall be fined not more than $100,000 or imprisoned for not more than 5 years, or both.

(xiii) Penalties.—Whoever knowingly and willfully falsifies an acreage report under this section shall be fined not more than $100,000 or imprisoned for not more than 5 years, or both.

(xiv) Penalties.—Whoever knowingly and willfully falsifies an acreage report under this section shall be fined not more than $100,000 or imprisoned for not more than 5 years, or both.

(xv) Penalties.—Whoever knowingly and willfully falsifies an acreage report under this section shall be fined not more than $100,000 or imprisoned for not more than 5 years, or both.

(xvi) Penalties.—Whoever knowingly and willfully falsifies an acreage report under this section shall be fined not more than $100,000 or imprisoned for not more than 5 years, or both.

(xvii) Penalties.—Whoever knowingly and willfully falsifies an acreage report under this section shall be fined not more than $100,000 or imprisoned for not more than 5 years, or both.

(xviii) Penalties.—Whoever knowingly and willfully falsifies an acreage report under this section shall be fined not more than $100,000 or imprisoned for not more than 5 years, or both.

(xix) Penalties.—Whoever knowingly and willfully falsifies an acreage report under this section shall be fined not more than $100,000 or imprisoned for not more than 5 years, or both.

(xx) Penalties.—Whoever knowingly and willfully falsifies an acreage report under this section shall be fined not more than $100,000 or imprisoned for not more than 5 years, or both.

(a) Nonrecourse Loans Available

(i) Availability.—For each of the 2008 through 2012 crop years, the Secretary may lend to producers a nonrecourse loan on a tree or other perennial crop on a farm nonrecourse marketing assistance loans for peanuts produced on the farm.

(ii) Terms and Conditions.—The loans shall be made under terms and conditions that are prescribed by the Secretary and at the loan rate established under subsection (b).

(iii) Eligible Production.—The producers on a farm shall be eligible for a marketing assistance loan under this subsection for any quantity of peanuts produced on the farm.

(iv) Options for Obtaining Loan.—A marketing assistance loan under this section, and loan deficiency payments under section 1306, may be obtained at the option of the producers on a farm through—

(A) a designated marketing association or marketing cooperative of producers that is approved by the Secretary; or

(B) the Farm Service Agency.

(v) Storage of Loan Peanuts.—As a condition on the Secretary's approval of an individual or entity to provide storage for peanuts for which a marketing assistance loan has been made under this section, the individual or entity shall agree—

(A) to provide such storage on a non-discriminatory basis; and

(B) to comply with any additional requirements as the Secretary considers appropriate to accomplish the purposes of this section
and promote fairness in the administration of the benefits of this section.

(6) Storage, handling, and associated costs.

(A) In General.—Beginning with the 2008 crop of peanuts, to ensure proper storage of peanuts for which a loan is made under this section, the Secretary shall pay handling and other associated costs (other than loan program costs) incurred at the time at which the peanuts are placed under loan, as determined by the Secretary.

(B) Extension and forfeitures.—The Secretary shall—

(i) require the repayment of handling and other associated costs paid under subparagraph (A) on peanuts for which a loan is made under this section to the extent that such peanuts are forfeited under this section;

(ii) pay storage, handling, and other associated costs for all peanuts pledged as collateral that are forfeited under this section.

(C) Marketing.—A marketing association or cooperative may market peanuts for which a loan is made under this section in any manner that conforms to consumer needs, including the separation of peanuts by type and quality.

(b) Loan Rate.—Except as provided in section 156 for peanuts, the loan rate for a marketing assistance loan for peanuts under subsection (a) shall be equal to $0.35 per pound.

(c) Term of Loan.—

(1) In General.—A marketing assistance loan for peanuts under subsection (a) shall have a term of 9 months beginning on the first day of the first month after the first day of the first month after which the loan is made.

(2) Extensions Prohibited.—The Secretary may not extend the term of a marketing assistance loan for peanuts under subsection (a).

(d) Repayment Rate.—

(1) In General.—The Secretary shall permit producers on a farm to repay a marketing assistance loan for peanuts under subsection (a) at a rate that is the lesser of—

(A) the loan rate established for peanuts under subsection (b); or

(B) a rate that the Secretary determines will—

(i) minimize potential loan forfeitures;

(ii) minimize the accumulation of stocks of peanuts by the Federal Government;

(iii) minimize the cost incurred by the Federal Government for transporting, storing, or related infrastructure, the Secretary may modify the repayment rate otherwise applicable under this subsection for marketing assistance loans for peanuts under subsection (a).

(B) Duration.—An adjustment made under subparagraph (A) in the repayment rate for marketing assistance loans for peanuts shall be in effect on a short-term and temporary basis, as determined by the Secretary.

(e) Loan Deficiency Payments.—

(1) Availability.—The Secretary may make loan deficiency payments available to producers on a farm that, although eligible to obtain a marketing assistance loan for peanuts under subsection (a), agree to forgo obtaining the loan for the peanuts in return for loan deficiency payments under this subsection.

(2) Computation.—A loan deficiency payment under this subsection shall be computed by multiplying—

(A) the payment rate determined under paragraph (4) by the quantity of the peanuts produced by the producers, excluding any quantity for which the producers obtain a marketing assistance loan under subsection (a); and

(B) the quantity of the peanuts produced by the producers, excluding any quantity for which the producers obtain a marketing assistance loan under subsection (a), by the average loan rate, if those loan rates do not otherwise differ.

(3) Payment Rate.—For purposes of this subsection, the payment rate shall be the amount by which—

(A) the loan rate established under subsection (b); or

(B) the rate at which a loan may be repaid under subsection (d), exceeds the average loan rate, if those loan rates do not otherwise differ.

(f) Compliance with Conservation and Wetlands Requirements.—As a condition of the receipt of a marketing assistance loan under subsection (a), the producer shall comply with applicable conservation requirements under subpart B of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.) and applicable wetland protection requirements under subpart C of title XII of that Act (16 U.S.C. 3821 et seq.) during the term of the loan.

(g) Reimbursable Agreements and Payment of Administrative Expenses.—The Secretary may implement any reimbursable agreements or provide for the payment of administrative expenses under this subtitle only in a manner that is consistent with such activities in regard to other commodities.

SEC. 1308. Adjustments of Loans.

(a) Adjustment Authority.—The Secretary may make appropriate adjustments in the loan rates for peanuts for peanuts in grade, type, quality, location, and other factors.

(b) Manner of Adjustment.—The adjustments under subsection (a) shall, to the maximum extent practicable, be made in such a manner that the average loan rate for peanuts will be in accordance with the anticipated incidence of the factors, be equal to the level of support determined in accordance with this subtitle and subparts B, D, and E.

(c) Administration.—

(1) In General.—Subject to paragraph (2), the Secretary may establish loan rates for a crop year in individual counties in a manner that results in the lowest loan rate being 95 percent of the national average loan rate, if those loan rates do not result in an increase in outlays.

(2) Prohibition.—Adjustments under this subsection shall not result in an increase in the national average loan rate for any year.

SEC. 1401. Sugar Program.

(a) In General.—Section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272) is amended to read as follows:

"SEC. 156. Sugar Program.

"(a) Sugar Cane.—The Secretary shall make loans available to processors of domestically grown sugar cane at a rate equal to—

"(1) 18.00 cents per pound for raw cane sugar for the 2008 crop year;

"(2) 18.25 cents per pound for raw cane sugar for the 2009 crop year;

"(3) 18.50 cents per pound for raw cane sugar for the 2010 crop year;

"(4) 18.75 cents per pound for raw cane sugar for the 2011 crop year;

"(5) 18.75 cents per pound for raw cane sugar for the 2012 crop year;

"(b) Sugar Beets.—The Secretary shall make loans available to processors of domestically grown sugar beets at a rate equal to—

"(1) 22.9 cents per pound for refined beet sugar for the 2008 crop year;

"(2) a rate that is equal to 128.5 percent of the loan rate per pound of raw cane sugar for the applicable crop year under subsection (a) for each of the 2009 through 2012 crop years.

"(c) Term of Loans.—

"(1) In General.—A loan under this section during the fiscal year shall be made available not earlier than the beginning of the fiscal year and shall mature at the earlier of—

"(A) the end of the 9-month period beginning on the first day of the first month after which the loan is made; or

"(B) the end of the fiscal year in which the loan is made.

"(2) Supplemental Loans.—In the case of a loan made under this section in the last 3 months of a fiscal year, the processor may repurchase the sugar as collateral for a second loan in the subsequent fiscal year, except that the second loan shall—

"(A) be made at the loan rate in effect at the time the first loan was made; and

"(B) mature in 9 months from the date of the first loan.

"(d) Loan Type; Processor Assurances.—

(1) Nonrecourse Loans.—The Secretary shall ensure that each loan is made to a sugar beet processor.

(2) Processor Assurances.—

"(1) IN GENERAL.—The Secretary shall obtain from each processor that receives a loan under this section such assurances as the Secretary considers adequate to ensure that the processor will provide payments to producers that are proportional to the value of the sugar received by the processor, for sugar beets and sugarcane delivered by producers to the processor.

"(B) Minimum Payments.—

"(i) In General.—Subject to clause (ii), the Secretary may establish minimum payments for purposes of this paragraph.

"(ii) Limitation.—In the case of sugar beets, the minimum payment established under clause (i) shall not exceed the rate of payment provided for under the applicable contract between a sugar beet processor and a sugar beet producer, or the equivalent.

"(3) Administration.—The Secretary may not impose or enforce any prenotification requirement, or similar administrative requirement not otherwise in effect on May 13, 1996, on the failure of a sugar beet processor to elect to forfeit the loan collateral (of an acceptable grade and quality) on the maturity of the loan.

"(4) Loans for In-Process Sugar.—

"(1) Definition of In-Process Sugars and Syrups.—In this subsection, the term in-process sugars and syrups includes raw sugar, liquid sugar, invert sugar, invert syrup, or other finished product that is otherwise eligible for a loan under subsection (a) or (b).

"(2) Availability.—The Secretary shall make nonrecourse loans available to processors of a crop of domestically grown sugar cane and sugar beets for in-process sugars and syrups derived from the crop.

"(3) Loan Rate.—The loan rate shall be equal to 80 percent of the loan rate applicable to raw cane sugar or refined beet sugar, as determined by the Secretary on the basis of the source material for the in-process sugars and syrups.

"(4) Further Processing on Forfeiture.—

"(A) In General.—As a condition of the forfeiture of in-process sugars and syrups serving as collateral for a loan under paragraph (1), the processor may carry on such reasonable time period as the Secretary may prescribe and at no cost to the Commodity Board.
Credit Corporation, convert the in-process sugars and syrups into raw cane sugar or re-
fining beet sugar of acceptable grade and quality for sugarcane eligible for loans under sub-
section (a) or (b) for the raw cane sugar or re-
fining beet sugar, as appropriate.

(3) LOAN CONVERSION.—If the processor
beets, and sugar, and production, importa-
17 of the Harmonized Tariff Schedule of the

(1) EFFECTIVE PERIOD.—This section shall
provide for reasonable carryover stocks;

(2) BUREAUCRACY FEEDSTOCK.—If a reduc-
and distribution, and stock lev-

(2) by inserting before paragraph (2) (as so

(4) DUTY OF IMPORTERS TO REPORT.—

(1) IN GENERAL.—Except as provided in

(2) by inserting after paragraph (2) (as so

(i) the difference between

(ii) the loan rate the processor received
under paragraph (3); by

(iii) the forfeited sugar beets in an amount
equal to the amount obtained by multiplying—

(i) the amount obtained by multiplying

The term ‘human consumption’, when used in the con-
text of a reference to sugar (whether in the form of refined sugar, in-process, molasses, or in some other form) for human consumption, includes sugar for use in human food, beverages, or similar prod-

SEC. 359b. FLEXIBLE MARKETING ALLOTMENTS FOR SUGAR.—Section 359b of the Agricultural Ad-
justment Act of 1938 (7 U.S.C. 1559b) is amended to read as follows:

SEC. 359b. FLEXIBLE MARKETING ALLOTMENTS FOR SUGAR.

(a) SUGAR ESTIMATES.—

(1) IN GENERAL.—Not later than August 1 before the beginning of each of the 2008 through 2012 crop years for sugarcane sugar beets, the Secretary shall esti-

(2) TRANSITION.—The estimates under this
section shall be effective only for the 2008 through 2012 crop years of sugar beets and sugarcane."

(2) by inserting after paragraph (2) (as so

(2) by inserting before paragraph (2) (as so

(2) by inserting before paragraph (2) (as so

The estimates under this section shall not apply to sugar imported for the production of polyhydric alcohol or to any sugar refined and reexported in re-

(2) EXCLUSION.—The estimates under this subsection shall not apply to sugar imported for the production of polyhydric alcohol or to any sugar refined and reexported in refined form or in products containing sugar.

(3) REESTIMATES.—The Secretary shall make reestimates of sugar consumption, stocks, production, and imports for a crop year as necessary, but not later than the be-

(1) ESTABLISHMENT.—By the beginning of each crop year, the Secretary shall establish for that crop year appropriate allotments for the Secretary to require each producer of sugarcane located in a State (other than the Commonwealth of Puerto Rico) in which there are in excess of 250 producers of sugarcane to report, in the manner prescribed by the Secretary, the sug-
carcane yields and acres planted to sugarcane of the producer and data on the in-process sugar made with respect to sugar beets, and the in-process sugars and syrups

The Secretary shall make a payment to the processor in an amount equal to

(1) by redesignating paragraphs (1), (2), (3), (4) as paragraphs (2), (4), (5), and (6), re-

(b) TRANSITION.—The Secretary shall make loans for raw cane sugar and re-
fining beet sugar available for the 2007 crop year on the terms and conditions provided in section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272), as in effect on the day before the date of enactment of this Act.

(1) Estim-
the sugar beets or in-process beet sugar was produced domestically or imported) at a level that is—

"(a) sufficient to maintain raw and refined sugar prices above forfeiture levels so that there will be no forfeitures of sugar to the Commodity Credit Corporation under the loan program for sugar established under section 359d of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359dd(b)); but

"(B) not less than a quantity equal to 85 percent of the estimated quantity of sugar for domestic human consumption for the crop year.

(2) PRODUCTS.—The Secretary may include sugar products, the majority content of which is sucrose for human consumption, derived from sugar cane, sugar beets, molasses, or sugar in the allotments established under paragraph (1) if the Secretary determines it to be appropriate for purposes of this part.

(c) COVERAGE OF ALLOTMENTS.—

"(1) IN GENERAL.—The marketing allotments under this part shall apply to the marketing by processors of sugar intended for domestic human consumption that has been processed from sugar cane, sugar beets, or in-process beet sugar, whether such sugar beets or in-process beet sugar was produced domestically or imported.

"(2) CONSISTENT WITH THE ADMINISTRATION OF MARKETING ALLOTMENTS.—For each of the 2002 through 2007 crop years, the marketing allotments shall not apply to sugar—

"(A) to facilitate the exportation of the sugar to a foreign country, except that the exports of sugar shall not be eligible to receive credit under reexport programs for refined sugar or sugar containing products administered by the Secretary;

"(B) to enable another processor to fulfill an allocation established for that processor; or

"(C) for uses other than domestic human consumption, except for the sale of sugar for the production of ethanol or other bioenergy.

(3) REQUIREMENT.—The sale of sugar described in paragraph (2)(B) shall be—

"(A) made prior to May 1; and

"(B) reported to the Secretary.

(d) PROHIBITIONS.—

"(1) IN GENERAL.—During all or part of any crop year under this part (referred to in this subpart as the ‘overall allotment quantity’) at a level that is—

"(A) sufficient to maintain raw and refined sugar prices above forfeiture levels to avoid forfeiture of sugar to the Commodity Credit Corporation; but

"(B) not less than a quantity equal to 85 percent of the estimated quantity of sugar for domestic human consumption for the crop year.

(2) ADMISSION.—Subject to paragraph (1), the Secretary shall adjust the overall allotment quantity to maintain—

"(A) raw and refined sugar prices above forfeiture levels to avoid the forfeiture of sugar to the Commodity Credit Corporation; and

"(B) adequate supplies of raw and refined sugar in the domestic market.

"(3) in subsection (d)(2), by inserting “or in-process beet sugar” before the period at the end;

(3) ALLOCATION.—Section 359d(b) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359dd(b)) is amended—

"(1) in paragraph (1)(F), by striking “Except as otherwise provided in section 359f(c)(8),” if and inserting “If;” and

"(2) in paragraph (2), by striking subparagraphs (G), (H), and (I) and inserting the following:

“(G) SALE OF FACTORIES OF A PROCESSOR TO ANOTHER PROCESSOR.—

The Secretary may, in his or her discretion, transfer to the new entrant a portion of the allocation of the current allocation holder to reflect the allocation to the new entrant.

(III) ALLOCATION FOR A NEW ENTRANT THAT HAS ACQUIRED AN EXISTING FACTORY WITH A PRODUCTION HISTORY.—

"(1) IN GENERAL.—If a new entrant acquires an existing factory that has processed sugar beets from the 1996 or subsequent crop year and has a production history on the mutual agreement of the new entrant and the company currently holding the allocation associated with the factory, the Secretary shall—

"(I) assign an allocation for beet sugar to the new entrant that provides a fair and equitable distribution of the allocations for beet sugar so as to enable the new entrant to achieve a factory utilization rate comparable to the factory utilization rates of other similarly-situated processors; and

"(II) reduce the allocations for beet sugar of other processors until the pro rata basis to reflect the allocation to the new entrant.

(V) ALLOCATIONS FOR NEW ENTRANTS.—Section 356c(b) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1356c(b)) is amended—

"(1) IN GENERAL.—For purposes of this subchapter, a new entrant shall be considered to be affiliated with the third party if—

"(aa) the third party has an ownership interest in the new entrant;

"(bb) the new entrant and the third party have owners in common;

"(cc) the third party has the ability to exercise control over the new entrant by organizational, contractual rights, or any other means;

"(dd) the third party has a contractual relationship with the new entrant by which the new entrant will make use of the facilities or assets of the third party; or

"(ee) there are any other similar circumstances by which the Secretary determines that the new entrant and the third party are affiliated.

(II) ALLOCATION FOR A NEW ENTRANT THAT HAS CONSTRUCTED A NEW FACTORY OR REOPENED A FACTORY THAT WAS CLOSED SINCE BEFORE 1996.—If a new entrant constructs a new sugar beet processing factory, or acquires and reopens a sugar beet processing factory that processed sugar beets prior to the 1998 crop year and there is no allocation currently associated with the factory, the Secretary shall—

"(1) assign an allocation for beet sugar to the new entrant that provides a fair and equitable distribution of the allocations for beet sugar so as to enable the new entrant to achieve a factory utilization rate comparable to the factory utilization rates of other similarly-situated processors; and

"(2) during subsequent crop years, the Secretary shall transfer to the new entrant a portion of the allocation of the current allocation holder to reflect the historical contribution of the production of the 1 or more sold factories to the total allocation of the current allocation holder, unless the new entrant and current allocation holder have agreed upon the transfer of a different portion of the allocation of the current allocation holder, in which case, the Secretary shall transfer that portion agreed upon by the new entrant and the current allocation holder.

(VI) PROHIBITION.—In the absence of a mutual agreement described in subclause (I), the new entrant shall be ineligible for a beet sugar allocation.

(VI) APPEALS.—Any decision made under this subsection may be appealed to the Secretary in accordance with section 359d.

(e) REASSIGNMENT OF DEFICITS.—Section 358(b) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1358c(b)) is amended—

"(1) DEFINITION OF NEW ENTRANT.—

"(1) IN GENERAL.—In this subparagraph, the term ‘new entrant’ means an individual, corporation, or entity that has an allocation of beet sugar under this part (referred to in this clause as a ‘third party’); and

"(cc) will process sugar beets produced by sugar beet growers under contract with the new entrant for the production of sugar at the new or re-opened factory that is the basis for the new entrant allocation.

(II) AFFILIATION.—For purposes of subparagraph (I), a new third party shall be considered to be affiliated if—

"(aa) the third party has an ownership interest in the new entrant;

"(bb) the new entrant and the third party have owners in common;

"(cc) the third party has the ability to exercise control over the new entrant by organizational, contractual rights, or any other means;

"(dd) the third party has a contractual relationship with the new entrant by which the new entrant will make use of the facilities or assets of the third party; or

"(ee) there are any other similar circumstances by which the Secretary determines that the new entrant and the third party are affiliated.

(V) ALLOCATION FOR A NEW ENTRANT THAT HAS CONSTRUCTED A NEW FACTORY OR REOPENED A FACTORY THAT WAS CLOSED SINCE BEFORE 1996.—If a new entrant constructs a new sugar beet processing factory, or acquires and reopens a sugar beet processing factory that processed sugar beets prior to the 1998 crop year and there is no allocation currently associated with the factory, the Secretary shall—

"(1) assign an allocation for beet sugar to the new entrant that provides a fair and equitable distribution of the allocations for beet sugar so as to enable the new entrant to achieve a factory utilization rate comparable to the factory utilization rates of other similarly-situated processors; and

"(2) during subsequent crop years, the Secretary shall transfer to the new entrant a portion of the allocation of the current allocation holder to reflect the historical contribution of the production of the 1 or more sold factories to the total allocation of the current allocation holder, unless the new entrant and current allocation holder have agreed upon the transfer of a different portion of the allocation of the current allocation holder, in which case, the Secretary shall transfer that portion agreed upon by the new entrant and the current allocation holder.

(VI) PROHIBITION.—In the absence of a mutual agreement described in subclause (I), the new entrant shall be ineligible for a beet sugar allocation.

(VI) APPEALS.—Any decision made under this subsection may be appealed to the Secretary in accordance with section 359d.

(f) PROVISIONS APPLICABLE TO PRODUCERS.—Section 356c(c) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1356c(c)) is amended—

"(1) by striking paragraph (8);
(2) by redesignating paragraphs (1) through (7) as paragraphs (2) through (8), respectively;
(3) by inserting before paragraph (2) (as so redesignated) the following:

"'(1) DEFINITION OF SEED.—

"'(A) In general.—In this subsection, the term 'seed' means only those varieties of seed that are dedicated to the production of sugarcane from which is produced sugar for human consumption.

"'(B) EXCLUSION.—The term 'seed' does not include any high-fiber cane variety dedicated to other uses, as determined by the Secretary.

'(2) In paragraph (3) (as so redesignated) —

(A) in the first sentence—

(i) by striking "paragraph (1)" and inserting "paragraph (2)"; and

(ii) by inserting "sugar produced from" after "quantity of"; and

(B) in the second sentence, by striking "paragraph (7)" and inserting "paragraph (8)".

(5) in the first sentence of paragraph (6) (as so redesignated), by inserting "for sugar" before "in excess of the farm's proportionate share"; and

(6) in paragraph (8) (as so redesignated), by inserting "sugar from" after "the amount of"

(g) SPECIAL RULES.—Section 359g of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359g) is amended—

(1) by striking subsection (a) and inserting the following:

"'(a) TRANSFER OF ACREAGE BASE HISTORY.—

"'(1) TRANSFER AUTHORIZED.—For the purpose of establishing proportionate shares for sugarcane farms under section 359f(c), the Secretary, on application of any producer, with the written consent of all owners of the farm, may transfer the acreage base history of the farm to any other parcel of land of the applicant.

"'(2) CONVERTED ACREAGE BASE.—

"'(A) In general.—Sugarcane acreage base established under section 359f(c) has been or is converted to nonagricultural use, the Secretary shall notify the 1 or more affected landowners of the transferability of the applicable sugarcane acreage base.

"'(B) INITIAL TRANSFER PERIOD.—The owner of the base attributable to the acreage at the time of the conversion shall be afforded 90 days from the date of the receipt of the notification under subparagraph (B) to transfer the base to 1 or more farms owned by the owner.

"'(C) GROWER OF RECORD.—If a transfer under subparagraph (C) cannot be accomplished during the period specified in that subparagraph, the grower of record with regard to the acreage base on the date on which the acreage was converted to nonagricultural use shall—

(i) be notified; and

(ii) have 90 days from the date of the receipt of the notification to transfer the base to 1 or more farms operated by the grower.

"'(E) POOL DISTRIBUTION.—

"'(i) In general.—If transfers under subparagraphs (B) and (C) cannot be accomplished during the period specified in those subparagraphs, the county committee of the Farm Service Agency for the applicable county shall place the acreage base in a pool for possible assignment to other farms.

"'(ii) Acceptance of requests.—After providing reasonable notice to farm owners, operators, and growers of record in the county, the county committee shall accept requests from owners, operators, and growers of record in the county.

"'(iii) Assignment.—The county committee shall assign the acreage base to other farms in the county that are eligible and capable of accepting the acreage base, based on a random drawing from among the requests received under clause (ii).

"'(F) STATEMENT OF ACREAGE BASE.—

"'(i) IN GENERAL.—Any acreage base remaining unassigned after the transfers and processes described in subparagraphs (A) through (C) cannot be allocated to the State committee of the Farm Service Agency for allocation among the remaining county committees in the State representing counties with farms eligible for assignment of the base, based on a random drawing.

"'(ii) ALLOCATION.—Any county committee receiving acreage base under this subparagraph shall allocate the acreage base to eligible farms using the process described in subparagraph (E).

"'(G) STATUS OF REASSIGNED BASE.—After acreage base has been reassigned in accordance with this subparagraph, the acreage base shall—

(i) remain on the farm; and

(ii) be subject to the transfer provisions of paragraph (1); and

(iii) by inserting "affected" before "crop-share owners" each place it appears; and

(iv) by striking "," after "processed" and inserting "sugar produced from".

(2) in subsection (d) —

(A) in paragraph (3) —

(i) by inserting "sugar produced from" after "in excess of the farm's proportionate share"; and

(ii) by inserting "sugar produced from" after "in excess of the farm's proportionate share".

(2) in subsection (d) (as so redesignated) the following:

"'(1) REALLOCATING SUGAR QUOTA IMPORT SHORTFALLS.—Section 359 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359f) is amended—

(A) in subsection (a), by inserting "or 359f(c)" after "359f(c)"; and

(B) by striking subsection (c).

"'(1) by inserting "sugar produced from" after "in excess of the farm's proportionate share"; and

"'(2) by striking subsection (c).

"'(1) by inserting "sugar produced from" after "in excess of the farm's proportionate share";

"'(2) by striking subsection (c).

"'(B) the pro rata amount of allocation at the processing company holding the applicable allocation for such share at the time of the reallocation.

"'(C) the Secretary's decision of sugar base being transferred; and

"'(D) the pro rata amount of allocation at the processing company holding the applicable allocation for such share at the time of the reallocation.

(2) in paragraph (2), by striking "based on" and all that follows through the end of subparagraph (B) and inserting "based on—

"'(1) the number of acres of sugarcane base being transferred; and

"'(2) the pro rata amount of allocation at the processing company holding the applicable allocation for such share at the time of the reallocation.

(3) by inserting after paragraph (1) the following:

"'(3) TRANSITION.—The Secretary shall administer flexible marketing allotments for sugar for the 2007 crop year on the terms and conditions provided in this paragraph as in effect on the day before the date of enactment of this section.

SEC. 1404. STORAGE FACILITY LOANS.

Section 1402(c) of the Food Security and Rural Investment Act of 2002 (7 U.S.C. 7971(c)) is amended—

(1) in paragraph (1), by striking "and" at the end;

(2) by redesignating paragraph (2) as paragraph (3);

(3) by inserting after paragraph (1) the following:

"'(2) not include any penalty for prepayment; and";

and

(4) in paragraph (3) (as redesignated by paragraph (2), by inserting "other" after "on such".

SEC. 1405. COMMODITY CREDIT CORPORATION STORAGE PAYMENTS.

Subtitle E of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7281 et seq.) is amended by adding at the end the following:

"'SEC. 167. COMMODITY CREDIT CORPORATION STORAGE PAYMENTS.

"'(a) INITIAL CROP YEARS.—Notwithstanding any other provision of law, for each of the 2008 through 2011 crop years, the Commodity Credit Corporation shall establish rates for the storage of forfeited sugar in an amount that is not less than

"'(1) in the case of refined sugar, 15 cents per hundredweight of refined sugar per month; and

"'(2) in the case of raw cane sugar, 10 cents per hundredweight of raw cane sugar per month.
(b) Subsequent Crop Years.—For each of the 2012 and subsequent crop years, the Commodity Credit Corporation shall establish rates for the storage of forfeited sugar in the same manner as provided by the Commodity Credit Corporation under this section; and

Subtitle E—Dairy

SEC. 1501. DAIRY PRODUCT PRICE SUPPORT PROGRAM.

(a) Definition of Net Removals.—In this section, the term ‘‘net removals’’ means—

(1) the sum of—

(A) the quantity of a product described in subsection (b) purchased by the Commodity Credit Corporation under this section; and

(B) the quantity of the product exported under section 1533 of the Food Security Act of 1985 (15 U.S.C. 713a–14); and

(2) the quantity of the product sold for unrestricted use by the Commodity Credit Corporation.

(b) Support Activities.—During the period beginning on January 1, 2008, and ending December 31, 2012, the Secretary shall support the price of cheddar cheese, butter, and nonfat dry milk through the purchase of such products from milk produced in the United States.

(c) Purchase Price.—To carry out subsection (b), during the period specified in that subsection, the Secretary shall purchase—

(1) cheddar cheese in blocks at not less than $1.10 per pound;

(2) cheddar cheese in barrels at not less than $1.10 per pound;

(3) butter at not less than $1.05 per pound; and

(4) nonfat dry milk at not less than $0.80 per pound.

(d) Temporary Price Adjustment to Avoid Excess Inventories.—

(1) Adjustments Authorized.—The Secretary may adjust the minimum purchase prices established under subsection (c) only as permitted under this subsection.

(2) Cheese Inventories in Excess of 200,000,000 Pounds.—If net removals for a period of 12 consecutive months exceed 200,000,000 pounds of cheese, but do not exceed 400,000,000 pounds, the Secretary may reduce the purchase price under paragraphs (1) and (2) of subsection (c) during the immediately following month by not more than 20 cents per pound.

(3) Cheese Inventories in Excess of 400,000,000 Pounds.—If net removals for a period of 12 consecutive months exceed 400,000,000 pounds of cheese, the Secretary may reduce the purchase price under paragraphs (1) and (2) of subsection (c) during the immediately following month by not more than 20 cents per pound.

(4) Butter Inventories in Excess of 450,000,000 Pounds.—If net removals for a period of 12 consecutive months exceed 450,000,000 pounds of butter, but do not exceed 650,000,000 pounds, the Secretary may reduce the purchase price under subsection (c)(3) during the immediately following month by not more than 10 cents per pound.

(5) Butter Inventories in Excess of 650,000,000 Pounds.—If net removals for a period of 12 consecutive months exceed 650,000,000 pounds of butter, the Secretary may reduce the purchase price under subsection (c)(3) during the immediately following month by not more than 20 cents per pound.

(6) Nonfat Dry Milk Inventories in Excess of 600,000,000 Pounds.—If net removals for a period of 12 consecutive months exceed 600,000,000 pounds of nonfat dry milk, but do not exceed 800,000,000 pounds, the Secretary may reduce the purchase price under subsection (c)(3) during the immediately following month by not more than 5 cents per pound.

(7) Nonfat Milk Inventories in Excess of 800,000,000 Pounds.—If net removals for a period of 12 consecutive months exceed 800,000,000 pounds of nonfat dry milk, the Secretary shall purchase a price under subsection (c)(4) during the immediately following month by not more than 10 cents per pound.

(e) Uniform Purchase Price.—The prices that the Secretary pays for cheese, butter, or nonfat dry milk, respectively, under subsection (b) shall be uniform for all regions of the United States.

(f) Sales From Inventories.—In the case of each commodity specified in subsection (c) that is in excess of the inventory of the Commodity Credit Corporation, the Secretary may sell the commodity at the market prices prevailing for that commodity on the date that the market price is not less than 10 percent of the minimum purchase price specified in subsection (c) for that commodity.

SEC. 1502. DAIRY FORWARD PRICING PROGRAM.

(a) Program Required.—The Secretary shall establish a program under which milk producers and cooperative associations of producers authorize milk handlers to enter into forward price contracts with milk handlers.

(b) Minimum Milk Price Requirements.—Payments made by milk handlers to milk producers and cooperative associations of producers, and prices received by milk producers and cooperative associations of producers, in accordance with the terms of a forward price contract authorized by subsection (a), shall be treated as satisfying—

(1) all uniform and minimum milk price requirements of subparagraphs (B) and (F) of paragraph (5) of section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937; and

(2) the total payment requirement of subparagraph (C) of that paragraph.

(c) Milk Covered by Program.—

(1) COVERED MILK.—The program shall apply only with respect to the marketing of federally regulated milk that—

(A) is not classified as Class I milk or otherwise intended for fluid use; and

(B) is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects foreign commerce in federally regulated milk.

(2) RELATION TO CLASS I MILK.—To assist milk handlers in complying with paragraph (a)(1), producers or other handlers may individually track the source and disposition of milk, a milk handler may allocate milk receipts from producers, cooperative associations, and other sources that are not subject to a forward contract to satisfy the obligations of the handler with regard to Class I milk users.

(d) Voluntary Program.—

(1) In General.—A milk handler may not participate in a forward pricing contract as a condition of the handler receiving milk from a producer or cooperative association of producers.

(2) Pricing.—A producer or cooperative association described in paragraph (1) may continue to have their milk priced in accordance with the minimum payment provisions of the Federal milk marketing order.

(e) Corrective Action.—

(A) In General.—The Secretary shall investigate complaints made by producers or cooperative associations of coercion by handlers to enter into forward pricing contracts.

(B) Action.—If the Secretary finds evidence of coercion, the Secretary shall take appropriate action.

(f) Duration of Contract.—

(1) New Contracts.—No forward price contract may be entered into under the program established under this section after September 30, 2012.

(2) Application.—No forward contract entered into under the program may extend beyond December 30, 2015.

SEC. 1503. DAIRY EXPORT INCENTIVE PROGRAM.

(a) Extension.—Section 153(a) of the Food Security Act of 1985 (15 U.S.C. 713a–14(a)) is amended by inserting ‘‘2007’’ and inserting ‘‘2012’’.

(b) Compliance With Trade Agreement Commitments.—Section 153 of the Food Security Act of 1985 (15 U.S.C. 713a–14) is amended—

(1) in subsection (c), by striking paragraph (3) and inserting the following:

‘‘(3) the maximum volume of dairy product exports allowable consistent with the obligations of the United States under the Uruguay Round Agreements approved under section 1101 of the Uruguay Round Agreement Act (19 U.S.C. 3511) is exported under the program each year (minus the volume sold under section 1163 of this Act during that year), except to the extent that the export of such a volume under the program would, in the judgment of the Secretary, exceed the limitations on the value permitted under subsection (f); and

(2) in subsection (f), by striking paragraph (1) and inserting the following:

‘‘(1) FUNDING AND COST SHARING.—Except as provided in paragraph (2), the Commodity Credit Corporation shall in each year use money and commodities for the program in the maximum amount consistent with the obligations of the United States under the Uruguay Round Agreements approved under section 101 of the Uruguay Round Agreement Act (19 U.S.C. 3511), minus the amount expended under section 1163 of this Act during that year.’’.

SEC. 1504. REVISION OF FEDERAL MARKETING ORDER AMENDMENT PROCEDURES.

Section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended by striking subsection (17) and inserting the following:

‘‘(17) Provisions applicable to amendments.

(A) Applicability to amendments.—The provisions of this section and section 8d applicable to orders shall be applicable to amendments to orders.

(B) Supplemental rules of practice.—

(i) In general.—Not later than 60 days after the date of enactment of this subpart, the Secretary shall promulgate supplemental rules of practice to define guidelines and timeframes for the rulemaking process relating to amendments to orders.

(ii) Issues.—At a minimum, the supplemental rules of practice shall establish—

(I) proposal submission requirements;

(II) public participation timeframes; and

(III) electronic document submission standards.

(iii) Effective date.—The supplemental rules of practice shall take effect not later than 120 days after the date of enactment of this subpart, as determined by the Secretary.

(C) Hearing timeframes.—

(i) In general.—Not more than 30 days after the receipt of a proposal for an amendment hearing regarding a milk marketing order, the Secretary shall—

(I) issue a notice providing an action plan and expected timeframes for completion of the hearing not more than 120 days after the date of issuance of the notice.

(II) unless there is a request for additional information to be used by the Secretary
making a determination regarding the proposal; and

"(bb) if the additional information is not provided to the Secretary within the time-frame requested by the Secretary, issue a denial of the request; or

"(III) issue a denial of the request.

(ii) REQUIREMENT.—A post-hearing brief may not be filed after the deadline for the submission of comments and exceptions to the recommendation issued under clause (iii).

(iii) RECOMMENDED DECISION.—A recommendation on a proposed amendment to an order shall be issued not later than 90 days after the deadline for the submission of comments and exceptions to the recommendation issued under clause (iii).

(i) INDUSTRY ASSESSMENTS.—If the Secretary determines it is necessary to improve or expedite rulemaking under this subsection, the Secretary may impose an assessment on the affected industry to supplement assessments for the procurement of service providers, such as court reporters.

(ii) USE OF INFORMAL RULEMAKING.—The Secretary may use rulemaking under section 553 of title 5, United States Code, for orders, other than provisions of orders that directly affect milk prices.

(iii) AVOIDING REPETITION.—The Secretary shall not be required to hold a hearing on any amendment proposed to be made to a milk marketing order in response to an application for a hearing on the proposed amendment if—

"(i) the application requesting the hearing is received by the Secretary not later than 90 days after the deadline for the submission of comments and exceptions to the recommendation issued under clause (iii);

"(ii) the proposed amendment is essentially the same, as determined by the Secretary.

"(G) MONTHLY FEED AND FUEL COSTS FOR MAKE ALLOWANCES.—As part of any hearing to adjust make allowances under marketing orders commencing prior to September 30, 2012, the Secretary shall—

"(i) determine the average monthly prices of feed and fuel paid by dairy producers in the relevant marketing area;

"(ii) consider the most recent monthly feed and fuel data available;

"(iii) consider those prices in determining whether or not to adjust make allowances.

SEC. 1505. DAIRY INDEMNITY PROGRAM.

Section 3 of Public Law 90–949 (7 U.S.C. 450i) is amended by striking “2007” and inserting “2012.”

SEC. 1506. MILK INCOME LOSS CONTRACT PROGRAM.

(a) DEFINITIONS.—In this section:

"(1) CLASS I MILK.—The term ‘‘Class I milk’’ means milk (including milk components) classified as Class I milk under a Federal milk marketing order.

"(2) ELIGIBLE PRODUCTION.—The term ‘‘eligible production’’ means milk produced by a producer in a participating State.

"(3) FEDERAL MILK MARKETING ORDER.—The term ‘‘Federal milk marketing order’’ means an order issued under section 8c of the Agricultural Marketing Act of 1981 entitled to a Federal milk marketing order.

"(4) PARTICIPATING STATE.—The term ‘‘participating State’’ means a State that participates in a milk marketing order.

"(5) PRODUCER.—The term ‘‘producer’’ means an individual or entity that directly or indirectly (as determined by the Secretary) participates in a milk marketing order.

"(A) shares in the risk of producing milk; and

"(B) makes contributions (including land, labor, management, equipment, or capital) to the dairy farming operation of the individual or entity that are at least commensurate with the share of the individual or entity of the proceeds of the operation.

"(B) PAYMENTS.—The Secretary shall offer to enter into contracts with producers on a dairy farm located in a participating State under which the producers receive payments on eligible production.

"(c) AmOUNTS TO PRODUCERS.—The amount to a producer under this section shall be calculated by multiplying (as determined by the Secretary) the following:

"(1) the payment quantity for the producer during the applicable month established under subsection (e);

"(2) the amount equal to—

"(A) $16.94 per hundredweight, as adjusted under subsection (d); less

"(B) the Class I milk price per hundredweight in Boston under the applicable Federal milk marketing order; by

"(3) for the period beginning October 1, 2007, and ending September 30, 2008, 34 percent;

"(4) for the period beginning October 1, 2008, and ending August 31, 2012, 45 percent; and

"(5) for the period beginning September 1, 2012, and thereafter, 50 percent.

"(d) PAYMENT RATE ADJUSTMENT FOR FEED PRICES.—

"(1) INITIAL ADJUSTMENT AUTHORITY.—During the period beginning on January 1, 2008, and ending on August 31, 2012, if the National Average Dairy Feed Ration Cost for a month during that period is greater than $7.35 per hundredweight, the amount specified in subsection (c) shall be increased by 45 percent of the percentage by which the National Average Dairy Feed Ration Cost

"exceeds $7.35 per hundredweight.

"(2) SUBSEQUENT ADJUSTMENT AUTHORITY.—For any month beginning on or after September 1, 2012, if the National Average Dairy Feed Ration Cost for the month is greater than $9.50 per hundredweight, the amount specified in subsection (c) shall be increased by 45 percent of the percentage by which the National Average Dairy Feed Ration Cost exceeds $9.50 per hundredweight.

"(3) NATIONAL AVERAGE DAIRY FEED RATION COST.—For each month, the Secretary shall calculate the National Average Dairy Feed Ration Cost per hundredweight using the same procedures (adjusted to a hundredweight basis) used to calculate the feed components of the estimated price of 10% Mixed Dairy Feed per pound noted on page 33 of the USDA March 2008 Agricultural Prices publication (including the data and factors noted in footnote 4).

"(e) PAYMENT QUANTITY.—

"(1) In general.—Subject to paragraph (2), the payment quantity for a producer during the applicable month established under this section shall be equal to the quantity of eligible production marketed by the producer during the month.

"(2) Limitation.—

"(A) In general.—The payment quantity for all producers on a single dairy operation for which the producers receive payments under subsection (b) shall not exceed

"(i) for the period beginning October 1, 2007, and ending September 30, 2008, 2,400,000 pounds;

"(ii) for the period beginning October 1, 2008, and ending August 31, 2012, 2,985,000 pounds for each fiscal year; and

"(iii) effective beginning September 1, 2012, 2,400,000 pounds.

"(B) STANDARDS.—For purposes of determining whether producers are producers on separate dairy operations or a single dairy operation, the Secretary shall apply the same standards as were applied in implementing the dairy program under section 805 of the Agricultural, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (as enacted into law by Public Law 106–387; 114 Stat. 1548A–A7).

"(3) RECONSTITUTION.—The Secretary shall ensure that a producer does not reconstitute a dairy operation for the sole purpose of receiving additional payments under this section.

"(f) PAYMENTS.—A payment under a contract entered into by producers on a dairy farm under this section shall cover eligible production marketed by the producers on the dairy farm during the period beginning with the first month the producers on the dairy farm enter into the contract and ending on September 30, 2012.

"(g) SIGNUP.—

"(1) In general.—A producer may not enter contracts under this section unless the producers on the dairy farm agree to enter into a contract with the Secretary.

"(2) ViolATIONS.—If a producer violates the contract, the Secretary may—

"(A) terminate the contract and allow the producer to retain any payments received under the contract; or

"(B) allow the contract to remain in effect and require the producer to repay a portion of the payments received under the contract based on the severity of the violation.

SEC. 1507. DAIRY PROMOTION AND RESEARCH PROGRAM.

(a) EXTENSION OF DAIRY PROMOTION AND RESEARCH AUTHORITY.—Section 113(e)(2) of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 450h(e)(2)) is amended by striking “2007” and inserting “2012.”

(b) DEFINITION OF UNITED STATES FOR PROMOTION PROGRAM.—Section 111 of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 450h) is amended—

"(1) by striking subsection (i) and inserting the following:

"(2) the term ‘‘United States’’, when used in a geographical sense, means all of the States, the District of Columbia, and the Commonwealth of Puerto Rico; and

"(3) by amending subsection (j) by inserting—

"(A) The term ‘‘United States’’, when used in a geographical sense, means all of the States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(B) ASSESSMENT RATE FOR IMPORTED DAIRY PRODUCTS.—Section 113(g) of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 450h) is amended by striking paragraph (3) and inserting the following:

"(3) RATE.

"(A) In general.—The rate of assessment for dairy products produced in the United States, as prescribed by the order shall be 15 cents per hundredweight of milk for commercial use or the equivalent thereof, as determined by the Secretary.

"(B) IMPORTED DAIRY PRODUCTS.—The rate of assessment for imported dairy products prescribed by the order shall be 7.5 cents per hundredweight of milk for commercial use or the equivalent thereof, as determined by the Secretary.”
(e) Time and Method of Importer Payments.—Section 113(g)(6) of the Dairy Production Stabilization Act of 1981 (7 U.S.C. 150(g)(6)) is amended—
(1) by striking subparagraph (B); and
(2) by redesignating subparagraph (C) as subparagraph (B).
(f) Refund Assessments on Certain Import Movements.—Section 113(g) of the Dairy Production Stabilization Act of 1981 (7 U.S.C. 150(g)) is amended by adding at the end the following:

"(7) Refund Assessments on Certain Imported Products.—

(A) In General.—An importer shall be entitled to an assessment refund, under this subsection on imported dairy products imported under a contract entered into prior to the date of enactment of the Food, Conservation, and Energy Act of 2008.
(B) Expirations.—Refunds under subparagraph (A) shall expire 1 year after the date of enactment of the Food, Conservation, and Energy Act of 2008."

SEC. 1508. REPORT ON DEPARTMENT OF AGRICULTURE REPORTING PROCEDURES FOR NONFAT DRY MILK.

Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report regarding Department of Agriculture reporting procedures for nonfat dry milk and the impact of the procedures on Federal milk marketing order minimum prices during the period beginning on July 1, 2006, and ending on the date of enactment of this Act.

SEC. 1509. FEDERAL MILK MARKETING ORDER REVIEW COMMISSION.

(a) Establishment.—Subject to the availability of appropriations as provided in this section, the Secretary shall establish a commission to be known as the "Federal Milk Marketing Order Review Commission" (referred to in this section as the "commission"), which shall conduct a comprehensive review and evaluation of—

(1) the Federal milk marketing order system in effect on the date of establishment of the commission; and
(2) non-Federal milk marketing order systems.

(b) Elements of Review and Evaluation.—As part of the review and evaluation under subsection (a), the commission shall consider legislative and regulatory options for—

(1) ensuring that the competitiveness of dairy products with other competing products in the marketplace is preserved and enhanced;
(2) enhancing the competitiveness of American dairy producers in world markets;
(3) maximizing the competitiveness and transparency in dairy pricing;
(4) streamlining and expediting the process by which amendments to Federal milk market order regulations are adopted;
(5) simplifying the Federal milk marketing order system;
(6) evaluating whether the Federal milk marketing order system serves the interests of dairy producers, consumers, and dairy processors; and
(7) evaluating the nutritional composition of milk, if such evaluation pays to carry out this section, the potential benefits and costs of adjusting the milk content standards.

(c) Membership.—The commission shall consist of 14 members.

(d) Members.—As soon as practicable after the date on which funds are first made available to carry out this section, the Secretary shall appoint members to the commission according to the following requirements:

(A) At least 1 member shall represent a national consumer organization.
(B) At least 4 members shall represent land-grant universities or NLCGA Institutions designated in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103) with accredited dairy economic programs, with at least 2 members possessing expertise in the field of economics.
(C) At least 1 member shall represent the food and beverage retail sector.
(D) 4 dairy processors, appointed so as to balance geographical distribution of milk production and represent all regions of the United States equitably, including States that operate outside of a Federal milk marketing order.

(e) Chair.—The commission shall elect 1 of the appointed members of the commission to serve as chairperson for the duration of the proceedings of the commission.

(f) Vacancies.—Any vacancy occurring before the termination of the commission shall be filled in the same manner as the original appointment.

(g) Compensation.—Members of the commission shall serve without compensation, but shall be reimbursed by the Secretary from existing budget authority for necessary and reasonable expenses incurred in the performance of the duties of the commission.

(h) Report.—Not later than 2 years after the date of the first meeting of the commission, the commission shall submit to Congress and the Secretary a report describing the results of the review and evaluation conducted under this section, including such recommendations regarding the legislative and regulatory options considered under subsection (b) as the commission considers to be appropriate.

(i) Ad Hoc Committees.—Nothing in this section shall be construed to preclude the commission from establishing ad hoc committees to carry out the duties of the commission.

SEC. 1510. MANDATORY REPORTING OF DAIRY PRODUCTS.

(a) Required Determination; Adjustment.—Notwithstanding paragraphs (1) and (2), the Secretary shall implement the amendments made by sections 1603 and 1604 for the 2009 crop year, as appropriate, through the promulgation of a rule under section 553 of title 5, United States Code, as applicable.

(b) Authorization of Appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 1511. ADMINISTRATION.

(a) Use of Commodity Credit Corporation.— Except as otherwise provided in this title, the Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this title.

(b) Determinations by Secretary.—A determination made by the Secretary under this title shall be final and conclusive.

(c) Regulations.—

(1) In General.—Except as otherwise provided in this subsection, not later than 90 days after the date of enactment of this Act, the Secretary and the Commodity Credit Corporation, as appropriate, shall promulgate such regulations as are necessary to implement this title and the amendments made by this title.

(2) Procedure.—The promulgation of the regulations and administration of this title and the amendments made by this title shall be made without regard to—

(A) chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act");

(B) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (3 CFR, 1971 Comp., p. 693);

(C) any pending litigation; and

(D) any pending rulemaking proceedings.

(3) Congressional Review of Agency Rulemaking.—In carrying out this subsection, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

(d) Interim Regulations.—Notwithstanding paragraphs (1) and (2), the Secretary shall implement the amendments made by sections 1603 and 1604 for the 2009 crop, fiscal, or program year, as appropriate, through the promulgation of an interim rule.

(e) Adjustment Authorization Related to Trade Agreements Compliance.—

(1) Required Determination; Adjustment.—If the Secretary determines that expenditures under this title that are subject to the total allowable domestic support levels under the Uruguay Round Agreements (as defined in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3511)) will exceed such allowable levels for any applicable reporting period, the Secretary shall, to the maximum extent practicable, make adjustments in the amounts of expenditures during that period to ensure that such expenditures do not exceed such allowable levels.

(2) Congressional Notification.—Before making any adjustment under paragraph (1), the Secretary shall submit to the Committee
on Agriculture of the House of Representatives or the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the determination made under that paragraph and the extent of the adjustment to be made.

(e) Treatment of Advance Payment Option.—Section 1601(d) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7991(d)) is amended—

(1) in paragraph (1), by striking “and” at the end and inserting “; and”;

(2) in paragraph (2), by striking the period at the end and inserting “; and”;

and (3) by adding at the end the following:

“(3) by adding at the end the following:

(3) Subtitle D of title III (7 U.S.C. 1379a et seq.).

(4) Title IV (7 U.S.C. 1490 et seq.).

(b) Agricultural Act of 1949.—The following provisions of the Agricultural Act of 1949 shall not be applicable to the 2008 through 2012 crops of covered commodities, peanuts, and sugar and shall not be applicable to milk during the period beginning on the date of enactment of this Act through December 31, 2012:

(1) Parts II through V of subtitle B of title II (7 U.S.C. 1326 et seq.).


(3) Subtitle D of title III (7 U.S.C. 1379a et seq.).

(4) Title IV (7 U.S.C. 1490 et seq.).

SEC. 1602. SUSPENSION OF PERMANENT PRICE SUPPORT AUTHORITY.

(a) AGRICULTURAL ADJUSTMENT ACT OF 1938.—The following provisions of the Agricultural Adjustment Act of 1938 shall not be applicable to the 2008 through 2012 crops of covered commodities, peanuts, and sugar and shall not be applicable to milk during the period beginning on the date of enactment of this Act through December 31, 2012:

(1) Section 101 (7 U.S.C. 1411).

(2) Section 103(a) (7 U.S.C. 1444(a)).

(3) Section 105 (7 U.S.C. 1444b).

(4) Section 107 (7 U.S.C. 1445a).

(5) Section 110 (7 U.S.C. 1445e).

(6) Section 112 (7 U.S.C. 1445g).

(7) Section 115 (7 U.S.C. 1445c).

(8) Section 201 (7 U.S.C. 1446).

(9) Section III (7 U.S.C. 1447 et seq.).

(10) Title IV (7 U.S.C. 1421 et seq.), other than sections 1444, 412, and 416 (7 U.S.C. 1424, 1429, and 1431).

(11) Title V (7 U.S.C. 1461 et seq.).

(12) Title VI (7 U.S.C. 1471 et seq.).

(c) Supplemental Quota Provisions.—The joint resolution entitled “A joint resolution relating to corn and wheat marketing quotas under the Agricultural Adjustment Act of 1938, as amended”, approved May 26, 1941 (7 U.S.C. 1330 and 1430), shall not be applicable to the crops of wheat planted for harvest in the calendar years 2008 through 2012.

SEC. 1603. PAYMENT LIMITATIONS.

(a) Extension of Limitations.—Sections 1001 and 1008 of the Food Security Act of 1985 (7 U.S.C. 1338, 1338-3(a)) are amended by striking “Farm Security and Rural Investment Act of 2002” each place it appears and inserting “Food, Conservation, and Energy Act of 2008”.

(b) Revision of Limitations.—

(1) Definitions.—Section 1001(a) of the Food Security Act of 1985 (7 U.S.C. 1338(a)) is amended—

(A) in the matter preceding paragraph (1), by inserting “through section 101F” after “section 101G”;

(B) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2); and

(C) by inserting after paragraph (1) the following:

“(2) Family Member.—The term ‘family member’ means a person to whom a member in the farming operation is related as lineal ancestor, lineal descendant, sibling, spouse, or otherwise by marriage.

“(3) Legal Entity.—The term ‘legal entity’ means an entity that is qualified under Federal or State law and that—

“(A) owns land or an agricultural commodity; or

“(B) produces an agricultural commodity.

“(4) Person.—The term ‘person’ means a natural person, and does not include a legal entity.”

(2) Limitation on Direct Payments and Counter-cyclical Payments.—Section 1001 of the Food Security Act of 1985 (7 U.S.C. 1338) is amended by striking subsections (b), (c), and (d) and inserting the following:

“(b) Limitation on Direct Payments, Counter-cyclical Payments, and Acre Payments for Covered Commodities (other than Peanuts).—

“(1) Direct Payments.—The total amount of direct payments received, directly or indirectly, by a person or legal entity (except a joint venture or a general partnership) for any crop year under subtitle A of title I of the Food, Conservation, and Energy Act of 2008 for 1 or more covered commodities (except for peanuts) may not exceed—

“(A) in the case of a person or legal entity that does not participate in the average crop revenue election program under section 1105 of that Act, $65,000; and

“(B) in the case of a person or legal entity that participates in the average crop revenue election program under section 1105 of that Act, an amount equal to—

“(i) the payment limit specified in subparagraph (A); less

“(ii) the amount of the reduction in direct payments under section 1105(a)(1) of that Act.

“(2) Counter-cyclical Payments.—In the case of a person or legal entity (except a joint venture or a general partnership) that does not participate in the average crop revenue election program under section 1105 of the Food, Conservation, and Energy Act of 2008, the total amount of counter-cyclical payments received, directly or indirectly, by a person or legal entity under subtitle C of title I of that Act for peanuts may not exceed $65,000.

“(3) Acre and Counter-cyclical Payments.—In the case of a person or legal entity (except a joint venture or a general partnership) that participates in the average crop revenue election program under section 1105 of the Food, Conservation, and Energy Act of 2008, the total amount of average crop revenue election payments received, directly or indirectly, by the person or legal entity for any crop year for peanuts may not exceed the sum of—

“(A) $65,000; and

“(B) the amount by which the direct payment limitation is reduced under paragraph (1)(B).

“(d) Limitation on Applicability.—Nothing in this section authorizes any limitation on any benefit associated with the marketing assistance loan program or the loan deficiency payment program under title I of the Food, Conservation, and Energy Act of 2008.”

(3) Direct Attribution.—Section 1001 of the Food Security Act of 1985 (7 U.S.C. 1338) is amended—

(A) by striking subsections (e) and (f) and redesignating subsection (g) as subsection (h); and

(B) by inserting after subsection (d) the following:

“(c) Attribution of Payments.—

“(1) In General.—Each payment made directly to a person shall be treated as coming from the pro rata interest of the person in payments received by a legal entity in which the person has a direct or indirect ownership interest unless the payments of the legal entity have been reduced by the pro rata share of the person.

“(2) Payments to a Person.—Each payment made directly to a person shall be combined with the pro rata interest of the person in payments received by a legal entity in which the person has a direct or indirect ownership interest unless the payments of the legal entity have been reduced by the pro rata share of the person.

“(3) Payments to a Legal Entity.—

“(A) In General.—Each payment made to a legal entity shall be attributed to those persons who have a direct or indirect ownership interest in the legal entity unless the payment to the legal entity has been reduced by the pro rata share of the person.

“(B) Attribution of Payments.—

“(i) Payment Limits.—Except as provided in clause (ii), payments made to a legal entity shall not exceed the amounts specified in subsections (b) and (c).

“(ii) Exception for Joint Ventures and General Partnerships.—Payments made to a joint venture or a general partnership shall not exceed, for each payment specified in subsections (b) and (c), the amount determined by multiplying the maximum payment amount specified in subsection (b) by the number of persons and legal entities (other than joint ventures and general...
partnerships) that comprise the ownership of the joint venture or general partnership.

(3) REVDICABLE TRUST.—For the purposes of this section through section 1001F, a revocable trust created by the grantor shall be considered an irrevocable trust, the terms of which the grantor may not modify or terminate without the consent of the beneficiaries. The terms of the trust agreement shall not be considered an irrevocable trust, the terms of which the grantor may not modify or terminate without the consent of the beneficiaries.

(b) FIRST LEVEL.—Any payments made to a legal entity (a first-tier legal entity) that is owned in whole or in part by another legal entity (a second-tier legal entity) shall be attributed to the owner in the amount that represents the indirect ownership in the first-tier legal entity by the person.

(c) SECOND LEVEL.—(1) IN GENERAL.—Any payments made to a first-tier legal entity that is owned (in whole or in part) by another legal entity (a second-tier legal entity) shall be attributed to the owner in the amount of the commodity to be paid in rent.

(2) RESTRICTION.—A cash rent tenant who makes a significant contribution of active personal management, but not of personal labor, with respect to a farming operation shall be eligible to receive a payment described in subsection (b) or (c) only if the tenant maintains a significant contribution of equipment to the farming operation.

(d) THIRD AND FOURTH LEVELS.—(1) IN GENERAL.—Except as provided in subparagraph (B), payments received by a person, or legal entity (a first-tier legal entity) that is owned (in whole or in part) by another legal entity (a second-tier legal entity) shall be attributed to the person in an amount that represents the indirect ownership in the first-tier legal entity by the person.

(2) LIMITATION.—If any ownership interest is held in trust by the grantor, the trust agreement shall not be considered an irrevocable trust, the terms of which the grantor may not modify or terminate without the consent of the beneficiaries. The terms of the trust agreement shall not be considered an irrevocable trust, the terms of which the grantor may not modify or terminate without the consent of the beneficiaries.

(e) AMENDMENT FOR CONSISTENCY.—Section 1001A of the Food Security Act of 1985 (7 U.S.C. 1308-1) is amended—

(1) in the section heading, by striking "PREVENTION OF CREATION OF ENTITIES TO QUALIFY AS SEPARATE PERSONS" and inserting "NOTIFICATION OF INTERESTS"; and

(2) by striking subsection (a) and inserting the following:

(1) NOTIFICATION OF INTERESTS.—To facilitate the administration of section 1001B of this Act, each person or legal entity receiving payments described in subsections (b) and (c) of section 1001 as a separate person or legal entity shall separately provide to the Secretary, at such times and in such manner as prescribed by the Secretary, each person's or legal entity's name and social security number, each person's or legal entity's identification number of each legal entity, that holds or acquires an ownership interest in a separate person or legal entity, and

(2) the name and taxpayer identification number of each legal entity in which the person or legal entity holds an ownership interest.

(f) NOTIFICATION OF INTERESTS.—Sections 1001A of the Food Security Act of 1985 (7 U.S.C. 1308-1) is amended by striking subsection (b) and inserting the following:

(1) ACTIVELY ENGAGED.—(i) IN GENERAL.—To be eligible to receive a payment described in subsection (b), (c), or (d) if the lessee otherwise meets all applicable criteria.

(2) FAMILY MEMBERS.—The addition of a family member to a farming operation under the criteria set out in section 1001B shall be considered a bona fide and substantive change in the farming operation.

(3) DEATH OF OWNER.—(i) IN GENERAL.—If any ownership interest in a farm or commodity is transferred as the result of the death of a program participant, the new owner of the farm or commodity may, if the person is otherwise eligible to participate in the applicable program, take the place of the program participant and receive payments subject to this section without regard to the amount of payments received by the new owner.

(ii) LIMITATION FOR PRIOR OWNER.—Payments made under this paragraph shall not exceed the amount to which the previous owner was entitled to receive under the terms of the contract at the time of the death of the prior owner.

(g) PUBLIC SCHOOLS.—(1) IN GENERAL.—Notwithstanding subsection (f)(6)(A), a State or local government, or political subdivision or agency of the government, shall be eligible to participate in the applicable program to receive a payment described in subsection (b) or (c) for land owned by the State or local government, or political subdivision or agency of the government, that is used to maintain a public school.

(2) LIMITATION.—(A) IN GENERAL.—For each State, the total amount of payments described in subsections (b) and (c) that are received collectively by the State and local government and all political subdivisions or agencies of the governments shall exceed $500,000.

(B) EXCEPTION.—The limitation in subparagraph (A) shall not apply to States with a population of less than 1,500,000.

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a joint venture, a grantor of a revocable trust, or as a participant in a similar legal entity as determined by the Secretary) shall be considered as actively engaged in farming with respect to the farming operation if:

(1) the legal entity separately makes a significant contribution (based on the total value of the farming operation) of capital, equipment, or land, and the standards provided in clauses (ii) and (iii) of subparagraph (A), as applied to the legal entity, are met by the legal entity, the partners or members making a significant contribution of personal labor or active personal management shall be considered to be actively engaged in farming with respect to the farming operation involved; and

(2) the standards provided in clauses (ii) and (iii) of subparagraph (A), as applied to the legal entity, are met by the legal entity, the partners or members making a significant contribution of personal labor or active personal management shall be considered to be actively engaged in farming with respect to the farming operation involved; and

(3) based on the total value of the farming operation involved, the existence of a hybrid seed contract.

(4) (A) makes a significant contribution,

(5) (B) that are actively engaged in farming with respect to the farming operation involved; and

(6) (C) that are not considered to be actively engaged in farming with respect to the farming operation involved; and

(7) (D) that the person or legal entity is a cash rent tenant on a farm owned or under the control of a person or legal entity (including partnerships and joint ventures, and Energy Act of 2008) as in effect on September 30, 2007, shall apply with respect to the 2007 and 2008 crops of any eligible crop.

(g) CONFORMING AMENDMENTS.—

(1) Section 1009(e) of the Food Security Act of 1985 (7 U.S.C. 1308a(e)) is amended to read as follows:

(2) Section 1020(c)(1) of the Farm Security Act of 2002 (7 U.S.C. 8204(c)(1)) is amended to read as follows:

(h) TRANSITION.—Section 1001, 1001A, and 1001B of the Food Security Act of 1985 (7 U.S.C. 1308a, 1308b, and 1308c) as in effect on September 30, 2007, shall continue to apply with respect to the 2007 and 2008 crops of any covered commodity or peanuts.

SEC. 1604. ADJUSTED GROSS INCOME LIMITATION.

(a) IN GENERAL.—Section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308b-3(e)) is amended to read as follows:

(1) SOCIAL SECURITY RECIPIENT.—A person who is a recipient of Social Security benefits, as defined in section 213(g) of the Social Security Act (42 U.S.C. 1382a(g)), shall be considered to be actively engaged in farming with respect to any farming operation if:

(2) JOINT AND SEVERAL LIABILITY.—Any legal entity (including partnerships and joint ventures) and any member of any legal entity determined eligible for payment limitation purposes if the person or legal entity is actively engaged in farming based on subsection (b)(2) or paragraphs (1) through (4) of this subsection.

(3) RELEASE.—The Secretary may partially or fully release from liability any person or legal entity who cooperates with the Secretary with respect to the provisions of sections 1001, 1001A, and 1001C, and this section.

(4) CONFORMING AMENDMENT TO APPLY DIRECTLY TO NATIVE.—

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(a) by striking paragraphs (1) and (2) and inserting the following:

(1) DEFINITIONS.—In this subsection, the terms ‘‘legal entity’’ and ‘‘person’’ have the meanings given to those terms in section 1001(a) of the Food Security Act of 1985 (7 U.S.C. 1308a(a)).

(2) PAYMENT LIMITATION.—The total amount of payments involved, directly or indirectly, by a person or legal entity (excluding a joint venture or general partnership) for any crop year may not exceed $100,000.

(3) A person or legal entity who cooperates with the Secretary with respect to the farming operation if the person or legal entity is a cash rent tenant on a farm owned or under the control of a person or legal entity as determined by the Secretary) shall be considered to be actively engaged in farming with respect to the farming operation involved; and

(4) PROHIBITION.—No other rules with respect to custom farming shall apply.
...come of the person or legal entity.

The term ‘average adjusted gross income’, with respect to a person or legal entity, means the average of the adjusted gross income or comparable measure of the person or legal entity over the 3 taxable years preceding the most immediately preceding complete taxable year, as determined by the Secretary.

(B) Average adjusted gross farm income.—The term ‘average adjusted gross farm income’, with respect to a person or legal entity, means the difference between nonfarm income and adjusted gross farm income, in accordance with subsection (c).

(c) Average adjusted gross nonfarm income.—The term ‘average adjusted gross nonfarm income’, with respect to a person or legal entity, means the difference between nonfarm income and adjusted gross nonfarm income, in accordance with subsection (c).

(i) Average adjusted gross income of the person or legal entity; and

(ii) the average adjusted gross farm income or adjusted gross farm income of the person or legal entity.

(2) Special rules for certain persons and legal entities.—In the case of a legal entity that is not required to file a Federal income tax return, the average adjusted gross income of the person or legal entity that did not have taxable income in 1 or more of the taxable years used to determine the average under subparagraph (A) or (B) of paragraph (1), the Secretary shall provide, by regulation, a method for determining the average adjusted gross income, the average adjusted gross farm income, and the average adjusted gross nonfarm income, as appropriate, if the average adjusted gross nonfarm income of the person or legal entity exceeds $1,000,000, unless not less than 66.66 percent of the average adjusted gross income of the person or legal entity exceeds $1,000,000, unless not less than 66.66 percent of the average adjusted gross farm income of the person or legal entity exceeds $1,000,000.

(3) Allocation of income.—On the request of any person filing a joint tax return, the Secretary shall provide for the allocation of average adjusted gross income, average adjusted gross farm income, and average adjusted gross nonfarm income among the persons filing the return if—

(A) the person provides a certified statement by a certified public accountant or attorney that specifies the method by which the average adjusted gross income, average adjusted gross farm income, and average adjusted gross nonfarm income would have been calculated and reported had the persons filed separate returns;

(B) the Secretary determines that the method described in the statement is consistent with the information supporting the filed joint tax return.

(B) Limits.—

(1) Commodity programs.—

(A) Nonfarm limitation.—Notwithstanding any other provision of law, a person or legal entity shall not be eligible to receive any benefit described in subparagraph (C) during crop year, or program year, as appropriate, if the average adjusted gross nonfarm income of the person or legal entity exceeds $500,000.

(B) Farm limitation.—Notwithstanding any other provision of law, a person or legal entity shall not be eligible to receive a direct payment under subtitle A or C of title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1501 et seq.) and any other provision of law, except as provided in paragraphs (1)(C) and (2)(B) of subsection (b) of this section, during crop year, or program year, as appropriate, if the average adjusted gross farm income of the person or legal entity exceeds $750,000.

(2) Covered benefits.—Subparagraph (A) applies with respect to the following:

(i) A direct payment or counter-cyclical payment under subtitle A or C of title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1501 et seq.) and any other provision of law, except as provided in paragraphs (1)(C) and (2)(B) of subsection (b) of this section, during crop year, or program year, as appropriate, if the average adjusted gross farm income of the person or legal entity exceeds $750,000.

(ii) A marketing loan gain or loan deficiency payment under subtitle B or C of title I of the Food, Conservation, and Energy Act of 2008.

(iii) A payment or benefit under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

(iv) A payment or benefit under section 1506 of the Food, Conservation, and Energy Act of 2008.

(v) A payment or benefit under title IX of the Trade Act of 1974 or subtitle B of the Federal Crop Insurance Act.

(2) Conservation programs.—

(A) Limits.—

(i) General.—Notwithstanding any other provision of law, except as provided in paragraph (1), the Secretary shall provide, by regulation, a method for determining the average adjusted gross farm income of the person or legal entity, under similar circumstances to the following:

(A) Average adjusted gross income, average adjusted gross farm income, and average adjusted gross nonfarm income of the person or legal entity, in addition to the inclusions described in paragraph (1), the Secretary shall include any income reported on the Schedule F or other schedule used by the person or legal entity to report income from farming, ranching, or forestry operations to the Internal Revenue Service except to the extent such income is not already included under paragraph (1).

(B) Covered benefits.—Subparagraph (A) applies with respect to the following:


(ii) A payment or benefit under section 524(b) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)).

(c) Income determination.—

(1) In general.—In determining the average adjusted gross farm income of a person or legal entity, the Secretary shall include income or benefits derived from or related to—

(A) the production of crops, including specialty crops (as defined in section 3 of the Specialty Crops Competitiveness Act of 2004 (7 U.S.C. 1621 note; Public Law 108–465)) and unfinished raw forestry products;

(B) the production of livestock (including cattle, elk, reindeer, bison, horses, deer, sheep, goats, and other animals designated by the Secretary) and other aquacultural products used for food, honeybees, and other animals designated by the Secretary and products produced by, or derived from, livestock;

(C) the production of farm-based renewable energy (as defined in section 9001 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8101));

(D) the sale, including the sale of easements and development rights, of farm, ranch, or forestry land, water or hunting rights, or mineral rights;

(E) the rental or lease of land or equipment used for farming, ranching, or forestry operations, including water or hunting rights;

(F) the processing (including packing), storing (including shedding), and transporting of farm, ranch, and forestry commodities, including renewable energy;

(G) the feeding, rearing, or finishing of livestock;

(H) the sale of land that has been used for agriculture;

(I) payments or other benefits received under any program authorized under title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1501 et seq.), title II of the Food, Conservation, and Energy Act of 2008; and

(J) payments or other benefits received under any program authorized under title XII of this Act, title II of the Farm Security and Rural Investment Act of 2002 (Public Law 107–171; 116 Stat. 225), or title II of the Food, Conservation, and Energy Act of 2008.

(K) payments or other benefits received under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333);

(L) payments or other benefits received under title IX of the Trade Act of 1974 or subtitle B of the Federal Crop Insurance Act;

(M) risk management practices, including benefits received under a program authorized under title IX of the Trade Act of 1974 (7 U.S.C. 1501 et seq.) (including a catastrophic risk protection plan offered under section 508(b) of that Act (7 U.S.C. 1508(b))); and

(N) any other activity related to farming, ranching, or forestry, as determined by the Secretary.

(2) Income derived from farming, ranching, or forestry.—In determining the average adjusted gross farm income of a person or legal entity, in addition to the inclusions described in paragraph (1), the Secretary shall include any income from farming, ranching, or forestry operations to the extent such income is not already included under paragraph (1).

(B) Special rule.—If not less than 66.66 percent of the average adjusted gross income of a person or legal entity is derived from farming, ranching, or forestry operations described in paragraphs (1)(A) and (2), in determining the average adjusted gross farm income of the person or legal entity, the Secretary shall also include—

(A) the sale of equipment to conduct farm, ranch, or forestry operations; and

(B) the provision of production inputs and services to farmers, ranchers, foresters, and farm operations.

(d) Enforcement.—

(1) In general.—To comply with subsection (b), at least once every 3 years a person or legal entity shall provide to the Secretary—

(A) a certification by a certified public accountant or another third party that is acceptable to the Secretary that the average adjusted gross income, average adjusted gross farm income, and average adjusted gross nonfarm income of the person or legal entity does not exceed the applicable limit specified in that subsection; or

(B) information and documentation regarding the average adjusted gross income, average adjusted gross farm income, and average adjusted gross nonfarm income of the person or legal entity through other procedures established by the Secretary.

(2) Denial of program benefits.—If the Secretary determines that a person or legal entity has failed to comply with this section, the Secretary shall deny the issuance of any payments described in paragraphs (1)(C) and (2)(B) of subsection (b) to the person or legal entity, under similar terms and conditions as described in section 1911.

(3) Audit.—The Secretary shall establish statistically valid procedures under which the Secretary shall conduct targeted audits of the persons or legal entities, and the Secretary determines are most likely to exceed the limitations under subsection (b).

(a) Special provisions.—In the case of a payment or benefit described in paragraphs (1)(C) and (2)(B) of subsection (b) made in a crop, program, or fiscal year, as appropriate, to a farm partnership, or joint venture, the amount of the payment or benefit shall be reduced by an...
amount that is commensurate with the direct and indirect ownership interest in the entity, general partnership, or joint venture of each person who has an average adjusted gross income, average adjusted gross farm income, or average adjusted gross farm income in excess of the applicable limitation specified in subsection (b).

(f) Request for Proposals.—This section shall apply only during the 2009 through 2012 crop, program, or fiscal years, as appropriate.

(b) Covered Oilseeds.—The Secretary shall issue a request for proposals described in paragraphs (1)(C) and (2)(B) of subsection (b) of this section (as amended by subsection (a)).

SEC. 1605. ELIGIBILITY, QUALITY INCENTIVE PAYMENTS FOR COVERED OILSEED PRODUCERS.

(a) Incentive Payments Required.—Subject to subsection (b) and the availability of appropriations under subsection (b), the Secretary shall use funds made available under subsection (b) to provide quality incentive payments for the production of oilseeds with specialized traits that enhance human health, as determined by the Secretary.

(b) Covered Oilseeds.—The Secretary shall make payments under this section only for the production of an oilseed variety that has, as determined by the Secretary—

(1) been demonstrated to improve the health profile of the oilseed for use in human consumption by—

(A) reducing or eliminating the need to partially hydrogenate the oil derived from the oilseed for use in human consumption; or

(B) adopting new technology traits; and

(2) 1 or more impediments to commercialization.

(c) Request for Proposals.—

(1) Issuance.—If funds are made available to carry out this section for a crop year, the Secretary shall issue a request for proposals for payments under this section.

(2) Multilateral Proposals.—A proponent may submit a multiyear proposal for payments under this section.

(3) Content of Proposals.—A proposal for payments under this section shall include a description of—

(A) how use of the oilseed enhances human health;

(B) the impediments to commercial use of the oilseed;

(C) each oilseed variety described in subsection (b) and the value of the oilseed variety as a matter of public policy;

(D) a range for the base price and premiums per bushel or hundredweight to be paid to producers;

(E) a per bushel or hundredweight amount of incentive payments requested for each year that funds are made available under this section; and

(F) the targeted total quantity of production and estimated acres needed to produce the targeted quantity for each year under this section.

(d) Contracts for Production.—

(1) In General.—The Secretary shall approve successful proposals submitted under subsection (c) on a timely basis.

(2) Timing of Payments.—The Secretary shall make payments to producers under this section after the Secretary receives funds, unless the Secretary determines that the premium required under a contract has been paid to covered producers.

(e) Administration.—

(1) In General.—If funding provided for a crop year is not fully allocated under the initial request for proposals under subsection (c), the Secretary shall issue additional requests for proposals for subsequent crop years under this section.

(2) Prosecution of Claims.—If funding provided for a crop year is less than the amount otherwise approved by the Secretary for which approval is sought, the Secretary shall prorate the payments in a manner determined by the Secretary so that the total payments do not exceed the funding level.

(f) Proprietary Information.—The Secretary shall protect proprietary information provided to the Secretary for the purpose of administering this section.

(c) Program Administration and Penalties.—

(1) Guarantee.—The proponent, if approved, shall be required to guarantee that the oilseed on which a payment is made by the Secretary under this section is used for human consumption as described in the proposal, as approved by the Secretary.

(2) Noncompliance.—If oilseeds on which a payment is made by the Secretary under this section are not actually used for the purpose the payment is made, the proponent shall be required to pay to the Secretary an amount equal to, as determined by the Secretary—

(A) in the case of an inadvertent failure, twice the amount of the payment made by the Secretary under this section to the proponent; and

(B) in any other case, up to twice the full value of the oilseeds involved.

(3) Documentation.—The Secretary may require such assurances and documentation as may be needed to enforce the guarantee.

(4) Additional Penalties.—

(A) In general.—In addition to payments required under paragraph (2), the Secretary may impose penalties on additional persons that use oilseeds the use of which is restricted under this section for a purpose other than the one approved by the Secretary.

(B) Amount.—The amount of a penalty under this paragraph shall—

(I) be in an amount determined appropriate by the Secretary; but

(not to exceed twice the full value of the oilseeds involved;

(3) Authorization of Appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2009 through 2012.

SEC. 1606. PERSONAL LIABILITY OF PRODUCERS FOR DEFICIENCIES.

Section 164 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7284) is amended by striking "title I of the Farm Security and Rural Investment Act of 2002" each place it appears and inserting "title I of the Farm Security and Rural Investment Act of 2002, and title I of the Food, Conservation, and Energy Act of 2008".

SEC. 1607. EXTENSION OF EXISTING ADMINISTRATIVE AUTHORITY REGARDING LOANS.

Section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7286) is amended—

(1) by striking "and subtitle B and C of title I of the Farm Security and Rural Investment Act of 2002" each place it appears and inserting "title I of the Farm Security and Rural Investment Act of 2002, and title I of the Food, Conservation, and Energy Act of 2008"; and

(2) in subsection (b), by adding at the end the following:

(3) Termination of Authority.—The authority to carry out paragraph (1) terminates effective with the 2009 crop year.

SEC. 1608. ASSIGNMENT OF PAYMENTS.

(a) In General.—The provisions of section 8(g) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590g(h)), relating to assignment of payments, shall apply to payments made under this title.

(b) Notice.—The producer making the assignment, or the assignee, shall provide the Secretary with notice, in such manner as the Secretary may require, of any assignment made under this section.

SEC. 1609. TRACKING OF BENEFITS.

As soon as practicable after the date of enactment of this Act, the Secretary may track the benefits provided, directly or indirectly, to individuals and entities under titles I and II and the amendments made by those titles.

SEC. 1610. GOVERNMENT PURCHASE OF COVERED OIL SEEDS.

Section 15 of the Agricultural Marketing Agreement Act (12 U.S.C. 1141j) is amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e) through (g) as subsections (d) through (f), respectively.

SEC. 1611. PREVENTION OF DECREASED INDIVIDUALS RECEIVING PAYMENTS UNDER FARM COMMODITY PROGRAMS.

(a) Regulations.—Not later than 180 days after the date of enactment of this Act, the Secretary shall promulgate regulations that—

(1) describe the circumstances under which, in order to allow for the settlement of claims for related payments, payments may be issued in the name of a deceased individual; and

(2) preclude the issuance of payments, and on behalf of, deceased individuals that were not eligible for the payments.

(b) Coordination.—At least twice each year, the Secretary shall reconcile the social security numbers of all individuals who receive payments under this title, whether directly or indirectly, with the Social Security Administration to determine if the individuals are alive.

SEC. 1612. HARD WHITE WHEAT DEVELOPMENT PROGRAM.

(a) Definitions.—In this section—

(1) Eligible hard white wheat seed.—The term "eligible hard white wheat seed" means hard white wheat seed that, as determined by the Secretary, is—

(A) certified;

(B) of a variety that is suitable for the State in which the seed will be planted; and

(C) rated at least superior with respect to quality and

(D) specifically approved under a seed establishment program established by the State Department of Agriculture and the State Department of Agriculture of, or more States in which the seed will be planted.

(2) Program.—The term "program" means the hard white wheat development program established under subsection (b).

(b) Establishment.—

(1) In General.—Subject to the availability of appropriations, the Secretary shall establish a hard white wheat development program in accordance with paragraph (2) to promote the establishment of hard white wheat as a viable market class of wheat in the United States by encouraging production of at least 240,000,000 bushels of hard white wheat by 2012.

(2) Payments.—

(A) In General.—Subject to paragraphs (b) and (c) of this section, if funds are made available for any of the 2009 through 2012 crops of hard white wheat, the Secretary

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shall make available incentive payments to producers of those crops.

(B) ACREAGE LIMITATION.—The Secretary shall carry out subparagraph (A) subject to a regional maximum determined by the Secre-
ty to the Secretary, in the form of

(C) PAYMENT LIMITATIONS.—Payments to producers on a farm described in subpara-
graph (A) shall be—

(c) AUTHORIZATION OF APPOINTMENTS.—There are authorized to be appropriated to

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or Federal, State, local, or tribal agency working in cooperation with the Secretary in any Department program—

(i) when providing technical or financial assistance to the agricultural operation, agricultural land, or farming or conservation practices; or

(ii) when responding to a disease or pest threat to agricultural operations. The Secretary determines that a threat to agricultural operations exists and the disclosure of information to a person or cooperating government agency is necessary to assist the Secretary in responding to the disease or pest threat as authorized by law.

(4) EXCEPTIONS.—Nothing in this subsection—

(A) the disclosure of payment information (including payment information and the names and addresses of recipients of payments) under any Department program that is otherwise authorized by law;

(B) the disclosure of information described in paragraph (2) if the information has been transformed into a statistical or aggregate form without naming any—

(i) individual owner, operator, or producer; or

(ii) specific data gathering site; or

(C) the disclosure of information described in paragraph (2) pursuant to the consent of the agricultural producer or owner of agricultural land.

(5) CONDITION OF OTHER PROGRAMS.—The participation of the agricultural producer or owner of agricultural land in, or receipt of any benefits under, any program administered by the Secretary may not be conditioned on the consent of the agricultural producer or owner of agricultural land under paragraph (4)(C).

(6) WAIVER OF PRIVILEGE OR PROTECTION.—The disclosure of information under paragraph (2) shall not constitute a waiver of any applicable privilege or protection under Federal law, including trade secret protection.

SEC. 1620. LEASING OF OFFICE SPACE.

Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture and the Committee on Appropriations of the House of Representatives and the Committee on Appropriations—

(A) the amount of costs incurred by the Secretary by leasing space for the Department of Agriculture; and

(B) the amount of direct reimbursement payments made to a geographically disadvantaged farmer or rancher under this section for a fiscal year shall equal the product obtained by multiplying—

(i) the amount of costs incurred by the Secretary by leasing space for the agricultural commodity or inputs during the fiscal year; and

(ii) the percentage of the allowance for that fiscal year, as determined by the Secretary.

(3) AMOUNT.—

(A) IN GENERAL.—Subject to paragraph (2), the amount of direct reimbursement payments made to a geographically disadvantaged farmer or rancher under this section for a fiscal year shall equal the product obtained by multiplying—

(i) the amount of costs incurred by the Secretary by leasing space for the agricultural commodity or inputs during the fiscal year; and

(ii)(I) the percentage of the allowance for that fiscal year, as determined by the Secretary; and

(ii)(II) in the case of an insular area (as defined in section 702 of title 42, United States Code, for Federal employees stationed in Alaska and Hawaii; or

(ii)(ii) in the case of an insular area (as defined in section 702 of United States Code, for Federal employees stationed in America Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands).

(4) EXCEPTIONS.

(a) COMMISSION ON APPLICATION OF PAYMENT LIMITATIONS.—Section 1865 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7993) is repealed.

(b) RENEWAL AVAILABILITY OF MARKET LOSS ASSISTANCE IN EMERGENCY ASSISTANCE TO PERSONS THAT FAILED TO RECEIVE ASSISTANCE UNDER EARLIER AUTHORITY.—Section 1617 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8000) is repealed.

TITLE II—CONSERVATION

Subtitle A—Definitions and Highly Erodible Land and Wetland Conservation


(a) BEGINNING FARMER OR RANCHER.—Section 1201(a) of the Food Security Act of 1985 (16 U.S.C. 3801(a)) is amended—

(1) by redesignating paragraphs (2) through (6), (7) through (11), (12), (13) through (15), (16), (17), and (18) as paragraphs (3) through (7), (8), (9) through (13), (14), (15), through (20), (22), (24), (26), and (27), respectively; and

(2) by inserting after paragraph (1) the following new paragraph:

"(2) BEGINNING FARMER OR RANCHER.—The term 'beginning farmer or rancher' has the meaning given the term in section 10906(a) of the Federal Security and Rural Investment Act of 2002 (7 U.S.C. 2294 note; Public Law 107-171).

(b) AUTHORIZATION.—Subject to the availability of funds under subsection (d), the Secretary may provide geographically disadvantaged beginning farmers or ranchers direct reimbursement payments for activities described in subsection (c).

(c) TRANSPORTATION.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Secretary may provide direct reimbursement payments to a geographically disadvantaged beginning farmer or rancher to transport an agricultural commodity, or inputs used to produce an agricultural commodity, during a fiscal year.

(2) PAYMENT ELIGIBILITY.—To be eligible to receive assistance under paragraph (1), a geographically disadvantaged farmer or rancher shall demonstrate to the Secretary that transportation of the agricultural commodity or inputs occurred over a distance of more than 30 miles, as determined by the Secretary.

(3) AMOUNT.—

(A) IN GENERAL.—Subject to paragraph (2), the amount of direct reimbursement payments made to a geographically disadvantaged farmer or rancher under this section for a fiscal year shall equal the product obtained by multiplying—

(i) the amount of costs incurred by the Secretary by transporting the agricultural commodity or inputs during the fiscal year; and

(ii) the percentage of the allowance for that fiscal year, as determined by the Secretary.

(B) LIMITATION.—The total amount of direct reimbursement payments provided by the Secretary under this section shall not exceed $15,000 for a fiscal year.

(c) I NDIAN TRIBE.

The term 'Indian tribe' has the meaning given the term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f(e)).

(d) INTEGRATED PEST MANAGEMENT; LIVESTOCK; NONINDUSTRIAL PRIVATE FOREST LAND; PERSON AND LEGAL ENTITY.—Section 1201(a) of the Food Security Act of 1985 (16 U.S.C. 3801(a)) is amended by inserting after paragraph (13), as redesignated by subsection (a)(1), the following new paragraph:

"(14) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f(e)).

(e) INTEGRATED PEST MANAGEMENT.—The term 'integrated pest management' means a pest management approach that combines biological, cultural, physical, and chemical tools in a way that minimizes economic, health, and environmental risks.

(f) LIVESTOCK.—The term 'livestock' means all animals raised on farms, as determined by the Secretary.

(g) NONINDUSTRIAL PRIVATE FOREST LAND.—The term 'nonindustrial private forest land' means rural land, as determined by the Secretary, that—

(A) has existing tree cover or is suitable for growing trees; and

(B) is owned by any nonindustrial private individual, group, association, corporation, Indian tribe, or other private legal entity that has definitive decisionmaking authority over the land.

(h) PERSON AND LEGAL ENTITY.—For purposes of applying payment limitations under this Act, the term 'legal entity' have the meanings given those terms in section 1001(a) of this Act (7 U.S.C. 1308(a)).

(i) SOCIOECONOMICALLY DISADVANTAGED FARMER OR RANCHER.—Section 1201(a) of the Food Security Act of 1985 (16 U.S.C. 3801(a)) is amended by inserting after paragraph (22), as redesignated by subsection (a)(1), the following new paragraph:

"(23) SOCIOECONOMICALLY DISADVANTAGED FARMER OR RANCHER.—The term 'socioeconomically disadvantaged farmer or rancher' has the meaning given the term in section 251(e)(2) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(e)(2)).

(j) TECHNICAL ASSISTANCE.—Section 1201(a) of the Food Security Act of 1985 (16 U.S.C. 3801(a)) is amended by inserting after paragraph (24), as redesignated by subsection (a)(1), the following new paragraph:

"(25) TECHNICAL ASSISTANCE.—The term 'technical assistance' means technical expertise, information, and tools necessary for the conservation of natural resources on land acquired by the Secretary by purchase or by gift, lease, or other transfer of title, and the use thereof for agricultural, forestry, or related uses. The term includes the following:

(A) Technical services provided directly to farmers, ranchers, and other eligible entities such as consulting, technical inspection, technical consultation, and assistance with design and implementation of conservation practices.

(B) Technical infrastructure, including activities, processes, tools, and agency functions needed to support delivery of technical
services, such as technical standards, resource inventories, training, data, technology, monitoring, and effects analyses.”

SEC. 2002. REVIEW OF GOOD FAITH DETERMINATIONS RELATED TO ELIGIBLE LAND CONSERVATION.

Section 1212 of the Food Security Act of 1985 (16 U.S.C. 3831) is amended by striking subsection (c) and inserting the following new subsection:

“(1) GRANTED PENALTIES.—

“(i) INELIGIBILITY.—No person shall become ineligible under section 1211 for program loans, payments, and benefits as a result of the failure of the person to actively apply a conservation plan, if the Secretary determines that the person has acted in good faith and without an intent to violate this subtitle.

“(ii) Eligible reviewers.—A determination of the Secretary, or a designee of the Secretary, under paragraph (1) shall be reviewed by the applicable:

“(A) State Executive Director, with the technical concurrence of the area conservationist; or

“(B) district director, with the technical concurrence of the area conservationist.

“(3) Period for Implementation.—A person who meets the requirements of paragraph (1) shall be considered to be actively applying the conservation plan.

“(4) Final Penalties.—

“(A) APPLICATION.—This paragraph applies if the Secretary determines that—

“(i) a person has failed to comply with section 1211 with respect to highly erodible cropland, and has acted in good faith and without an intent to violate section 1211; or

“(ii) the violation—

“(A) is technical and minor in nature; and

“(B) has a minimal effect on the erosion control purposes of the conservation plan applicable to the land on which the violation has occurred.

“(B) REDUCTION.—If this paragraph applies under subparagraph (A), the Secretary shall, in lieu of applying the ineligibility provisions of section 1211, reduce program benefits described in section 1211 so that the producer would otherwise be eligible to receive in a crop year by an amount commensurate with the scope of the violation, as determined by the Secretary.

“(5) SUBSEQUENT CROP YEARS.—Any person whose benefits are reduced for any crop year under this section shall continue to be eligible for all of the benefits described in section 1211 for any subsequent crop year if, prior to the beginning of the subsequent crop year, the Secretary determines that the person is actively applying a conservation plan according to the schedule specified in the plan.”.

SEC. 2003. REVIEW OF GOOD FAITH DETERMINATIONS RELATED TO WETLAND CONSERVATION.

Section 1221(h) of the Food Security Act of 1985 (16 U.S.C. 3822(h)) is amended—

“(1) by redesignating paragraph (2) as paragraph (3); and

“(2) by inserting after paragraph (1) the following new paragraph:

“(2) ELIGIBLE REVIEWERS.—A determination of the Secretary, or a designee of the Secretary, under paragraph (1) shall be reviewed by the applicable:

“(A) State Executive Director, with the technical concurrence of the State Conservationist; or

“(B) district director, with the technical concurrence of the area conservationist.”.

(3) in paragraph (3) (as redesignated by paragraph (1)), by inserting “be” before “actively”.

Subtitle B—Conservation Reserve Program

SEC. 2101. EXTENSION OF CONSERVATION RESERVE PROGRAM.

Section 1231(a) of the Food Security Act of 1985 (16 U.S.C. 3831(a)) is amended—

“(1) by striking “2007 calendar year” and inserting “2002 calendar year”;

“(2) by inserting before the period the following: “and to address issues raised by State, regional, and national conservation initiatives”; and

SEC. 2102. LAND ELIGIBLE FOR ENROLLMENT IN CONSERVATION RESERVE.

Section 1231(b) of the Food Security Act of 1985 (16 U.S.C. 3831(b)) is amended—

“(1) in paragraph (1)(B)—

“(A) by striking “Farm Security and Rural Investment Act of 2002” and inserting “Food, Conservation, and Energy Act of 2008”;

“(B) by striking the period at the end and inserting a semicolon; and

“(2) in paragraph (2)—

“(A) in subparagraph (C), by striking “or” and inserting “, or”;

“(B) in subparagraph (D), by striking “and” at the end and inserting “or”; and

“(C) in subparagraph (E), by inserting “or” after the semicolon at the end.

SEC. 2103. MAXIMUM ENROLLMENT OF ACREAGE IN CONSERVATION RESERVE.

Section 1231(c) of the Food Security Act of 1985 (16 U.S.C. 3831(c)) is amended—

“(1) by striking “2007 calendar years” and inserting “2009 fiscal years”;

“(2) by striking “16 U.S.C.” and inserting “16 U.S.C.”; and

“(3) by adding at the end the following new sentence: “During fiscal years 2010, 2011, and 2012, the Secretary may maintain up to 32,000,000 acres in the conservation reserve at any time.”.

SEC. 2104. DESIGNATION OF CONSERVATION PRIORITY AREAS.

Section 1231(f) of the Food Security Act of 1985 (16 U.S.C. 3831(f)) is amended by striking “the Chesapeake Bay Region (Pennsylvania, Maryland, and Virginia)” and inserting “the Chesapeake Bay Region”.

SEC. 2105. TREATMENT OF MULTI-YEAR GRASSES AND LEGUMES.

Subtitle B section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) is amended to read as follows:

“(g) MULTI-YEAR GRASSES AND LEGUMES.—

“(1) General provisions of this subchapter, alfalfa and other multi-year grasses and legumes in a rotation practice, approved by the Secretary, shall be considered agricultural commodities.

“(2) CROPPING HISTORY.—Alfalfa, when grown as part of a rotation practice, as determined by the Secretary, is an agricultural commodity subject to the cropping history criteria under subsection (b)(1)(B) for the purpose of determining whether highly erodible cropland has been planted or considered planted for 4 of the 6 years referred to in such subsection.”.

SEC. 2106. REVISED PILOT PROGRAM FOR ENROLLMENT OF WETLAND AND BUFFER ACREAGE IN CONSERVATION RESERVE.

(a) REPEALED PROGRAM.—

“(1) IN GENERAL.—Section X of the Food Security Act of 1985 (16 U.S.C. 3831) is amended—

“(A) by redesignating paragraph (1) as paragraph (3); and

“(B) by inserting after paragraph (1) the following new paragraph:

“(2) ELIGIBLE REVIEWERS.—A determination of the Secretary, or a designee of the Secretary, under paragraph (1) shall be reviewed by the applicable:

“(A) State Executive Director, with the technical concurrence of the State Conservationist; or

“(B) district director, with the technical concurrence of the area conservationist.”.

“(1) PROGRAM REQUIRED.—

“(A) In general.—During each of the 2008 through 2012 fiscal years, the Secretary shall carry out a program in each State under which the Secretary shall enroll eligible acreage described in subsection (b).

“(B) ELIGIBLE ACREAGE.—

“(1) WETLAND AND RELATED LAND.—Subject to subsections (c) and (d), an owner or operator may enroll in the conservation reserve, pursuant to the program established under this section, land—

“(A) that is wetland (including a converted wetland described in section 222(b)(1)(A) that has been cropped for at least 3 of the immediately preceding 10 crop years); and

“(B) on which a constructed wetland is to be developed that will receive flow from a row crop agriculture drainage system and is designed to provide nitrogen removal in addition to other wetland functions;

“(C) that was devoted to commercial pond-raised aquaculture in any year during the period of calendar years 2002 through 2007; or

“(D) that, after January 1, 1990, and before December 31, 2002, was—

“(i) cropped during at least 3 of 10 crop years; and

“(ii) subject to the natural overflow of a prairie wetland.

“(2) BUFFER ACREAGE.—Subject to subsections (c) and (d), an owner or operator may enroll in the conservation reserve, pursuant to the program established under this section, buffer acres that—

“(A) with respect to land described in subparagraph (A), (B), or (C) of paragraph (1)—

“(i) is contiguous to such land;

“(ii) is used to protect such land; and

“(iii) is of such width as the Secretary determines is necessary to protect such land, taking into consideration and accommodating the farming practices (including the straightening of boundaries to accommodate machinery) used with respect to the cropland that surrounds such land; and

“(B) with respect to land described in subparagraph (D) of paragraph (1), enhances a wildlife benefit to the extent practicable in terms of upland to wetland ratios, as determined by the Secretary.

“(3) PROGRAM LIMITATIONS.—

“(A) ACREAGE LIMITATION.—The Secretary may enroll in the conservation reserve, pursuant to the program established under this section, not more than—

“(i) 100,000 acres in any State; and

“(ii) a total of 1,000,000 acres.

“(B) ELIGIBLE ACREAGE.—Subject to paragraph (3), any acreage enrolled in the conservation reserve under this section shall be considered acres maintained in the conservation reserve.

“(C) RELATIONSHIP TO OTHER ENSURED ACREAGE.—Acreage enrolled in the conservation reserve under this section shall not affect, for any fiscal year, the quantity of—

“(A) acres enrolled to establish conservation buffers as part of the program announced on March 24, 1998 (63 Fed. Reg. 1408); or

“(B) acreage enrolled into the conservation reserve enhancement program announced on May 27, 1998 (63 Fed. Reg. 20965).

“(4) REVIEW: POTENTIAL INCREASE IN ENSURED ACREAGE.—The Secretary shall conduct a review of the program established under this section with respect to each State that has enrolled land in the conservation reserve pursuant to the program. As a result of the review, the Secretary may increase the number of acres that may be enrolled in the program under the quantity of 200,000 acres, notwithstanding paragraph (1)(A).
“(d) Owner or Operator Enrollment Limitations.—

“(1) Wetland and related land.—

“(A) Wetlands and constructed wetlands. The maximum size of any land described in subparagraph (A) or (B) of subsection (b)(1) that an owner or operator may enroll in the conservation reserve, pursuant to this section, shall be 40 contiguous acres.

“(B) Flooded farmland. The maximum size of any land described in subparagraph (D) of subsection (b)(1) that an owner or operator may enroll in the conservation reserve, pursuant to the program established under this section, shall be 20 contiguous acres.

“(c) Coverage.—All acres described in subparagraph (A) or (B), including acres that are ineligible for payment, shall be covered by the conservation contract.

“(2) Buffer acreage.—The maximum size of any buffer acreage described in subsection (b)(2) that an owner or operator may enroll in the conservation reserve under this section shall be determined by the Secretary in consultation with the State Technical Committee.

“(3) Tracts.—Except for land described in subsection (b)(1)(C) and buffer acreage related to such land, the maximum size of any eligible acreage described in subsection (b)(1) in a tract of an owner or operator enrolled in the conservation reserve under this section shall be 40 acres.

“(e) Duties of Owners and Operators.—During the term of a contract entered into under the program established under this section, an owner or operator shall agree—

“(1) to restore the hydrology of the wetland within the eligible acreage to the maximum extent practicable, as determined by the Secretary;

“(2) to establish vegetative cover (which may include emerging vegetation in water and bottomland hardwoods, cypress, and other appropriate tree species) on the eligible acreage, as determined by the Secretary;

“(3) to a general prohibition of commercial use of enrolled land; and

“(4) to carry out other duties described in section 1232.

“(f) Duties of the Secretary.—

“(1) In general.—Except as provided in paragraph (3), in return for a contract entered into under this section, the Secretary shall—

“(A) make payments to the owner or operator on an annual rate for cropland; and

“(B) provide assistance to the owner or operator in accordance with sections 1233 and 1234.

“(2) Contract offers and payments.—The Secretary shall use the method of determination described in section 1234(c)(2)(B) to determine the acceptability of contract offers and the amount of rental payments under this section.

“(3) Incentives.—The amounts payable to owners and operators in the form of rental payments under contracts entered into under this section shall reflect incentives that are provided to owners and operators to enroll forested wetlands in the conservation reserve under section 1232.

“(g) Repeal of superseded program.—Section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) is amended—

“(1) by striking “(k) Emergency Forestry Conservation Reserve Program.” and inserting the following:

“SEC. 1231A. EMERGENCY FORESTY CONSERVATION RESERVE PROGRAM.—(1) by striking subsection (b); and

“(2) by striking subsection (c) and inserting—

“SEC. 1231A. EMERGENCY FORESTY CONSERVATION RESERVE PROGRAM.—(1) by striking “(k) Emergency Forestry Conservation Reserve Program.” and inserting the following:

“(2) by striking “subsection (c)” and inserting—

“(3) as subsections (a), so redesignated, by redesignating paragraphs (1) and (2) as paragraphs (1) and (2), respectively; and

“(4) in subsection (c), as so redesignated—

“(A) by redesignating paragraphs (1) through (9) as paragraphs (1) through (9), respectively; and

“(B) in paragraph (1), as so redesignated, by striking “paragraph (2)” and “paragraph (3)” and inserting “paragraph (2)” and “paragraph (3)”.

“(C) in paragraph (3), as so redesignated—

“(i) by redesignating clauses (i) through (vi) as subclauses (i) through (vi), respectively; and

“(ii) by striking “subsection (d)” and inserting “subsection (d)”.

“(D) in paragraph (4), as so redesignated, by redesignating paragraphs (A) and (B) as subparagraphs (A) and (B), respectively;

“(E) in paragraph (5), as so redesignated—

“(i) by redesignating clauses (i) through (vi) as subclauses (i) through (vi), respectively, and subclauses (I) and (II) as clauses (i) and (ii), respectively; and

“(ii) in paragraph (B), as so redesignated, by striking “paragraph (A)” and inserting “paragraph (A)”.

“(F) in paragraph (9), as so redesignated, by redesignating clauses (i) through (iii) as subclauses (i) through (iii), respectively, and subclauses (I) and (II) as clauses (i) through (iii), respectively;

“(G) in paragraph (10), as so redesignated, by redesignating paragraphs (A) through (C) as paragraphs (A) through (C), respectively.

“(h) Additional duties of participants under conservation reserve contracts.—Section 1232(a)(2) of the Food Security Act of 1985 (16 U.S.C. 3832(a)(2)) is amended—

“(1) by redesignating paragraphs (5) through (10) as paragraphs (6) through (11), respectively; and

“(2) by inserting after paragraph (4) the following new paragraph:

“(b) to undertake management on the land as needed throughout the term of the contract to implement the conservation plan;

“SEC. 2108. MANAGED HAYING, GRAZING, OR OTHER COMMERCIAL USE OF FORAGE ON ENROLLED LAND AND INSTALLATION OF WIND TURBINES.

“(a) General prohibition; exceptions.—Section 1232(a) of the Food Security Act of 1985 (16 U.S.C. 3832(a)) is amended by striking paragraph (8), as redesignated by section 2107, and inserting the following new paragraph:

“(8) not to conduct any harvesting or grazing, nor otherwise make commercial use of the forage, on land that is subject to the contract, nor adopt any similar practice specified in the contract by the Secretary as a practice that would tend to defeat the purposes of the contract, except that the Secretary may permit, consistent with the preservation of soil, water quality, and wildlife habitat (including habitat during nesting seasons for birds in the area).

“(B) any managed harvesting (including the managed harvesting of biomass), except that in permitting managed harvesting, the Secretary, in coordination with the State technical committee, shall—

“(1) shall develop appropriate vegetation management requirements; and

“(ii) shall identify periods during which managed harvesting may be conducted;

“(B) harvesting and grazing or other commercial use of the forage on the land that is subject to the contract, nor permitting such routine grazing or prescribed grazing, the Secretary, in coordination with the State technical committee—

“(i) shall develop appropriate vegetation management requirements; and

“(ii) shall develop the practices and standards for thinning, taking into consideration regional differences such as—

“(1) climate, soil type, and natural resources;

“(2) the number of years that should be required between routine grazing activities; and

“(3) how often during a year in which routine grazing is permitted that routine grazing should be allowed to occur; and

“(D) the installation of wind turbines, except that in permitting the installation of wind turbines, the Secretary shall determine the number and location of wind turbines that may be installed, taking into account—

“(1) the purposes of the conservation reserve program under this subchapter;—

“(4) RENTAL PAYMENT REDUCTION.—Section 1232 of the Food Security Act of 1985 (16 U.S.C. 3832) is amended by adding at the end the following new subsection:

“(d) RENTAL PAYMENT REDUCTION FOR CERTAIN AUTHORIZED USES OF ENROLLED LAND.—In the case of an authorized activity under subsection (a)(6) on land that is subject to a contract under this subchapter, the Secretary shall reduce the rental payment otherwise payable under the contract by an amount commensurate with the economic value of the authorized activity.

“SEC. 2109. COST SHARING PAYMENTS RELATING TO TREES, WINDBREAKS, SHELTERBELTS, AND WILDLIFE CORRIDORS.

“(a) General prohibition; exceptions.—Section 1232(a) of the Food Security Act of 1985 (16 U.S.C. 3832(a)) is amended by striking paragraph (3), as redesignated by section 1232, and inserting the following new paragraph:

“(3) to the extent provided in section 1232(a)(9), if the thinning is necessary to improve the condition of resources on the land.

“(B) Payments.—

“(1) Percentage.—In making cost share payments to an owner or operator of land described in subparagraph (A), the Secretary shall pay 50 percent of the reasonable and necessary costs incurred by the owner or operator for maintaining trees or shrubs, including the cost of replanting (if the trees or shrubs were lost due to conditions beyond the control of the owner or operator) or thinning.
“(1) DURATION.—The Secretary shall make payments as described in clause (1) for a period of not less than 2 years, but not more than 4 years, beginning on the date of—

“(1) DESTRUCTION OF WETLANDS.—Subject to subparagraphs (A) and (B) of clause (iv) of section 1237(c)(1) of the Food Security Act of 1985 (16 U.S.C. 3837(c)(1)), as amended—

“(1) in clause (i), by striking ‘‘or’’ at the end; and

“(2) by redesignating clause (ii) as clause (iv); and

“(3) by inserting after clause (ii) the following new clause:

“(iii) in determining the suitability of land subject to the contract from a retired or retiring owner or operator to a beginning farmer or rancher or socially disadvantaged farmer or rancher for farmland retirement ends or all of the land into production using sustainable or local production methods; or

“(b) TRANSITION OPTION.—The Secretary shall—

“(1) in paragraph (2), by striking ‘‘The Secretary shall’’ and inserting ‘‘The Secretary’’; and

“(2) by adding at the end the following new paragraph:

“(3) by inserting the following new paragraph:

“(3) MAXIMUM ENROLLMENT.—The total number of acres enrolled in the wetlands reserve program shall not exceed 3,041,200 acres.

“(2) REENROLLMENT.—The Secretary shall—

“(1) in subparagraph (A), by striking ‘‘the Secretary’’ and inserting ‘‘The Secretary’’; and

“(2) by striking paragraph (2) and inserting the following new paragraph:

“(3) PURCHASE.—In the case of acreage owned by a landowner, the Secretary shall enroll acreage into the wetlands reserve program through the use of—

“(A) a 30-year contract (the value of which shall be equivalent to the value of a 30-year easement); and

“(B) any combination of the options described in subparagraphs (A) and (B).
(2) in clause (ii), by striking ‘‘; and’’ and inserting ‘‘; or’’; and
(3) by adding at the end the following new clause:

‘‘(iii) to meet habitat needs of specific wildlife species; and’’.

SEC. 2205. COMPENSATION FOR EASEMENTS UNDER WETLANDS RESERVE PROGRAM.

Subsection (f) of section 1237A of the Food Security Act of 1985 (16 U.S.C. 3837a) is amended by adding at the end the following new subsection:

‘‘(f) COMPENSATION.—

(1) DETERMINATION.—Effective on the date of the enactment of the Food, Conservation, and Energy Act of 2008, the Secretary shall pay as compensation for a conservation easement acquired under this subchapter the lowest of—

(A) the fair market value of the land, as determined by the Secretary, using the Uniform Standards of Professional Appraisal Practices or an area-wide market analysis or survey;

(B) the amount corresponding to a geographical cap, as determined by the Secretary in regulations; or

(C) the offer made by the landowner.

(2) FORM OF PAYMENT.—Compensation for an easement shall be provided by the Secretary in the form of a cash payment, in an amount determined under paragraph (3) and specified in the easement agreement.

(3) PAYMENT SCHEDULE FOR EASEMENTS.—

(A) EASEMENTS VALUED AT MORE THAN $500,000.—Payments shall be paid at $500,000 or less, the Secretary may provide easement payments in not more than 30 annual payments.

(B) EASEMENTS IN EXCESS OF $500,000.—For easements valued at more than $500,000, the Secretary may provide easement payments in at least 5, but not more than 30 annual payments, except that, if the Secretary determines it would further the purposes of the program, the Secretary may make a lump sum payment for such an easement.

(4) RESTORATION AGREEMENT.—Payments made to a person or legal entity, directly or indirectly, pursuant to a restoration cost-share agreement under this subchapter may not exceed, in the aggregate, $50,000 per year.

(5) ENROLLMENT PROCEDURE.—Lands may be enrolled in a subchapter through the submission of bids under a procedure established by the Secretary.’’.

SEC. 2206. WETLANDS RESERVE ENHANCEMENT PROGRAM AND RESERVED RIGHTS PILOT PROGRAM.

Section 1237A of the Food Security Act of 1985 (16 U.S.C. 3837a) is amended by adding at the end the following new subchapter:

‘‘(h) WETLANDS RESERVE ENHANCEMENT PROGRAM.—

(1) PROGRAM AUTHORIZED.—The Secretary may enter into 1 or more agreements with a State, a nonfederal organization, or any other public or private entity to carry out a special wetlands reserve enhancement program that the Secretary determines would advance the purposes of this subchapter.

(2) RESERVED RIGHTS PILOT PROGRAM.—

(A) RESERVATION OF GRASSING RIGHTS.—As part of the wetlands reserve enhancement program, the Secretary shall carry out a pilot program in which a landowner may reserve grassing rights in the warranty easement deed restriction if the Secretary determines that the reservation and use of the grassing rights is necessary for the purpose of the program.

(B) AGREEMENT.—With respect to an agreement under paragraph (A), the Secretary shall carry out the agreement in accordance with the following:

(i) is compatible with the land subject to the easement;

(ii) is consistent with the long-term wetland conservation goals for which the easement was established; and

(iii) complies with a conservation plan.

(B) DURATION.—The pilot program established under paragraph (A) shall terminate on September 30, 2012.’’.

SEC. 2207. DUTIES OF SECRETARY OF AGRICULTURE RELATING TO WETLANDS RESERVE PROGRAM.

Section 1237C of the Food Security Act of 1985 (16 U.S.C. 3837c) is amended by adding at the end the following new subsection:

‘‘(c) RANKING OF OFFERS.—

(1) CONSERVATION BENEFITS AND FUNDING CONSIDERATIONS.—When evaluating offers from landowners, the Secretary may consider:

(A) the conservation benefits of obtaining an easement or other interest in the land;

(B) the cost-effectiveness of each easement or other interest in eligible land, so as to maximize the environmental benefits per dollar expended; and

(C) whether the landowner or another person is offering to contribute financially to the cost of the easement or other interest in eligible land to leverage Federal funds.

(2) ADDITIONAL CONSIDERATIONS.—In determining the acceptability of easement offers, the Secretary may take into consideration—

(A) the extent to which the purposes of the easement program would be achieved on the land;

(B) the productivity of the land;

(C) the on-farm and off-farm environmental threats if the land is used for the production of agricultural commodities.’’.

SEC. 2208. RESTORATION LIMITATIONS UNDER WETLANDS RESERVE CONTRACTS AND AGREEMENTS.

Section 1237D(c) of the Food Security Act of 1985 (16 U.S.C. 3837d(c)) is amended by striking paragraph (4).

SEC. 2210. REPORT ON IMPLICATIONS OF LONG-TERM NATURE OF CONSERVATION EASEMENTS.

(a) REPORT REQUIRED.—Not later than January 1, 2010, the Secretary of Agriculture shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that evaluates the implications of the long-term nature of conservation easements granted under section 1237A of the Food Security Act of 1985 (16 U.S.C. 3837a) on resources of the Department of Agriculture.

(b) INCLUSIONS.—The report required by subsection (a) shall include the following:

(1) a description of the number and location of conservation easements granted under that section that the Secretary holds or has a significant role in managing or monitoring;

(2) an assessment of the extent to which the oversight of the conservation easement agreements impacts the availability of resources, including technical assistance;

(3) an assessment of the uses and value of agreements with partner organizations;

(4) any other relevant information relating to the purposes of this subchapter that would be helpful to the Committees referred to in subsection (a).

Subtitle D—Conservation Stewardship Program

SEC. 2301. CONSERVATION STEWARDSHIP PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—Chapter 2 of subtitle D of title XII of the Food Security Act of 1985 is amended—

(1) by redesignating subchapters B (farm conservation program) and C (grassland reserve program) as subchapters C and D, respectively; and

(2) by inserting after subchapter A the following new subchapter:

‘‘Subchapter B—Conservation Stewardship Program

SEC. 1238D. DEFINITIONS.

‘‘In this subchapter:

(1) CONSERVATION ACTIVITIES.—

(A) IN GENERAL.—The term ‘conservation activities’ means conservation systems, practices, or management measures that are designed to address a resource concern.

(B) INCLUSIONS.—The term ‘conservation activities’ includes—

(i) structural measures, vegetative measures, and land management measures, including agriculture drainage management systems, as determined by the Secretary; and

(ii) planning needed to address a resource concern.

(2) CONSERVATION MEASUREMENT TOOLS.—The term ‘conservation measurement tools’ means the procedures to evaluate the degree of environmental benefit to be achieved by a producer in implementing conservation activities, including indices or other measures developed by the Secretary.

(3) CONSERVATION STEWARDSHIP PLAN.—The term ‘conservation stewardship plan’ means a plan that—

(A) identifies and inventories resource concerns;

(B) establishes benchmark data and conservation objectives;

(C) describes conservation activities to be implemented, managed, or improved; and

(D) includes a schedule and evaluation plan for the planning, installation, and management of the new and existing conservation activities.

(4) PRIORITY RESOURCE CONCERN.—The term ‘priority resource concern’ means a resource concern that is identified at the State level, in consultation with the State Technical Committee, as a priority for a particular watershed or ascribable to an agency for enrollment in the program.

(5) STEWARDSHIP THRESHOLD.—The term ‘stewardship threshold’ means the level of natural resource conservation and environmental management required, as determined by the Secretary using conservation measurement tools, to improve and conserve the natural resource condition of a resource concern.

SEC. 1238E. CONSERVATION STEWARDSHIP PROGRAM.

(a) ESTABLISHMENT AND PURPOSE.—During each of fiscal years 2010 through 2012, the Secretary shall carry out a conservation stewardship program to encourage producers to address resource concerns in a comprehensive manner by—

(i) by undertaking additional conservation activities; and
(2) by improving, maintaining and managing existing conservation activities.

(b) ELIGIBLE LAND.—

(1) IN GENERAL.—Except as provided in subsection (b), the following land is eligible for enrollment in the program:

(A) Private agricultural land (including cropland, grassland, prairie land, improved pastures, rangeland, and land used for agro-forestry).

(B) Agricultural land under the jurisdiction of the Federal Government.

(C) Forested land that is an incidental part of an agricultural operation.

(D) Other private agricultural land (including cropland, prairie land, improved pastures, rangeland, and agricultural land used for the production of livestock) on which resource concerns related to agricultural production could be addressed by enrolling the land in the program, as determined by the Secretary.

(2) SPECIAL RULE FOR NONINDUSTRIAL PRIVATE FOREST LAND.—Nonindustrial private forest land is eligible for enrollment in the program, except that not more than 10 percent of the annual acres enrolled nationally in any fiscal year may be nonindustrial private forest land.

(3) AGRICULTURAL OPERATION.—Eligible land shall include all acres of an agricultural operation, whether or not contiguous, that are under the effective control of the producer at the time the producer enters into a stewardship contract, and is operated by the producer with equipment, management, and production or cultivation practices that are substantially separate from other agricultural operations, as determined by the Secretary.

(c) EXCLUSIONS.—

(1) LAND ENROLLED IN OTHER CONSERVATION PROGRAMS.—Subject to paragraph (2), the following land is not eligible for enrollment in the program:

(A) Land enrolled in the conservation reserve program.

(B) Land enrolled in the wetlands reserve program.

(C) Land enrolled in the grassland reserve program.

(D) Land enrolled in the grassland reserve program.

(E) Conversion to cropland.

(2) PROHIBITION.

(A) State the amount of the payment the producer would otherwise be eligible to receive.

(B) Develop a proposal to increase the payment the producer would otherwise be eligible to receive.

(C) Allow the producer to retain payments otherwise be eligible to receive.

(2) IN GENERAL.

(A) The Secretary may not accept a proposal that would otherwise be eligible to receive.

(B) The Secretary may accept a proposal that would otherwise be eligible to receive.

(C) Allow the producer to retain payments otherwise be eligible to receive.

(2) ADDITIONAL CRITERIA.

The Secretary may develop and use such additional criteria for evaluating applications to enroll in the program that the Secretary determines are necessary to ensure that the national, state, and local conservation priorities are effectively addressed.

(c) ENTERING INTO CONTRACTS.—After a determination that a producer is eligible for the program under subsection (a), if a determination that the producer offer ranks sufficiently high under the evaluation criteria that a producer is eligible for the program under subsection (b), the Secretary shall enter into a conservation stewardship contract with the producer to enroll the land to be covered by the contract.

(d) CONTRACT PROVISIONS.—

(1) TERM.—A conservation stewardship contract shall be for a term of 5 years.

(2) ADDITIONAL CRITERIA.

The Secretary may develop and use such additional criteria for evaluating applications to enroll in the program that the Secretary determines are necessary to ensure that the national, state, and local conservation priorities are effectively addressed.

(d) CONTRACT PROVISIONS.—

(1) TERM.—A conservation stewardship contract shall be for a term of 5 years.

(2) ADDITIONAL CRITERIA.

The Secretary may develop and use such additional criteria for evaluating applications to enroll in the program that the Secretary determines are necessary to ensure that the national, state, and local conservation priorities are effectively addressed.

(e) TERMINATION.

(A) Allow the producer to retain payments otherwise be eligible to receive.

(B) Develop a proposal to increase the payment the producer would otherwise be eligible to receive.

(C) Allow the producer to retain payments otherwise be eligible to receive.

(2) INVOLUNTARY TERMINATION.

(A) The Secretary may terminate a conservation stewardship contract if the Secretary determines that the producer violated the contract.

(B) REPAIR.—If a contract is termin- ed, the Secretary shall require repair, in whole or in part, of payments already received and assess liquidated damages.

(3) CHANGE OF INTEREST IN LAND SUBJECT TO A CONTRACT.—

(A) IN GENERAL.—Except as provided in paragraph (B), a change in the interest of a producer in land covered by a contract under this subchapter shall be for a term of the contract with regard to that land.

(B) TRANSFER OF DUTIES AND RIGHTS.—Subparagraph (A) shall not apply if—

(i) within a reasonable period of time (as determined by the Secretary) after the date of the change in interest in land covered by a contract under the program, the transferee of the land provides written notice to the Secretary that all duties and rights under the contract have been transferred to, and assumed by, the transferee; and

(ii) the transferee meets the eligibility requirements of the program.

(2) ORGANIC FOODS PRODUCTION ACT OF 1990 (7 U.S.C. 5101 et seq.) while participating in a contract under this subchapter.

(3) DEVELOPMENT OF RELIABLE CONSERVATION MEASUREMENT TOOLS.

(a) IN GENERAL.—To achieve the conservation goals of a contract under the conservation stewardship program, the Secretary shall—

(i) make the program available to eligible producers on a competitive basis with 1 or more ranking periods, one of which shall occur in the first quarter of each fiscal year.

(ii) identify not less than 3 nor more than 5 priority resource concerns in a particular watershed or other appropriate region or area within a State; and

(iii) develop reliable conservation measurement tools for purposes of carrying out the program.
(b) Allocation to States.—The Secretary shall allocate acres to States for enrollment, based—
(1) primarily on each State’s proportion of eligible acres under section 1238E(b)(1) to the total number of eligible acres in all States; and
(2) also on consideration of—
(A) the design, construction, or maintenance of the conservation needs associated with agricultural production in each State;
(B) the degree to which implementation of the program in the State is, or will be, effective in helping producers address those needs; and
(C) other considerations to achieve equitable geographic distribution of funds, as determined by the Secretary.
(c) Specialty Crop and Organic Producers.—The Secretary shall ensure that outreach and technical assistance are available, and program specifications are appropriate to enable specialty crop and organic producers to participate in the program.
(d) Acreage Enrollment Limitation.—During the period beginning on October 1, 2008, and ending on September 30, 2017, the Secretary shall, to the maximum extent practicable,
(1) enroll in the program an additional 12,769,000 acres for each fiscal year; and
(2) manage the program to achieve a national average rate of $18 per acre, which shall include the costs of all financial assistance, conservation payments, and any other expenses associated with enrollment or participation in the program.
(e) Conservation Stewardship Payments.—
(1) Availability of Payments.—The Secretary shall provide a payment under the program to compensate the producer for—
(A) installing and adopting additional conservation activities; and
(B) improving, maintaining, and managing conservation activities in place at the operation of the producer at the time the contract offer is accepted by the Secretary.
(2) Payment Amount.—The amount of the conservation stewardship payment shall be determined by the Secretary and based, to the maximum extent practicable, on the following factors:
(A) Costs incurred by the producer associated with planning, design, materials, installation, labor, management, maintenance, or training;
(B) Income forgone by the producer;
(C) Expected environmental benefits as determined by conservation measurement tools.
(3) Exclusions.—A payment to a producer under this subsection shall not be provided for—
(A) the design, construction, or maintenance of animal waste storage or treatment facilities, water transportation, or transfer devices for animal feeding operations; or
(B) conservation activities for which there is no cost incurred or income forgone to the producer.
(4) Timing of Payments.—
(A) In General.—The Secretary shall make payments as soon as practicable after October 1 of each fiscal year for activities carried out in the previous fiscal year.
(B) Additional Activities.—The Secretary shall make payments to compensate producers for installation of additional practices at the time at which the practices are installed and adopted.
(1) Supplemental Payments for Resource-Conserving Crop Rotations.—
(1) Availability of Payments.—The Secretary shall provide additional payments to producers that, in participating in the program, agree to adopt resource-conserving crop rotations to achieve beneficial crop rotations as appropriate for the land of the producers.
(2) Beneficial Crop Rotations.—The Secretary shall determine, in accordance with a resource-conserving crop rotation is a beneficial crop rotation eligible for additional payments under paragraph (1), based on whether the resource-conserving crop rotation is designed to provide natural resource conservation and production benefits.
(3) Eligibility.—To be eligible to receive a payment described in paragraph (1), a producer shall agree to adopt and maintain beneficial resource-conserving crop rotations for the term of the contract.
(4) Resource-Conserving Crop Rotation.—In this subsection, the term ‘resource-conserving crop rotation’ means a crop rotation that—
(A) includes at least 1 resource conserving crop (as defined by the Secretary);
(B) reduces erosion;
(C) improves soil fertility and tilth;
(D) maintains pest, pest habitat, and pest population levels at levels compatible with maintaining sustainable pest management, and is efficient in pest control; and
(E) in applicable areas, reduces depletion of soil moisture or otherwise reduces the need for irrigation.
(5) Payment Limitations.—A person or legal entity may not receive, directly or indirectly, payments under this subchapter for any fiscal year in excess of $20,000 for all contracts entered into during any 5-year period, excluding funding arrangements with federally recognized Indian tribes or Alaska Native corporations, regardless of the number of contracts entered into under the program by the person or entity.
(b) Regulations.—The Secretary shall promulgate regulations that—
(1) prescribe such other rules as the Secretary determines to be necessary to ensure a fair and reasonable application of the limitations established under subsection (g); and
(2) otherwise enable the Secretary to carry out the program.
(2) Data.—The Secretary shall maintain detailed and segmented data on contracts and payments under the program to allow for quantification of the amount of payments made for—
(A) the installation and adoption of additional conservation activities and improvements to conservation activities in place at the operation of a producer at the time the conservation stewardship offer is accepted by the Secretary;
(B) participation in research, demonstration, and pilot projects;
(C) the development and periodic assessment and evaluation of conservation plans developed under this subchapter;
(D) the termination of Conservation Security Program Authority; Effect on Existing Contracts.—Section 1238A of the Food Security Act of 1985 (16 U.S.C. 3838a) is amended by inserting at the end the following new subsection:
(1) Prohibition on Conservation Security Program Authority; Effect on Existing Contracts.—
(1) Prohibition.—A conservation security contract may not be entered into or renewed under this subchapter after September 30, 2008.
(2) Exception.—This subchapter, and the terms and conditions of the conservation security program, shall continue to apply to—
(A) conservation security contracts entered into on or before September 30, 2008; and
(B) any conservation security contract entered into after that date, but for which the application for the contract was received during the 2008 sign-up period.
(3) Effect on Existing Contracts.—The Secretary shall make payments under this subchapter with respect to conservation security contracts in paragraph (2) during the remaining term of the contracts.
(4) Regulations.—A contract described in paragraph (2) may not be administered under the regulations issued to carry out the conservation stewardship program.
(c) Reference to Designated Subchapter.—
(1) In general.—Section 1238e(c)(3)(C) of the Food Security Act of 1985 (16 U.S.C. 3838e(c)(3)(C)) is amended by striking ‘‘subchapter C’’ and inserting ‘‘subchapter D’’.
Subtitle II—Farmland Protection and Grazing Improvements
SEC. 2401. FARMLAND PROTECTION PROGRAM.
(a) Definitions.—Section 1238H of the Food Security Act of 1985 (16 U.S.C. 3838h) is amended—
(1) by striking paragraph (1) and inserting the following new paragraph:
'(1) ELIGIBLE ENTITY.—The term ‘eligible entity’ means—
(A) any agency of any State or local government or an Indian tribe (including a farmland protection board or land resource council established under State law); or
(B) any organization that—
(i) is organized for, and at all times since the formation of the organization has been operated principally for, 1 or more of the conservation purposes specified in clause (1), (ii), (iii), or (iv) of section 170(h)(4)(A) of the Internal Revenue Code, and
(ii) is an organization described in section 501(c)(3) of that Code that is exempt from taxation under section 501(a) of that Code; and
(iii) is—
(A) described in paragraph (1) or (2) of section 509(a) of that Code; or
(B) described in section 509(a)(3), and is controlled by an organization described in section 509(a)(2), of that Code,’’; and
(2) in paragraph (2)—
(A) in subparagraph (A)—
(i) by striking ‘‘—’’ and inserting ‘‘—’’;
(ii) by striking ‘‘—’’; and
(iii) by striking clauses (i) and (ii) and inserting the following new clauses:
'(i) has prime, unique, or other productive soils;
(ii) contains historical or archaeological resources; or
(iii) the protection of which will further a State or local policy consistent with the purposes of the program.’’;
and
(B) in subparagraph (B)—
(i) in clause (iv), by striking ‘‘and’’ at the end;
and
(ii) by striking clause (v) and inserting the following new clauses:
'(v) forest land that—
(I) contributes to the economic viability of an agricultural operation; or
(II) serves as a buffer to protect an agricultural operation from development; and
(vi) land that is incidental to land described in clauses (i) through (v), if such land is necessary for the efficient administration of a conservation easement, as determined by the Secretary.’’;
(b) Farm Land Protection.—
(1) Establishment.—The Secretary shall establish and carry out a farm land protection program under which the Secretary shall facilitate and provide funding for the purchase of conservation easements or other interests in eligible land.
(2) Purpose.—The purpose of the program is to protect the agricultural use and related conservation values of eligible land by limiting nonagricultural uses of that land.
(3) Eligibility.—
(1) Provision of Assistance.—The Secretary shall provide cost-share assistance to
eligible entities for purchasing a conservation easement or other interest in eligible land.

(2) Federal share.—The share of the cost provided for the purpose of purchasing a conservation easement or other interest in eligible land shall not exceed 50 percent of the appraised fair market value of the conservation easement or other interest in eligible land.

(3) Non-Federal share.—
   (A) Share provided by eligible entity.—The entity shall provide an amount equal to the cost of purchasing a conservation easement or other interest in eligible land in an amount that is not less than 25 percent of the appraised fair market value of the conservation easement or other interest in eligible land in which the entity will be purchased.
   (B) Landowner contribution.—As part of the non-Federal share of the cost of purchasing a conservation easement or other interest in eligible land, an eligible entity may include a charitable donation or qualified conservation contribution (as defined by section 170(h) of the Internal Revenue Code of 1986) from the private landowner from which the conservation easement or other interest in land will be purchased.

(d) Determination of fair market value.—Effective on the date of enactment of this title, (h), a minimum of five years; and a 10-year, 15-year, or 20-year rental contract.

(ii) If a violation occurs of a term or condition of an agreement, the parties may discontinue the program.

(iii) In a State that imposes a maximum duration for easements, an agreement may provide that the agreement duration allowed under the law of that State.

(3) Limitation.—Of the total amount of funds expended under the program to acquire rental contracts and easements described in paragraph (2), the Secretary shall use, to the extent practicable—
   (A) 40 percent for rental contracts; and
   (B) 60 percent for easements.

(4) Enrollment of Conservation Reserve Land.—
   (A) Priority.—Up on the basis of lesser cost to the program.
   (B) Maximum enrollment.—The number of acres of land enrolled under the priority described in subparagraph (A) in a calendar year shall not exceed 10 percent of the total number of acres enrolled in the program in the calendar year.

(c) Eligible Land Defined.—For purposes of the program, the term ‘‘eligible land’’ means private or tribal land—
   (i) grassland, land that contains forbs, or shrubland (including improved rangeland and pastureland) for which grazing is the predominant use;
   (ii) located in an area that has been historically dominated by grassland, forbs, or shrubland, and the land—
      (A) could provide habitat for animal or plant populations of significant ecological value if the land—
      (i) is retained in its current use; or
      (ii) is restored to a natural condition;
      (C) contains historical or archaeological resources; or
   (D) would address issues raised by State, regional, and national conservation priorities; or
   (E) is incidental to land described in paragraph (1) or (2), if the incidental land is determined by the Secretary to be necessary for the efficient administration of a rental contract or easement under the program.

SEC. 1238O. DUTIES OF OWNERS AND OPERATORS

(a) Rental Contracts.—To be eligible to enroll eligible land in the program under a rental contract, the owner or operator of the land shall agree—
   (1) to comply with the terms of the contract and, when applicable, a restoration agreement;
   (2) to suspend any existing cropland base or allotment history for the land under an agreement for the program; or
   (3) to implement a grazing management plan approved by the Secretary, which may be modified upon mutual agreement of the parties.

(b) Enrollment of Acreage.—As part of the Conservation Reserve Program.

(c) Conservation Reserve Program.

(1) Establishment and Purpose.—The Secretary shall establish a grassland reserve program (referred to in this section as the ‘‘grassland reserve program’’ or ‘‘program’’) for the efficient administration of a rental contract or easement under the program to—
   (A) allow the certified entity a specified period of time, at a minimum 180 days, in which to take such actions as may be necessary to meet the criteria established under paragraph (2);
   (B) review and revision.—
      (A) Review.—The Secretary shall conduct a review of eligible entities certified under this section, if the incidental land is designated under subparagraph (A) or (B) of this section.
      (B) Revocation.—If the Secretary finds that the certified entity no longer meets the criteria established under paragraph (2), the Secretary may—
         (1) rescind the certification of the entity,
         (2) allow the certified entity a specified period of time, at a minimum 180 days, in which to take such actions as may be necessary to meet the criteria established under paragraph (2).

SEC. 2202. FARM VIABILITY PROGRAM

Section 1238(m) of the Food Security Act of 1985 (16 U.S.C. 3838m) is amended to read as follows:

SEC. 2203. GRASSLAND RESERVE PROGRAM

Subchapter B of chapter 2 of title XII of the Food Security Act of 1985 (16 U.S.C. 3838n et seq.), as redesignated by section 2301(a)(3), is amended to read as follows:

SEC. 1238M. GRASSLAND RESERVE PROGRAM

(a) Establishment and Purpose.—The Secretary shall establish a grassland reserve program (referred to in this section as the ‘‘grassland reserve program’’ or ‘‘program’’) for the efficient administration of a rental contract or easement under the program to—
   (A) allow the certified entity a specified period of time, at a minimum 180 days, in which to take such actions as may be necessary to meet the criteria established under paragraph (2).

SEC. 1254. DUTIES OF OWNERS AND OPERA-

(a) Rental Contracts.—To be eligible to enroll eligible land in the program under a rental contract, the owner or operator of the land shall agree—
   (1) to comply with the terms of the contract and, when applicable, a restoration agreement;
   (2) to suspend any existing cropland base or allotment history for the land under an agreement for the program; or
   (3) to implement a grazing management plan approved by the Secretary, which may be modified upon mutual agreement of the parties.
(b) EASEMENTS.—To be eligible to enroll eligible land in the program through an easement, the owner of the land shall agree—

(1) to grant an easement to the Secretary or to an eligible entity described in section 1238Q; and

(2) to create and record an appropriate deed restriction in accordance with applicable State law to reflect the easement; and

(3) to provide a written statement of consent to the easement signed by persons holding a security interest or any vested interest in the land;

(4) to provide proof of unencumbered title to the underlying fee interest in the land that is subject to the easement;

(5) to comply with the terms of the easement and, when applicable, a restoration agreement;

(6) to implement a grazing management plan, as approved by the Secretary, which may be modified upon mutual agreement of the parties; and

(7) to eliminate any existing cropland base and allotment history for the land under another program administered by the Secretary.

(C) RESTORATION AGREEMENTS.—

(1) WHEN APPLICABLE.—To be eligible for cost-share assistance to restore eligible land subject to a rental contract or an easement under the program, the owner or operator of the land shall agree to comply with the terms of a restoration agreement.

(2) TERMS AND CONDITIONS.—The Secretary shall prescribe the terms and conditions of a restoration agreement by which eligible land that is subject to a rental contract or easement under the program shall be restored.

(3) DUTIES.—The restoration agreement shall describe the respective duties of the owner or operator and the Secretary, including the Federal share of restoration payments and technical assistance.

(d) TERMS AND CONDITIONS APPLICABLE TO RENTAL CONTRACTS AND EASEMENTS.—

(1) PERMISSIBLE ACTIVITIES.—The terms and conditions of a rental contract or easement under the program shall permit—

(A) common grazing practices, including maintenance and necessary cultural practices, on the land in a manner that is consistent with maintaining the viability of grassland, forage, and shrub species appropriate to that locality;

(B) haying, mowing, or harvesting for seed production, subject to appropriate restrictions or standards for birds in the local area that are in significant decline or are conserved in accordance with Federal or State law, as determined by the State Conservationist;

(C) fire suppression, rehabilitation, and construction of fire breaks; and

(D) grazing related activities, such as fencing and livestock watering.

(2) PROHIBITIONS.—The terms and conditions of a rental contract or easement under the program shall prohibit—

(A) the production of crops (other than hay), fruit trees, vineyards, or any other agricultural commodity that is inconsistent with maintaining grazing land; and

(B) any permitted under a restoration plan, the conduct of any other activity that would be inconsistent with maintaining grazing land enrolled in the program.

(3) TERMS AND CONDITIONS.—A rental contract or easement under the program shall include such additional provisions as the Secretary determines appropriate to carry out or facilitate the purposes and administration of the program.

(e) VIOLATIONS.—On a violation of the terms or conditions of a rental contract, easement, or restoration agreement entered into under this section—

(1) the contract or easement shall remain in force; and

(2) the Secretary may require the owner or operator to refund all or part of any payment received under the contract or easement, with interest on the payments as determined appropriate by the Secretary.

SEC. 1238P. DUTIES OF SECRETARY.

(a) EVALUATION AND RANKING OF APPLICATIONS.—

(1) CRITERIA.—The Secretary shall establish criteria to evaluate and rank applications for rental contracts and easements under the program.

(2) CONSIDERATIONS.—In establishing the criteria, the Secretary shall emphasize support for—

(A) grazing operations;

(B) plant and animal biodiversity; and

(C) grassland, land that contains forbs, and shrubland under the greatest threat of conversion to other than grazing.

(b) PAYMENTS.—

(1) IN GENERAL.—In return for the execution of a rental contract or the granting of an easement by an owner or operator under the program, the Secretary shall—

(A) make rental contract or easement payments to the owner or operator in accordance with paragraphs (2) and (3); and

(B) make payments to the owner or operator under a restoration agreement for the Federal share of restoration in accordance with paragraph (4).

(2) RENTAL CONTRACT PAYMENTS.—

(A) PERCENTAGE OF GRAZING VALUE OF LAND.—In return for the execution of a rental contract by an owner or operator under the program, the Secretary shall—

(i) make rental contract or easement payments to the owner or operator in accordance with subparagraph (B) (that is not more than 75 percent of the grazing value of the land covered by the contract),

(ii) the fair market value of the land enrolled in the program, as determined by the Secretary, using

(iii) the Uniform Standards of Professional Appraisal Practices; or

(iv) an area-wide market analysis or survey.

(B) SCHEDULE.—Easement payments may be provided in up to 10 annual payments of equal or unequal amount, as agreed to by the Secretary and the owner, as follows:

(i) the fair market value of the land encumbered by the easement, as determined by the Secretary, using

(A) the Uniform Standards of Professional Appraisal Practices; or

(B) an area-wide market analysis or survey.

(ii) the amount corresponding to a geographical cap, as determined by the Secretary in regulations; or

(iii) the fair market value of the land encumbered by the easement, as determined by the Secretary, using

(A) the Uniform Standards of Professional Appraisal Practices; or

(B) an area-wide market analysis or survey.

(4) RESTORATION AGREEMENT PAYMENTS.—

(A) FEDERAL SHARE OF RESTORATION.—The Secretary shall make payments to an owner or operator under a restoration agreement of not more than 50 percent of the costs of carrying out measures and practices necessary to restore functions and values of that land.

(B) SCHEDULE.—Easement payments made under 1 or more restoration agreements entered into under this section—

(i) the fair market value of the land encumbered by the easement, as determined by the Secretary, using

(A) the Uniform Standards of Professional Appraisal Practices; or

(B) an area-wide market analysis or survey.

(C) the amount corresponding to a geographical cap, as determined by the Secretary in regulations; or

(D) the fair market value of the land encumbered by the easement, as determined by the Secretary, using

(A) the Uniform Standards of Professional Appraisal Practices; or

(B) an area-wide market analysis or survey.

(5) TO ELIGIBLE ENTITIES.—The Secretary may require an owner or operator to refund all or part of any payment received under the program to an eligible entity for the eligible land that contains forbs, or shrubland; and

(6) TO TRANSFER OR REDEVELOPMENT.—The Secretary shall make payments, in accordance with regulations promulgated by the Secretary and without regard to any other provision of law, in such manner as the Secretary determines is fair and reasonable in light of all the circumstances.

SEC. 1238Q. DELEGATION OF DUTY.

(a) AUTHORITY TO DELEGATE.—The Secretary may delegate a duty under the program—

(1) by transferring title of ownership to an easement to an eligible entity to hold and enforce; or

(2) by entering into a cooperative agreement with an eligible entity for the eligible entity to own, write, and enforce an easement.

(b) ELIGIBLE ENTITY DEFINED.—In this section, the term ‘eligible entity’ means—

(1) an agency of State or local government or an Indian tribe; or

(2) an organization described in section 501(c)(3) of the Internal Revenue Code of 1986.

(c) CHARITABLE ORGANIZATIONS.—

(1) TRANSFER OF TITLE OF OWNERSHIP.—

(A) IN GENERAL.—The Secretary may transfer title of ownership to an eligible entity to hold and enforce, in lieu of the Secretary, subject to the right of the Secretary to conduct periodic inspections and enforce the easement, if

(i) the Secretary determines that the transfer will promote protection of grassland, land that contains forbs, or shrubland; and

(ii) the Secretary may require the eligible entity to hold and enforce the easement; and

(iii) the eligible entity agrees to assume the costs incurred in administering and enforcing the easement, the costs of restoration or rehabilitation of the land as specified by the owner and the eligible entity.

(B) APPLICATION.—An eligible entity that seeks to hold and enforce an easement shall apply to the Secretary for approval.

(2) APPROVAL BY SECRETARY.—The Secretary may approve an application described in paragraph (2) if the eligible entity—

(A) has a charter that describes a commitment to conserving ranchland, agricultural land, or grassland for grazing and conservation purposes; and

(B) has a charter that describes a commitment to conserving ranchland, agricultural land, or grassland for grazing and conservation purposes; and

(C) has the resources necessary to effectuate the purposes of the charter.

(d) COOPERATIVE AGREEMENTS.—

(1) AUTHORIZED; TERMS AND CONDITIONS.—The Secretary shall establish the terms and conditions of a cooperative agreement under this section if an eligible entity is not already provided by the Secretary to own, write, and enforce an easement, in lieu of the Secretary.
“(2) MINIMUM REQUIREMENTS.—At a minimum, the cooperative agreement shall—

(A) specify the qualification of the eligible entity to carry out the entity’s responsibilities under the program, including such terms, conditions, and requirements as the Secretary determines would further the purposes of the program;

(B) require the eligible entity to assume the costs incurred in administering and enforcing the easement, including the costs of restoration, maintenance, and protection of the land as specified by the owner and the eligible entity;

(C) specify the right of the Secretary to conduct periodic inspections to verify the eligible entity’s enforcement of the easement; and

(D) subject to subparagraph (E), identify a specific project or a range of projects to be funded under the agreement;

(E) allow, upon mutual agreement of the parties, substitution of qualified projects that are identified at the time of substitution;

(F) specify the manner in which the eligible entity will evaluate and report the use of funds to the Secretary;

(G) allow the eligible entity flexibility to develop and use terms and conditions for easements, if the Secretary finds the terms and conditions consistent with the purposes of the program and adequate to ensure effective enforcement of the easements;

(H) if applicable, allow an eligible entity to include a charitable donation or qualified conservation contribution (as defined by section 170(h) of the Internal Revenue Code of 1986) from the landowner from which the easement will be purchased as part of the entity’s share of the cost to purchase an easement; and

(I) provide for a schedule of payments to an eligible entity, as agreed to by the Secretary and the eligible entity.

(3) COST SHARING.—

(A) IN GENERAL.—As part of a cooperative agreement with an eligible entity under this subsection, the Secretary may provide a share of the purchase price of an easement under the program.

(B) MINIMUM SHARE BY ELIGIBLE ENTITY.—The eligible entity shall be required to provide a share of the purchase price at least equivalent to that provided by the Secretary.

(C) PRIORITY.—The Secretary may accord a higher priority to the application only because it would present the least cost to the program.

(D) MINIMUM EASEMENT SHARE.—

(i) 100 percent of price of the easement; or

(ii) 100 percent of income foregone by the producer.

(4) VIOLATION.—If an eligible entity violates terms or conditions of a cooperative agreement entered into under this subsection—

(A) the cooperative agreement shall remain in force; and

(B) the Secretary may require the eligible entity to refund all or part of any payments received by the eligible entity under the agreement, and the Secretary may retain all or part of the payments as determined appropriate by the Secretary.

(5) PROTECTION OF FEDERAL INVESTMENT.—When delegating a duty under this section, the Secretary shall ensure that the terms of an easement include a contingent right of enforcement for the Department.

Subtitle F—Environmental Quality Incentives Program

SEC. 2501. PURPOSES OF ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.

(a) REvised Purposes.—Section 1249A of the Food Security Act of 1985 (16 U.S.C. 3839aa(a)) is amended—

(1) in the matter preceding paragraph (1), by inserting ‘‘forest management,’’ after ‘‘agriculture’’;

(2) by striking paragraphs (3) and (4) and inserting the following new paragraphs:

(3) providing flexible assistance to producers to install and maintain conservation practices that sustain food and fiber production while—

(A) enhancing soil, water, and related natural resources, including grazing land, forestland, wetland, and wildlife; and

(B) conserving energy;

(4) assisting producers to make beneficial, cost effective changes to production systems (including conservation practices related to organic production), grazing management, fuels management, forest nutrition, nutrient management associated with livestock, pest or irrigation management, or other practices on agricultural and forested land; and

(b) TECHNICAL CORRECTION.—The Food Security Act of 1985 is amended by inserting immediately before section 1240 (16 U.S.C. 3839aa) the following:

‘‘CHAPTER 4—ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.’’

SEC. 2502. DEFINITIONS.

Section 1240A of the Food Security Act of 1985 (16 U.S.C. 3839aa-1) is amended to read as follows:

‘‘SEC. 1240A. DEFINITIONS.

‘‘In this chapter:

‘‘(1) ELIGIBLE LAND.—

(A) IN GENERAL.—The term ‘eligible land’ means land on which agricultural communities, livestock, or forest-related products are produced.

(B) INCLUSIONS.—The term ‘eligible land’ includes the following:

(i) Cropland.

(ii) Grassland.

(iii) Rangeland.

(iv) Pasture.

(v) Nonindustrial private forest land.

(vi) Other agricultural land (including cropped woodland, marshes, and agricultural land used for livestock on which resource concerns related to agricultural production could be addressed through a contract under the program, as determined by the Secretary).

(2) NATIONAL ORGANIC PROGRAM.—

(A) ELIGIBLE LAND.—

(i) the term ‘national organic program’ means the national organic program established under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et. seq.).

(B) ORGANIC SYSTEM PLAN.—The term ‘organic system plan’ means an organic food product approved under the national organic program.

(3) PAYMENT.—

(A) Payment.—The term ‘payment’ means financial assistance provided to a producer for performing practices under this chapter, including compensation for—

(i) incurred costs associated with planning, design, materials, equipment, installation, labor, management, maintenance, or training; and

(ii) income foregone by the producer.

(B) PRACTICE.—The term ‘practice’ means one or more improvements and conservation activities that are consistent with the purposes of the program under this chapter, as determined by the Secretary, including—

(i) structural practices;

(ii) land management practices;

(iii) vegetative practices;

(iv) forest management; and

(v) other practices that the Secretary determines would further the purposes of the program;

(D) PROGRAM.—The term ‘program’ means the environmental quality incentives program established by this chapter.’’

SEC. 2503. ESTABLISHMENT AND ADMINISTRATION OF ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.

Section 1240B of the Food Security Act of 1985 (16 U.S.C. 3839aa-2) is amended to read as follows:

‘‘SEC. 1240B. ESTABLISHMENT AND ADMINISTRATION.

(a) ESTABLISHMENT.—During each of the 2002 through 2012 fiscal years, the Secretary shall provide payments to producers that enter into contracts with the Secretary under the program.

(b) PRACTICES AND TERM.—

(i) PRACTICES.—A contract under the program may apply to the performance of one or more practices.

(ii) TERM.—A contract under the program shall have a term that—

(A) at a minimum, is equal to the period beginning on the date on which the contract is entered into and ending on the date that is one year after the date on which all practices under the contract have been implemented; but

(B) not to exceed 10 years.

(iii) BIDDING DOWN.—If the Secretary determines that the environmental values of two or more applications for payments are comparable, the Secretary shall give a higher priority to the application only because it would present the least cost to the program.

(4) PAYMENTS.—

(a) AVAILABILITY OF PAYMENTS.—Payments are provided to a producer to implement one or more practices under the program.

(b) LIMITATION ON PAYMENT AMOUNTS.—A payment to a producer for performing a practice may not exceed, as determined by the Secretary—

(A) 75 percent of the costs associated with planning, design, materials, equipment, installation, labor, management, maintenance, or training;

(B) 100 percent of income foregone by the producer; or

(C) in the case of a practice consisting of elements covered under subparagraphs (A) and (B)—

(i) 75 percent of the costs incurred for those elements covered under subparagraph (A); or

(ii) 100 percent of income foregone for those elements covered under subparagraph (B).

(5) SPECIAL RULE INVOLVING PAYMENTS FOR FORKEDZONE INCOME.—In determining the amount and rate of payments under paragraph (2)(B), the Secretary may accord great significance to a practice that, as determined by the Secretary, promotes—

(A) residue management;

(B) nutrient management;

(C) air quality management;

(D) invasive species management;

(E) pollinator habitat;

(F) animal carcass management technologies; or

(G) pest management.

(6) INCREASED PAYMENTS FOR CERTAIN PRODUCERS.—

(a) IN GENERAL.—Notwithstanding paragraph (2), in the case of a producer that is a limited resource, socially disadvantaged farmer or rancher or a beginning farmer or rancher, the Secretary shall increase the amount that would otherwise be provided to a producer under this subsection—

(i) to not more than 90 percent of the costs associated with the materials, equipment, installation, labor, management, maintenance, or training; and
(ii) to not less than 25 percent above the otherwise applicable rate.

(B) ADVANCE PAYMENTS.—Not more than 30 percent of the amount determined under subsection (a) shall be provided in advance for the purpose of purchasing materials or contracting.

(d) FINANCIAL ASSISTANCE FROM OTHER SOURCES.—(1) Provided in subsection (b)(6), any payments received by a producer from a State or private organization or person for the implementation of one or more practices on eligible land of the producer shall be in addition to the payments provided to the producer under this subsection.

(e) ModificATIoN OR TerMIINATION OF ConTrACTS.—

(1) Voluntary ModificATIoN OR TerMIINATION.—The Secretary may modify or terminate a contract entered into with a producer under the program if—

(A) the producer agrees to the modification or termination;

(B) the Secretary determines that the modification or termination is in the public interest.

(2) Involuntary Termination.—The Secretary may terminate a contract under the program if the Secretary determines that the producer violated the contract.

(3) ALLOCAtion OF FUNDING.—For each of fiscal years 2002 through 2012, 60 percent of the funds made available for payments under the program shall be targeted at practices related to irrigation efficiency.

(g) FUNDING FOR FEDERALLY RECOGNIZED NATIVE AMERICAN INDIAN TRIBES AND ALASKA NATIVE CORPORATION.—The Secretary may enter into alternative funding arrangements with federally recognized Native American Indian Tribes and Alaska Native Corporations (including their affiliated membership organizations) if the Secretary determines that the goals and objectives of the program will be met by such arrangements, and that statutory limitations regarding contracts with individual producers will not be exceeded by any Tribal or Native Corporation member.

(h) WATER CONSERVATION OR IRRIGATION EFFICIENCY PRIORITIES.—

(1) AVAILABLEoF PAYSMENTS.—The Secretary may provide payments under this subsection to a producer for a water conservation or irrigation efficiency practice.

(2) PRIORITY.—In providing payments to a producer for a water conservation or irrigation efficiency practice, the Secretary shall give priority to applications in which—

(A) consistent with the law of the State in which the eligible land of the producer is located, there is a reduction in water use in the operation of the eligible land, or

(B) the producer agrees not to use any associated water savings to bring new land, other than incidental land needed for efficient operations, or for the purpose of increasing water use, unless the producer is participating in a watershed-wide project that will effectively conserve water, as determined by the Secretary.

(3) PAYMENTS FOR CONSERVATION PRACTICES RELATED TO ORGANIC PRODUCTION.—

(1) AUTHORIZED.—The Secretary shall provide payments under this subsection for conservation practices, on or all of the operations of a producer, related to—

(A) to organic production; and

(B) to the transition to organic production.

(2) ELIGIBILITY REQUIREMENTS.—As a condition for receiving payments under this subsection, a producer shall agree—

(A) to develop and carry out an organic system plan or

(B) to develop and implement conservation practices for certified organic production that are consistent with an organic system plan and the purposes of this chapter.

(3) PAYMENT LIMITATIONS.—Payments under this subsection to a person or legal entity, directly or indirectly, may not exceed $90,000 during any 6-year period. In applying these limitations, the Secretary shall not take into account payments received for technical assistance.

(4) EXCLUSION OF CERTAIN ORGANIC CERTIFICATION COSTS.—Payments may not be made under this subsection to cover the costs associated with organic certification that are eligible for cost-share payments under section 10606 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3523).

(B) TERMINATION OF CONTRACTS.—The Secretary may cancel or otherwise nullify a contract to provide payments under this subsection if the Secretary determines that the producer—

(A) is not pursuing organic certification; or

(B) is not in compliance with the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.).

SEC. 2504. EVALUATION OF APPLICATIONS. Section 1240C of the Food Security Act of 1985 (16 U.S.C. 3838a–3) is amended to read as follows:

SEC. 1240C. EVALUATION CRITERIA.—The Secretary shall establish criteria for evaluating applications that will ensure that national, State, and local conservation priorities are effectively addressed.

(b) PRIORITY OF APPLICATIONS.—In evaluating applications under this chapter, the Secretary shall prioritize applications—

(1) based on their overall level of cost-effectiveness to ensure that the conservation practices and approaches proposed are the most efficient means of achieving the anticipated environmental benefits of the project;

(2) based on how effectively and comprehensively the project addresses the designated resource concern or resource concern;

(3) that best fulfill the purpose of the environmental quality incentives program specified in section 1240C(1); and

(4) that implement practices or systems in place on the operation at the time the contract offer is accepted or that will complete a conservation system.

(c) GROUPING OF APPLICATIONS.—To the greatest extent practicable, the Secretary shall group applications of similar crop or livestock operation practices or systems that target the same project or similar operation purposes or otherwise evaluate applications relative to other applications for similar farming operations.

SEC. 2505. DUTIES OF PRODUCERS UNDER ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.

(1) in the subsection heading, by striking "IN GENERAL" and inserting "PLAN OF OPERATIONS";

(2) in matter preceding paragraph (1), by striking "cost-share payments" and inserting "cost-share payments or incentive";

(3) in paragraph (2), by striking "and" after the semicolon at the end;

(4) in paragraph (3), by striking the period at the end and inserting a semicolon;

(5) by adding at the end the following new paragraph:

(4) in the case of forest land, is consistent with the provisions of a forest management plan that is approved by the Secretary, which may include—

(A) a forest stewardship plan described in section 1240G of the Food Security Act of 1985 (16 U.S.C. 3838a–5); and

(B) another practice plan approved by the State forester; or

(5) another plan determined appropriate by the Secretary.

(a) AVOIDANCE OF DUPLICATION.—Subsection (b) of section 1240E of the Food Security Act of 1985 (16 U.S.C. 3838a–5) is amended to read as follows:

(b) AVOIDANCE OF DUPLICATION.—The Secretary shall—

(1) consider a plan developed in order to acquire a permit under a water or air quality regulatory program as the equivalent of a plan of operations under this section if the plan contains elements equivalent to those elements required by a plan of operations; and

(2) to the maximum extent practicable, eliminate duplication of planning activities under the program under this chapter and comparable conservation programs.

SEC. 2507. DUTIES OF THE SECRETARY.

Section 1240F(1) of the Food Security Act of 1985 (16 U.S.C. 3838a–6(1)) is amended by striking "cost-share payments or incentive" and inserting "cost-share payments or incentive, or".

SEC. 2508. LIMITATION ON ENVIRONMENTAL QUALITY INCENTIVES PROGRAM PAYMENTS.

Section 1240G of the Food Security Act of 1985 (16 U.S.C. 3838a–7) is amended—

(1) by striking "AN individual or entity" and inserting "(a) limitation.—Subject to subsection (b), a person or legal entity;";

(2) by striking "$450,000" and inserting "$300,000";

(3) by striking "the individual" both places it appears and inserting "the person;" and

(4) by adding at the end the following new subsection:

(b) WAIVER AUTHORITY.—In the case of contracts under this chapter for projects of special environmental significance (including projects involving methane digesters), as determined by the Secretary, the Secretary may—

(1) waive the limitation otherwise applicable under subsection (a); and

(2) raise the limitation to not more than $600,000 in applying any incentive.

SEC. 2509. CONSERVATION INNOVATION GRANTS AND PAYMENTS.

Section 1240H of the Food Security Act of 1985 (16 U.S.C. 3838a–8) is amended to read as follows:

SEC. 1240H. CONSERVATION INNOVATION GRANTS AND PAYMENTS.

(a) COMPETITIVE GRANTS FOR INNOVATIVE CONSERVATION APPROACHES.—

(1) GRANTS.—Out of the funds made available to carry out this chapter, the Secretary may pay the cost of competitive grants that are intended to stimulate innovative approaches to leveraging the Federal investment in environmental quality incentives and protection, in conjunction with agricultural production or forest resource management, through the program.

(b) Use.—The Secretary may provide grants under this subsection to governmental and non-governmental organizations.
and persons, on a competitive basis, to carry out projects that—

“(A) involve producers who are eligible for payments or technical assistance under the program established under subsection (b);”

“(B) leverage Federal funds made available to carry out the program under this chapter with matching funds provided by State and local governments and private organizations to promote environmental enhancement and protection in conjunction with agricultural production;

“(C) develop and implement practices to address air quality concerns from agricultural activities; and

“(D) provide environmental and resource conservation benefits through increased participation by producers of specialty crops.

“(b) AGRICULTURAL WATER ENHANCEMENT PROGRAM.

“(1) IMPLEMENTATION ASSISTANCE.—The Secretary shall make available to producers and producers’ associations or other group of such producers, or any combination of them, such financial assistance as the Secretary determines to be appropriate on a lease, rental or other cooperative basis to carry out the program under this chapter, the Secretary shall—

“(I) by entering into contracts with, and making payments to, producers to carry out agricultural water enhancement activities; or

“(II) by entering into partnership agreements with, in accordance with subsection (c), on a regional level to benefit working agricultural land.

“(c) PARTNERSHIP AGREEMENTS.—

“(1) AGREEMENTS AUTHORIZED.—The Secretary may enter into partnership agreements to meet the objectives of the program described in subsection (b).

“(2) APPLICATION.—An application to the Secretary to enter into a partnership agreement under paragraph (1) shall include the following—

“(A) A description of the geographical area to be covered by the partnership agreement.

“(B) A description of the agricultural water enhancement activity to be addressed by the partnership agreement.

“(C) A description of the agricultural water enhancement objectives to be achieved through the partnership.

“(D) A description of the partners collaborating to achieve the project objectives and the roles, responsibilities, and capabilities of each partner.

“(E) A description of the program resources, including payments the Secretary is requested to make.

“(F) Such other such elements as the Secretary considers necessary to adequately evaluate and competitively select applications for partnerships.

“(3) DUTIES OF PARTNERS.—A partner under a partnership agreement shall—

“(A) identify producers participating in the project and act on their behalf in applying for the program;

“(B) leverage funds provided by the Secretary with additional funds to help achieve project objectives;

“(C) conduct monitoring and evaluation of project effects; and

“(D) at the conclusion of the project, report to the Secretary project results.

“(4) AGRICULTURAL WATER ENHANCEMENT ACTIVITIES BY PRODUCERS.—The Secretary shall select agricultural water enhancement activities by producers according to applicable requirements under the environmental quality incentives program.

“(5) AGRICULTURAL WATER ENHANCEMENT ACTIVITIES BY PARTNERS.—

“(1) COMPETITIVE PROCESS.—The Secretary shall conduct a competitive process to select partners. In carrying out the process, the Secretary shall make public the criteria used in evaluating applications.

“(2) AUTHORITY TO GIVE PRIORITY TO CERTAIN PROPOSALS.—The Secretary may give a higher priority to proposals from partners that—

“(A) include high percentages of agricultural land and producers in a region or other appropriate area; and

“(B) result in high levels of applied agricultural water quality and water conservation activities;

“(C) significantly enhance agricultural activity;

“(D) allow for monitoring and evaluation; and

“(E) assist producers in meeting a regulatory requirement that reduces the economic scope of the producer’s operation.

“(3) PRIORITY TO PROPOSALS FROM STATES WITH WATER QUANTITY CONCERNS.—The Secretary shall give a higher priority to proposals from partners that—

“(A) include the conversion of agricultural land from irrigated farming to dryland farming;

“(B) leverage Federal funds provided under the program with funds provided by partners; and

“(C) assist producers in States with water quantity concerns, as determined by the Secretary.

“(4) ADMINISTRATION.—In carrying out this subsection, the Secretary shall—

“(A) accept qualified applications directly from partners applying on behalf of producers; or

“(B) ensure that resources made available for regional agricultural water enhancement activities are delivered in accordance with applicable program rules.

“(5) AREAS EXPERIENCING EXCEPTIONAL DROUGHT.—Notwithstanding the purposes described in section 1290, the Secretary shall consider as an eligible agricultural water enhancement activity the use of a water impoundment to capture surface water runoff on agricultural land if the agricultural water enhancement activity—

“(i) is located in an area that is experiencing or has experienced exceptional drought conditions during the previous two calendar years; and

“(ii) will capture surface water runoff through the construction, improvement, or maintenance of irrigation ponds or small, on-farm reservoirs.

“(6) WAIVER AUTHORITY.—To assist in the implementation of agricultural water enhancement activities described in this Act, the Secretary shall waive the applicability of the limitation in section 1001(d)(2)(B) of this Act for participating producers if the Secretary determines that the waiver is necessary to fulfill the objectives of the program.

“(7) PAYMENTS UNDER PROGRAM.—

“(1) IN GENERAL.—The Secretary shall provide appropriate payments to producers participating in agricultural water enhancement activities in an amount determined by the Secretary to be necessary to achieve the purposes of the program described in subsection (b).

“(2) PAYMENTS TO PRODUCERS IN STATES WITH WATER QUANTITY CONCERNS.—The Secretary shall provide payments for a period of five years to producers participating in agricultural water enhancement activities under proposals described in subsection (e)(3) in an amount sufficient to encourage producers to convert from irrigated farming to dryland farming.

“(3) CONSISTENCY WITH STATE LAW.—Any agricultural water enhancement activity conducted under the program shall be consistent in a manner consistent with State water law.

“(4) FUNDING.—

“(A) IN GENERAL.—In addition to funds made available to carry out this chapter under section 1241(a), the Secretary shall carry out the program using, of the proceeds of the Commodity Credit Corporation—

“(A) $73,000,000 for each of fiscal years 2009 and 2010;

“(B) $74,000,000 for fiscal year 2011; and

“(C) $60,000,000 for fiscal year 2012 and each fiscal year thereafter.

“(5) LIMITATION ON ADMINISTRATIVE EXPENSES.—No funds made available for regional agricultural water conservation activities under the program may be used to...
pay for the administrative expenses of partners.”

Subtitle G—Other Conservation Programs of the Food Security Act of 1985

SEC. 2601. CONSERVATION OF PRIVATE GRIZZLING LAND.

Section 1240(m) of the Food Security Act of 1985 (16 U.S.C. 3839bb-2(g)) is amended by striking “2007” and inserting “2012.”

SEC. 2602. WILDLIFE HABITAT INCENTIVE PROGRAM.

(a) ELIGIBILITY.—Section 1240(n) of the Food Security Act of 1985 (16 U.S.C. 3839bb-1(b)(1)) is amended—

(1) in subsection (a), by inserting before the period at the end the following:

“for the development of wildlife habitat on private agricultural land, nonindustrial private forest land, and tribal lands”;

(2) in subsection (b)(1), by striking “landowners” and inserting “owners of lands referred to in subsection (a)”;

(b) INCLUSION OF PIVOT CORNERS AND IRREGULAR AREAS.—Section 1240(n)(b)(1)(E) of the Food Security Act of 1985 (16 U.S.C. 3839bb-1(b)(1)(E)) is amended by inserting before the period at the end the following:

“including habitat developed on pivot corners and irregular areas.”

(c) COST SHARE FOR LONG-TERM AGREEMENTS.—Section 1240(n)(b)(2)(B) of the Food Security Act of 1985 (16 U.S.C. 3839bb-1(b)(2)(B)) is amended by striking “15 per cent” and inserting “25 percent.”

(d) PRIORITY FOR CERTAIN CONSERVATION INITIATIVES.—Section 1240(n) of the Food Security Act of 1985 (16 U.S.C. 3839bb-1) is amended by adding at the end the following new subsection:

“(d) PRIORITY FOR CERTAIN CONSERVATION INITIATIVES.—In carrying out this section, the Secretary may give priority to projects that would address issues raised by State, regional, and national conservation initiatives.

“(e) PAYMENT LIMITATION.—Payments made to a person or legal entity, directly or indirectly, under the program may not exceed, in the aggregate, $50,000 per year.”

SEC. 2603. GRASSROOTS SOURCE WATER PROTECTION PROGRAM.

Section 1240(q) of the Food Security Act of 1985 (16 U.S.C. 3839bb-2(b)) is amended by striking “$5,000,000 for each of fiscal years 2002 through 2007” and inserting “$20,000,000 for each of fiscal years 2008 through 2012.”

SEC. 2604. GREAT LAKES BASIN PROGRAM FOR SOIL EROSION AND SEDIMENT CONTROL.

Section 1240(r) of the Food Security Act of 1985 (16 U.S.C. 3839bb-3) is amended to read as follows:

“SEC. 1240P. GREAT LAKES BASIN PROGRAM FOR SOIL EROSION AND SEDIMENT CONTROL.

“(a) PROGRAM AUTHORIZED.—The Secretary may carry out the Great Lakes basin program to carry out soil erosion and sediment control (referred to in this section as the ‘program’), including providing assistance to implement the recommendations of the Great Lakes Regional Conservation Strategy to Restore and Protect the Great Lakes.

“(b) CONSULTATION AND COOPERATION.—The Secretary shall carry out the program in consultation with the Great Lakes Commission created by Article IV of the Great Lakes Basin Compact (82 Stat. 415) and in cooperation with the Administrator of the Environmental Protection Agency and the Secretary of the Army.

“(c) ASSISTANCE.—In carrying out the program, the Secretary may—

“(1) provide project demonstration grants, provide technical assistance, and carry out informational and educational programs to improve water quality in the Great Lakes basin by reducing soil erosion and improving sediment control; and

“(2) establish a priority for projects and activities that—

“(A) directly reduce soil erosion or improve sediment control;

“(B) reduce soil loss in degraded rural watersheds; or

“(C) improve water quality for downstream watersheds.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out the program $5,000,000 for each of fiscal years 2008 through 2012.

“(e) PAYMENT LIMITATION.

“(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use, to the maximum extent practicable—

“(A) $25,000,000 for fiscal year 2009;

“(B) $43,000,000 for fiscal year 2010;

“(C) $72,000,000 for fiscal year 2011; and

“(D) $50,000,000 for fiscal year 2012.

“(2) DURATION OF APPROPRIATION.—Funds made available under paragraph (1) shall remain available until expended.

“(e) DUTIES OF THE SECRETARY.

“(1) carry out the purposes in this section, the Secretary shall give special consideration to, and enter into agreements under this subsection, the State or tribal government programs that propose—

“(A) to carry out the purposes of this section; and

“(B) to ensure that land enrolled under the program is made available for access by the public for wildlife-dependent recreation, including hunting or fishing under programs administered by the States; and

“(C) to carry out the purposes of this section in a manner that is consistent with State or tribal government programs that propose—

“(i) to carry out the purposes of this section; and

“(ii) to ensure that land enrolled under the program is made available for access by the public for wildlife-dependent recreation, including hunting or fishing under programs administered by the States.

“(D) $50,000,000 for fiscal year 2009.

“(E) $50,000,000 for fiscal year 2010.

“(F) $50,000,000 for fiscal year 2011.

“(G) $50,000,000 for fiscal year 2012.

“(h) FUNDING.

“(1) AVAILABILITY.—Of the funds of the Commodity Credit Corporation, the Secretary shall use, to the maximum extent practicable—

“(A) $23,000,000 for fiscal year 2009;

“(B) $43,000,000 for fiscal year 2010;

“(C) $72,000,000 for fiscal year 2011; and

“(D) $50,000,000 for fiscal year 2012.

“(2) DURATION OF AVAILABILITY.—Funds made available under paragraph (1) shall remain available until expended.

“(e) REGULATIONS.

“(1) The Secretary shall promulgate such regulations as are necessary to carry out the purposes of this section.

“(2) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary...
shall use, to the maximum extent practicable, $50,000,000 for the period of fiscal years 2009 through 2012.’’.}

**Subtitle H—Funding and Administration of Conservation Programs**

SEC. 2701. FUNDING OF CONSERVATION PROGRAMS UNDER FOOD SECURITY ACT OF 1985.

(a) In General.—Section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended in the matter preceding paragraph (1), by striking ‘‘2007’’ and inserting ‘‘2012’’.

(b) Conservation Reserve Program.—Paragraph (1) of section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended in the period at the end by inserting the following: ‘‘, including to the maximum extent practicable—

‘‘(A) $100,000,000 for the period of fiscal years 2009 through 2012 to provide cost share payments under paragraph (3) of section 1241(b) in connection with thinning activities conducted on land described in subparagraph (A)(iii) of such paragraph; and

‘‘(B) $25,000,000 for the period of fiscal years 2009 through 2012 to carry out section 1255(f) to facilitate the transfer of land subject to contracts and agreements with operators to beginning farmers or ranchers and socially disadvantaged farmers or ranchers.’’.

(c) Conservation Security and Conservation Stewardship Programs.—Paragraph (3) of section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended to read as follows:

‘‘(3)(A) Conservation Security Program.— The conservation security program under subchapter D of chapter 2, using such sums as are necessary to administer contracts entered into before September 30, 2008.

‘‘(B) Conservation Stewardship Program.— Conservation stewardship programs under subchapter B of chapter 2.’’.

(d) Farmland Protection Program.—Paragraph (4) of section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended to read as follows:

‘‘(4) The farmland protection program under subchapter C of chapter 2, using, to the maximum extent practicable—

‘‘(A) $97,000,000 in fiscal year 2008;

‘‘(B) $121,000,000 in fiscal year 2009;

‘‘(C) $150,000,000 in fiscal year 2010;

‘‘(D) $175,000,000 in fiscal year 2011; and

‘‘(E) $200,000,000 in fiscal year 2012.’’.

(e) Grassland Reserve Program.—Paragraph (5) of section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended to read as follows:

‘‘(5) The grassland reserve program under subchapter D of chapter 2.’’.

(f) Environmental Quality Incentives Program.—Paragraph (6) of section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended to read as follows:

‘‘(6) The environmental quality incentives program under chapter 4, using, to the maximum extent practicable—

‘‘(A) $19,000,000 in fiscal year 2008;

‘‘(B) $137,000,000 in fiscal year 2009;

‘‘(C) $155,000,000 in fiscal year 2010;

‘‘(D) $175,000,000 in fiscal year 2011; and

‘‘(E) $200,000,000 in fiscal year 2012.’’.

(g) Wildlife Habitat Incentives Program.—Paragraph (7)(D) of section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended by striking ‘‘2007’’ and inserting ‘‘2012’’.

**SEC. 2702. AUTHORITY TO ACCEPT CONTRIBUTIONS TOWARD CONSERVATION PROGRAMS.**

Section 1241 of the Food Security Act of 1985 (16 U.S.C. 3841) is amended by adding at the end the following new subsection:

‘‘(e) Acceptance and Use of Contributions.—

‘‘(1) AUTHORITY TO ESTABLISH CONTRIBUTION ACCOUNTS.—Subject to paragraph (2), the Secretary may establish a sub-account for each conservation program administered by the Secretary under subtitle D to accept contributions of non-Federal funds to support the purposes of the program.

‘‘(2) DEPOSIT AND USE OF CONTRIBUTIONS.—Contributions of funds received for a conservation program administered by the Secretary under subtitle D shall be deposited into the sub-account established by the program and shall be available to the Secretary, without further appropriation and until expended, to carry out the program.

**SEC. 2703. REGIONAL EQUITY AND FLEXIBILITY.**

(a) Regional Equity and Flexibility.—Section 1241(d) of the Food Security Act of 1985 (16 U.S.C. 3841(d)) is amended—

‘‘(1) by striking ‘‘Before April 1’’ and inserting ‘‘the following:—

‘‘(1) Priority funding to promote equity.—Before April 1’’;

‘‘(2) by striking ‘‘$12,000,000’’ and inserting ‘‘$15,000,000’’; and

‘‘(3) by adding at the end the following new paragraph:

‘‘(2) Specific funding allocations.—In determining the specific funding allocations for States under paragraph (1), the Secretary shall consider the respective demand in each State for each program covered by such paragraph.

(b) Allocations Review and Update.—Section 1241 of the Food Security Act of 1985 (16 U.S.C. 3841) is amended by inserting after subsection (e), as added by section 2702, the following new subsection:

‘‘(1) Allocations Review and Update.—

‘‘(I) REVIEW.—Not later than January 1, 2012, the Secretary shall conduct a review of conservation programs and authorities under this title that utilize allocation formulas to determine the sufficiency of the formulas in accounting for State-level economic factors, level of agricultural infrastructure, or related factors that affect conservation program costs.

‘‘(2) UPDATE.—The Secretary shall improve conservation program allocation formulas as necessary to ensure that the formulas adequately reflect the costs of carrying out the conservation program.

**SEC. 2704. ASSISTANCE TO CERTAIN FARMERS AND RANCHERS TO IMPROVE THEIR AGRICULTURAL MANAGEMENT.**

Section 1241 of the Food Security Act of 1985 (16 U.S.C. 3841) is amended by inserting after subsection (e), as added by section 2703(b), the following new subsection:

‘‘(g) Assistance to Certain Farmers or Ranchers for Conservation Access.—

‘‘(1) Assistance.—Of the funds made available for each of fiscal years 2009 through 2012 to carry out the environmental quality incentive program and the acres made available for each of such fiscal years to carry out the conservation stewardship program, the Secretary shall use, to the maximum extent practicable—

‘‘(A) 5 percent to assist beginning farmers or ranchers; and

‘‘(B) 5 percent to assist socially disadvantaged farmers or ranchers.

‘‘(2) Reallocations of Non-Funds.—In any fiscal year, amounts not obligated under paragraph (1) by a date determined by the Secretary shall be available for use in that fiscal year under the conservation stewardship program.’’.

**SEC. 2705. REPORT REGARDING ENROLLMENTS AND ASSISTANCE UNDER CONSERVATION PROGRAMS.**

Section 1241 of the Food Security Act of 1985 (16 U.S.C. 3841) is amended by inserting after subsection (g), as added by section 2704, the following new subsection:

‘‘(h) Report on Program Enrollments and Assistance.—Beginning in calendar year 2009, and each year thereafter, the Secretary shall submit to the Committee on Agriculture, Nutrition, and Forestry of the Senate a semi- annual report containing, by State related to enrollments in conservation programs under this subtitle, as follows:

‘‘(1) Payments made under the wetlands reserve program for easements valued at $250,000 or greater.

‘‘(2) Payments made under the farmland protection program for easements in which the Federal share is $250,000 or greater.

‘‘(3) Payments made under the grassland reserve program valued at $250,000 or greater.

‘‘(4) Payments made under the environmental quality incentive program for land determined to have special environmental significance pursuant to section 1240(h).

‘‘(5) Payments made under the agricultural water enhancement program subject to the waiver of adjusted gross income limitations pursuant to section 1240(g).

‘‘(6) Waivers granted to the Secretary under section 1001(b)(2) of this Act in order to protect environmentally sensitive land of special significance.’’.

**SEC. 2706. DELIVERY OF CONSERVATION TECHNICAL ASSISTANCE.**

Section 1242 of the Food Security Act of 1985 (16 U.S.C. 3842) is amended to read as follows:

‘‘SEC. 1242. DELIVERY OF TECHNICAL ASSISTANCE.—

‘‘(a) Definition of Eligible Participant.—In this section, the term ‘eligible participant’ means a producer, landowner, or entity that is participating in, or seeking to participate in, programs for which the producer, landowner, or entity is eligible to participate in under the agricultural management assistance program under section 521 of the Federal Crop Insurance Act (7 U.S.C. 1521).

‘‘(b) Purpose of Technical Assistance.—The purpose of technical assistance authorized by this section is to provide eligible participants with consistent, science-based, site-specific practices designed to achieve conservation objectives on land active in agricultural, forestry, or related uses.

‘‘(c) Provision of Technical Assistance.—The Secretary shall provide technical assistance under this title to an eligible participant—

‘‘(1) directly;

‘‘(2) through an agreement with a third-party provider; or

‘‘(3) at the option of the eligible participant, through a payment, as determined by the Secretary, to the eligible participant for an approved third-party provider, if available.

‘‘(d) Non-Federal Assistance.—The Secretary may request the services of, and enter into cooperative agreements or contracts with, other agencies within the Department or non-Federal entities to assist the Secretary in providing technical assistance necessary to assist in implementing conservation programs under this title.

‘‘(e) Certification of Third-Party Providers.—

‘‘(1) Purpose.—The purpose of the third-party provider program is to increase the
that accelerate conservation program delivery with design and implementation of conservation practices; and

(2) TECHNICAL SERVICE CONTRACTS.—In any case in which financial assistance is not provided under a program referred to in paragraph (1), the Secretary may enter into a technical service contract with the eligible participant for the purposes of assisting in the planning, design, or implementation of an eligible program.

(b) REVIEW OF CONSERVATION PRACTICE STANDARDS.—

(1) REVIEW REQUIRED.—The Secretary shall

(a) review conservation practice standards, including engineering design specifications, in effect on the date of enactment of the Federal Crop Insurance Act of 2008;

(b) ensure, to the maximum extent practicable, the technical feasibility, practicality, and relevance of the standards to local agricultural, forestry, and natural resource needs, including specialty crops, native and managed pollinators, biodiversity, water use, and, to the maximum extent practicable, shall—

(A) ensure that persons with expertise in the technical aspects of conservation planning, watershed planning, and environmental engineering, including commercial entities, nonprofit organizations, State or local governments or agencies, and other Federal agencies, are eligible to become approved providers of the technical assistance;

(B) establish criteria for the certification of third party providers; and

(C) approve any unique certification standards established at the State level.

(c) ADMINISTRATION.—

(1) FUNDING.—Effective for fiscal year 2008 and each subsequent fiscal year, funds of the Commodity Credit Corporation made available to carry out technical assistance for each of the programs specified in section 1243 shall be available for the provision of technical assistance from third-party providers under this section.

(2) TERM OF AGREEMENT.—An agreement with a third-party provider under this section shall be as follows:

(A) At a minimum, is equal to the period beginning on the date on which the agreement is entered into and ending on the date that is 1 year after the date on which all activities performed pursuant to the agreement have been completed;

(B) does not exceed 3 years; and

(C) can be renewed, as determined by the Secretary.

(3) REVIEW OF CERTIFICATION REQUIREMENTS.—Not later than 1 year after the date of enactment of the Food, Conservation, and Energy Act of 2008, the Secretary shall—

(A) review certification requirements for third-party providers; and

(B) make any adjustments considered necessary by the Secretary to improve participation.

(4) ELIGIBLE ACTIVITIES.—

(A) NONCLUSION OF ACTIVITIES.—The Secretary may include as activities eligible for payments to a third party provider—

(i) technical services provided directly to eligible producers such as conservation planning, education and outreach, and assistance with design and implementation of conservation practices; and

(ii) related technical assistance services that accelerate conservation program delivery.

(B) EXCLUSIONS.—The Secretary shall not designate as an activity eligible for payments to a third party provider any service that is provided by a business, or equivalent, in connection with conducting business and that is provided for such purpose.

(C) PAYMENT AMOUNTS.—The Secretary shall establish fair and reasonable amounts of payments for technical services provided by third-party providers.

(D) AVAILABILITY OF TECHNICAL SERVICES.—

(i) IN GENERAL.—In carrying out the programs under this title and the agricultural management assistance program under section 524 of the Federal Crop Insurance Act (7 U.S.C. 1601), the Secretary shall make technical services available to all eligible participants who are installing an eligible practice.

(ii) TECHNICAL SERVICE CONTRACTS.—In any case in which financial assistance is not provided under a program referred to in paragraphs (1) and (2) of section 1243 of the Food Security Act of 1985 (16 U.S.C. 3843), as amended by subsection (a), is amended to read as follows:

SEC. 1243. COOPERATIVE CONSERVATION PARTNERSHIP INITIATIVE.

(a) ESTABLISHMENT OF THE INITIATIVE.—The Secretary shall establish a cooperative conservation partnership initiative (in this section referred to as the ‘‘Initiative’’) to work with eligible partners to provide assistance to producers enrolled in a program described in subsection (c)(1) that will enhance conservation outcomes for agricultural and nonindustrial private forest land.

(b) PURPOSES.—The purposes of a partnership entered into under the Initiative shall be

(1) to address conservation priorities involving agriculture and nonindustrial private forest land on a local, State, multi-State, or regional level;

(2) to encourage producers to cooperate in meeting applicable Federal, State, and local regulatory requirements related to production involving agriculture and nonindustrial private forest land;

(3) to encourage producers to cooperate in the installation and maintenance of conservation practices that affect multiple agricultural or nonindustrial private forest areas; or

(4) to promote the development and demonstration of innovative conservation practices and delivery methods, including those for specialty crop and organic production and precision agriculture producers.

(c) INITIATIVE PROGRAMS.—

(1) COVERED PROGRAMS.—Except as provided in paragraph (2), the Initiative applies to all conservation programs under subtitle D—

(D) Grassland reserve program.

(2) EXCLUDED PROGRAMS.—The Initiative shall not include the following programs:

(A) Conservation reserve program.

(B) Wetlands reserve program.

(C) Farmland protection program.

(D) Timberland protection program.

(3) ELIGIBLE PARTNERS.—The Secretary may enter into a partnership under the Initiative with one or more of the following:

(A) States and local governments.

(B) Indian tribes.

(C) Producer associations.

(D) Farmer cooperatives.

(4) CONSIDERATION OF ELIGIBILITY.—The Secretary shall not provide assistance under the Initiative to a group, organization, or entity that—

(A) has been convicted of a violation of Federal, State, or local law relating to conservation or protection of the environment; or

(B) has been convicted of a violation of Federal, State, or local law relating to conservation or protection of the environment.

(d) REQUIREMENTS.—The Secretary shall carry out the Initiative—

(1) by selecting, through a competitive process, eligible partners from among applications submitted under subsection (f); and

(2) by entering into multi-year agreements with eligible partners so selected for a period not to exceed 5 years.

(e) IMPLEMENTATION AGREEMENTS.—The Secretary shall carry out the Initiative—

(1) by selecting, through a competitive process, eligible partners from among applications submitted under subsection (f); and

(2) by entering into multi-year agreements with eligible partners so selected for a period not to exceed 5 years.

(1) APPLICATIONS.—

(A) REQUIRED INFORMATION.—An application to enter into a partnership under the Initiative shall include the following:

(i) A description of the area covered by the agreement, conservation priorities in the area, conservation objectives to be achieved, and the expected level of participation by agricultural producers and nonindustrial private forest landowners.

(ii) A description of the plan for monitoring, evaluating, and reporting on progress...
made towards achieving the objectives of the agreement. 

(E) Such other information that may be required by the Secretary.

(2) The Secretary shall give priority to applications for agreements that—

(A) have a high percentage of producers involved working agricultural or non-industrial private forest land included in the area covered by the agreement;

(B) significantly leverage non-Federal financial and technical resources and coordinate with other local, State, or Federal efforts;

(C) deliver high percentages of applied conservation methods and coordinate with other local, State, regional, or national conservation initiatives; and

(D) provide innovation in conservation methods and delivery, including outcome-based performance measures and methods; or

(E) meet other factors, as determined by the Secretary.

(g) RELATIONSHIP TO COVERED PROGRAMS.—

(1) COMPLIANCE WITH PROGRAM RULES.—Except as provided in paragraph (2), the Secretary may not be required to—

(A) provide information that is not required by the Secretary; or

(B) provide preferential enrollment to producers or landowners eligible for the applicable program and to participate in the Initiative.

(h) TECHNICAL AND FINANCIAL ASSISTANCE.—The Secretary shall provide appropriate technical and financial assistance to producers participating in the Initiative in an amount determined to be necessary to achieve the purposes of the Initiative.

(i) FUNDING REQUIREMENTS.—Of the funds and acres made available for each of fiscal years 2009 through 2012 to implement the programs described in subsection (c)(1) through (c)(4), the Secretary shall reserve 6 percent of the funds and acres to ensure an adequate source of funds and acres for the Initiative.

(j) FUNDING REQUIREMENTS.—Of the funds and acres reserved for the Initiative for a fiscal year, the Secretary shall allocate—

(A) 90 percent of the funds and acres to projects based on the direction of State conservationists, with the advice of State technical committees; and

(B) conservation of the funds and acres to projects based on a competitive process established by the Secretary.

(k) UNFUNDED FUNDING.—Any funds and acres reserved for a fiscal year under paragraph (j) that are not obligated by April 1 of that fiscal year may be used to carry out other activities under the program that is the source of the funds or acres during the remainder of that fiscal year.

(l) ADMINISTRATIVE COSTS OF PARTNERS.—Overhead or administrative costs of partners may not be covered by funds provided through the Initiative.

SEC. 2708. ADMINISTRATIVE REQUIREMENTS FOR CONSERVATION PROGRAMS.

Section 4006 of the Food Protection Act of 1985 (16 U.S.C. 384d), as amended by section 2707, is further amended—

(1) by striking subsection (a) and inserting the following new subsection:

"(a) INCENTIVES FOR CERTAIN FARMERS AND RANCHERS AND INDIAN TRIBES.—

(1) INCENTIVES AUTHORIZED.—In carrying out any conservation program administered by the Secretary, the Secretary may provide to a person or entity specified in paragraph (2) incentives to participate in the conservation program—

(A) to foster new farming and ranching opportunities; and

(B) to enhance long-term environmental goals.

(2) COVERED PERSONS.—Incentives authorized by paragraph (1) may be provided to the following:

(A) Beginning farmers or ranchers;

(B) Socially disadvantaged farmers or ranchers;

(C) Limited resource farmers or ranchers;

(D) Indian tribes; and

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

(1) ACREAGE LIMITATIONS.—

(1) LIMITATIONS.—

(A) ENROLLMENTS.—The Secretary shall not enroll more than 25 percent of the cropland in any county in the programs administered under subchapters B and C of chapter 1 of subtitle D.

(B) ENROLLMENTS.—Not more than 10 percent of the cropland in a county may be subject to an easement acquired under subchapter C of chapter 1 of subtitle D.

(2) EXCEPTIONS.—The Secretary may exceed the limitation in paragraph (1)(A) if the Secretary determines that—

(A) the action would not adversely affect the local economy; and

(B) operators in the county are having difficulties complying with conservation plans implemented under section 1212.

(i) FUNDING REQUIREMENTS.—The Secretary may grant a waiver to exclude acreage enrolled under subsection (c)(2)(B) or (f)(4) of section 1234 from the limitations in paragraph (1)(A) with the concurrence of the county government of the county involved.

(j) SHELTERBELTS AND WINDBREAKS.—The limitations established under paragraph (1) shall not apply to cropland that is subject to an easement under subchapter C of chapter 1 that is used for the establishment of shelterbelts and windbreaks.

(k) COMPLIANCE AND PERFORMANCE.—For each conservation program under subtitle D, the Secretary may—

(1) to monitor compliance with program requirements;

(2) to measure program performance;

(3) to determine whether the long-term conservation benefits of the program are being achieved; and

(4) to track participation by crop and livestock types.

(l) Cooperation.—The Secretary shall cooperate with the Federal food agencies in order to facilitate the participation of farmers, ranchers, and forest landowners in emerging environmental services markets.

SEC. 2709. ENVIRONMENTAL SERVICES MARKETS.

(a) TECHNICAL GUIDELINES REQUIRING.—The Secretary shall establish technical guidelines that outline science-based methods to measure the environmental services benefits from conservation and land management activities in order to facilitate the participation of farmers, ranchers, and forest landowners in emerging environmental services markets. The Secretary shall give priority to the establishment of guidelines related to farmer, rancher, and forest landowner participation in carbon markets.

(b) ESTABLISHMENT.—The Secretary shall establish guidelines under subsection (a) for use in developing the following:

(1) A protocol to measure environmental services benefits.

(2) A protocol to report environmental services benefits.

(3) A registry to collect, record, and maintain the benefits measured.

(c) VERIFICATION REQUIREMENTS.—The Secretary shall establish guidelines for a process to verify that a farmer, rancher, or forest landowner who reports environmental services benefit pursuant to the protocol required by paragraph (2) of subsection (b) for inclusion in the registry required by paragraph (3) of such subsection has implemented the conservation or land management activity covered by the report.

(d) ROLE OF THIRD PARTIES.—In establishing the verification guidelines required by paragraph (1), the Secretary shall consider the role of third parties in conducting independent verification of benefits produced for environmental services markets and other functions, as determined by the Secretary.

(e) USE OF EXISTING INFORMATION.—In carrying out subsection (b), the Secretary shall, as soon as practicable, build on the information and existing on the date of the enactment of the Food, Conservation, and Energy Act of 2008 regarding environmental services markets.

(f) SUBMISSION.—In carrying out section 2707 of this title, the Secretary shall consult with the following:
SEC. 2710. AGRICULTURE CONSERVATION EXPERIENCED SERVICES PROGRAM.

Subtitle F of title XII of the Food Security Act of 1985 is amended by inserting after section 1251 (16 U.S.C. 3863a) the following new section:

"SEC. 1252. AGRICULTURE CONSERVATION EXPERIENCED SERVICES PROGRAM.

"(a) Establishment and Purpose.—The Secretary shall establish a conservation experienced services program in this section referred to as the ‘ACES Program’ for the purpose of utilizing the talents of individuals who are age 55 or older, but who are not employed by the Department of Agriculture or a State agriculture department, to provide technical services in support of the conservation-related programs and authorities carried out by the Secretary. Such technical services may include conservation planning assistance, technical consultation, and assistance with design and management of conservation practices.

"(b) Program Agreements.—

"(1) Relation to Older American Community Service Employment Program.—Notwithstanding any other provision of law relating to Federal grants, cooperative agreements, or contracts, to carry out the ACES program during a fiscal year, the Secretary may enter into agreements with nonprofit private agencies and organizations eligible to receive grants for that fiscal year under the Community Service Senior Opportunities Act (42 U.S.C. 3656 et seq.) to secure participants for the ACES program who will provide technical services under the ACES program.

"(2) Required Determination.—Before entering into an agreement under paragraph (1), the Secretary shall ensure that the agreement would direct the following:

"(A) result in the displacement of individuals employed by the Department, including partial displacement through reduction of non-overtime hours, wages, or employment benefits;

"(B) result in the use of an individual under the ACES program for a job or function in a case in which a Federal employee is in a layoff status from the same or a substantially-equivalent job or function with the Department; or

"(C) affect existing contracts for services.

"(c) Funding Source.—

"(1) In General.—Except as provided in paragraph (2), the Secretary may carry out the ACES program using funds made available to carry out each program under this title.

"(2) Exclusions.—Funds made available to carry out programs under sections 501, 502, and 503 of the Federal Crop Insurance Act (7 U.S.C. 1524(b)(1)) is amended by inserting ‘ACES Program’ after ‘acreage reserves’ the following:

"SEC. 501. ACRES.

"(a) Definitions.—

"(1) ACRE.—The term ‘acre’ means—

"(A) 43,560 square feet;

"(B) any region, province, classification, type, or grade of an agricultural commodity.

"(2) Technical Assistance.—

"(A) In General.—The term ‘technical assistance’ means—

"(a) any region, province, classification, type, or grade of an agricultural commodity.

"(B) Federal Advisory Committee.—Each State technical committee shall be exempt from the Federal Advisory Committee Act (5 U.S.C. App.).

"(c) Nonfederal Advisory Committees.—The following are nonfederal advisory committees established under this title:...

"(2) Local Working Groups.—For purposes of this section, the Federal Advisory Committee Act (5 U.S.C. App.)...
...
report, or any revision to the report, under clause (i)."

(b) CONFORMING AMENDMENTS.—

(1) Section 202 of the Colorado River Basin Salinity Control Act (43 U.S.C. 1952) is amended—

(A) in subsection (a), in the matter preceding paragraph (1), by striking "program" and inserting "programs"; and

(B) in subsection (b)(4)—

(i) by striking "program" and inserting "programs"; and

(ii) by striking "and (6)" and inserting "(6) and (7)".

(2) Section 205 of the Colorado River Basin Salinity Control Act (43 U.S.C. 1958) is amended by striking the following new subsection:—

"(7) UP-FRONT COST SHARE.—

"(1) IN GENERAL.—Effective beginning on the date of enactment of this paragraph, subject to paragraph (3), the cost share obligations required by this section shall be met through repayment in a manner consistent with this section for all salinity control activities provided in this title or an amendment made by this title, the Secretary of Agriculture shall continue to carry out any program or activity covered by this section if determined to be appropriate by the Secretary of Agriculture, in consultation with the Commodity Credit Corporation, shall promulgate such regulations as are necessary to implement this section, or (B) the Agricultural Trade Act of 1976 (7 U.S.C. 5601 et seq.)."

(c) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary shall use the authority provided under section 808(2) of title 5, United States Code.

TITLE III—TRADE

Subtitle A—Food for Peace Act

SEC. 3001. SHORT TITLE.

(a) IN GENERAL.—Section 1 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.) is amended by striking "Agricultural Trade Development and Assistance Act of 1954" and inserting "Food for Peace Act".

(b) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Each provision of law described in paragraph (2) is amended—

(A) by striking "Agricultural Trade Development and Assistance Act of 1954" each place it appears and inserting "Food for Peace Act"; and

(B) by redesigning paragraphs (4) and (5), respectively.

(2) PROVISIONS OF LAW.—The provisions of law referred to in paragraph (1) are the following:


(2) The Agricultural Act of 1949 (7 U.S.C. 121 et seq.).

(3) Section 9(a) of the Military Construction and Veterans Affairs Appropriations Act, 2006 (7 U.S.C. 1764c).

(4) Section 201 of the Agriculture and Rural Development Act of 1996 (7 U.S.C. 5021 et seq.).


(12) Section 301 of title 13, United States Code.


(22) The Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6021 et seq.).


(24) Chapter 533 of title 46, United States Code.


(c) REFERENCES.—Any reference in any Federal, State, tribal, or local law (including regulations) to the "Agricultural Trade Development and Assistance Act of 1954" shall be considered to be a reference to the "Food for Peace Act".

SEC. 3002. UNITED STATES POLICY.

Section 2 of the Food for Peace Act (7 U.S.C. 1691) is amended—

(1) by striking paragraph (4); and

(2) by redesigning paragraphs (5) and (6) as paragraphs (4) and (5), respectively.
SEC. 3003. FOOD AID TO DEVELOPING COUNTRIES.

Section 3(b) of the Food for Peace Act (7 U.S.C. 1725(b)) is amended by striking "(b)" and all that follows through paragraph (1) and inserting the following:

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

"(1) in negotiations at the Food Aid Convention, the World Trade Organization, the United Nations Food and Agriculture Organization, and other appropriate venues, the President shall—

"(A) seek commitments of higher levels of food aid by donors in order to meet the legitimate needs of developing countries;

"(B) ensure, to the maximum extent practicable, that humanitarian nongovernmental organizations, recipient country governments, nongovernmental organizations, and international organizations shall continue—

"(i) to be eligible to receive resources based on assessments of need conducted by those organizations and entities; and

"(ii) to implement food aid programs in agreements with donor countries; and

"(C) ensure, to the maximum extent practicable, that options for providing food aid for emergency and nonemergency needs shall not be subject to limitation, includingkind commodities, provision of funds for agricultural commodity procurement, and monetization of commodities, on the condition that the provision of those commodities will—

"(i) be based on assessments of need and intended to benefit the food security of, or otherwise assist, recipients; and

"(ii) be provided in a manner that avoids disincentives to local agricultural production and marketing and with minimal potential for disruption of commercial markets; and

"(D) the improvement of the trade capacity of the recipient country;"

"(2) in paragraph (3), by striking "or otherwise" and all that follows through "United States";

"(3) in paragraph (5), by inserting "to promote agriculture" before "agricultural commodities and products"; and

"(D) the improvement of the trade capacity of the recipient country;"

"(4) in paragraph (3), by striking "agricultural business development and agricultural trade capacity"; and

"(5) in paragraph (4), by striking "or otherwise" and all that follows through "United States";

"(6) in paragraph (5), by inserting "to promote agriculture" before "agricultural commodities and products";

"(7) by redesigning paragraphs (2) through (9) as paragraphs (1) through (8), respectively.

SEC. 3007. GENERAL AUTHORITY.

Section 201 of the Food for Peace Act (7 U.S.C. 1721) is amended—

"(1) in the matter preceding paragraph (1), by striking "may not deny a request for funds" and inserting "may not use as a sole rationale for denying a request for funds";

"(2) in subsection (c)(1)—

"(A) in the matter preceding subparagraph (A), by striking "not less than 5 percent nor more than 10 percent" and inserting "not less than 7.5 percent nor more than 13 percent";

"(B) in subparagraph (A), by striking "and" and inserting a semicolon;

"(C) in subparagraph (B), by striking the period at the end and inserting "and"; and

"(D) by adding at the end the following:

"(7) promote economic and nutritional security by improving educational, training, and other productive activities.".

SEC. 3008. PROVISION OF AGRICULTURAL COMMODITIES.

Section 202 of the Food for Peace Act (7 U.S.C. 1722) is amended—

"(1) in subsection (a)(1), by striking "may not deny a request for funds" and inserting "may not use as a sole rationale for denying a request for funds";

"(2) in subsection (c)(1)—

"(A) to assess the types and quality of agricultural commodities and products donated for food aid purposes;

"(B) to adjust products and formulations of best practices for food aid programs; and

"(C) to test prototypes.

"(2) REQUIREMENTS OF SYSTEMS AND ACTIVITIES.

"(A) The Administrator, in consultation with the Secretary, shall develop procedures that ensure expedited processing of commodity call forwards in order to provide commodities overseas in a timely manner and to the extent feasible, according to planned delivery schedules; and

"(B) by adding at the end the following:

"(7) representatives of the maritime transportation sector involved in transporting agricultural commodities overseas for programs under this Act; and

"(C) by inserting at the end the following:

"(7) representatives of the maritime transportation sector involved in transporting agricultural commodities overseas for programs under this Act; and

"(2) in subsection (b), by striking "2007" and inserting "2012".

SEC. 3012. ADMINISTRATION.

Section 207 of the Food for Peace Act (7 U.S.C. 1726a) is amended—

"(1) in subsection (a)(3), by striking "and the conditions that must be met for the approval of such proposal";

"(2) in subsection (c), by striking paragraph (3); and

"(3) by striking subsection (d) and inserting the following:

"(D) TIMELY PROVISION OF COMMODITIES.—The Administrator, in consultation with the Secretary, shall develop procedures that ensure expedited processing of commodity call forwards in order to provide commodities overseas in a timely manner and to the extent feasible, according to planned delivery schedules; and

"(E) by adding at the end the following:

"(7) PROGRAM OVERSIGHT, MONITORING, AND EVALUATION.—

"(A) AUTHORITY OF ADMINISTRATOR.—The Administrator, in consultation with the Secretary, shall establish systems and carry out activities—

"(1) to determine the need for assistance provided under this title; and

"(2) to improve, monitor, and evaluate the effectiveness and efficiency of the assistance provided under this title to maximize the impact of the assistance.

"(B) REQUIREMENTS OF SYSTEMS AND ACTIVITIES.—The systems and activities described in paragraph (1) shall include—

"(A) program monitors in countries that receive assistance under this title;

"(B) country and regional food aid impact evaluations;

"(C) the identification and implementation of best practices for food aid programs;

"(D) the evaluation of monetization programs; and

"(E) early warning assessments and systems to help prevent famines; and

"(F) upgraded information technology systems.

"(3) IMPLEMENTATION REPORT.—Not later than 180 days after the date of enactment of the Food, Conservation, and Energy Act of 2008, the Administrator shall submit to the appropriate committees of Congress a report on efforts undertaken by the Administrator to conduct oversight of nonemergency programs under this title.

"(4) GOVERNMENT ACCOUNTABILITY OFFICE REPORT.—Not later than 270 days after the...
date of submission of the report under paragraph (3), the Comptroller General of the United States shall submit to the appropriate committees of Congress a report that contains—

(A) a review of, and comments addressing, the report described in paragraph (3); and

(B) recommendations relating to any additional actions that the Comptroller General of the United States determines to be necessary to improve the monitoring and evaluation of assistance provided under this title.

(5) CONTRACT AUTHORITY.—

(A) IN GENERAL.—Subject to subparagraph (B), the Administrator may enter into contracts with 1 or more individuals for administrative and management activities relating to the monitoring of emergency food assistance programs under title II as determined to be available under section 401(a).

(B) CONFORMING AMENDMENTS.—

(1) Section 406(a) of the Food for Peace Act (7 U.S.C. 1736a(a)) is amended by striking “Food for Peace Act” and inserting “Food for Peace Act of 1985”.

(2) Subsection (e)(1) of the Food for Peace Act of 1985 (7 U.S.C. 1736(e)(1)) is amended by striking “determined to be available under section 401 of the Food for Peace Act”.

SEC. 303. DEFINITIONS.

Section 402 of the Food for Peace Act (7 U.S.C. 1732) is amended—

(1) by striking subsection (a); and

(2) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively; and

(3) in subsection (b) (as so redesignated), by striking “(as designated)”.

(4) IN GENERAL.—The term “appropriate committee of Congress” means—

(A) the Committee on Agriculture, Nutrition, and Forestry of the Senate; and

(B) the Committee on Appropriations of the House of Representatives.

(5) PERSONAL SERVICE.—Subparagraph (A) does not authorize the personal service of the Administrator to enter into a contract with any individual for personal service under section 202(a).

(6) FUNDING.—

(A) IN GENERAL.—Subject to section 202(h)(3), in addition to other funds made available to the Administrator to carry out the requirements of emergency food assistance, the Administrator may implement this subsection using up to $22,000,000 of the funds made available under this title for each of fiscal years 2009 through 2012, except for paragraph (2)(F), for which only $2,500,000 shall be made available during fiscal year 2009.

(B) LIMITATIONS.—

(i) In general.—Subject to clause (ii), the funds made available under subparagraph (A), for each of fiscal years 2009 through 2012, not more than $8,000,000 may be used by the Administrator to carry out paragraph (2)(E).

(ii) Condition.—No funds shall be made available under subparagraph (A), in accordance with clause (i) unless not less than $8,000,000 is made available under chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) for such purposes for such fiscal year.

(g) PROJECT REPORTING.—

(1) IN GENERAL.—In submitting project reports to the Administrator, a private voluntary organization or cooperative shall provide a copy of the report in such form as is necessary for the report to be displayed for public use on the website of the United States Agency for International Development.

(2) CONFIDENTIAL INFORMATION.—An organization that submits a project report under paragraph (1) may omit any confidential information from the copy of the report submitted for public display under that paragraph.

SEC. 303. ASSISTANCE FOR STOCKPILING AND RAPID TRANSPORTATION, DELIVERY, AND DISTRIBUTION OF SELF-STABLE PREPACKAGED FOODS.

Section 208(f) of the Food for Peace Act (7 U.S.C. 1726h(f)) is amended—

(1) by striking subsection (a); and

(2) by adding “$3,000,000” and inserting “$8,000,000”; and

SEC. 304. GENERAL AUTHORITIES AND REQUIREMENTS.

(a) IN GENERAL.—Section 401 of the Food for Peace Act (7 U.S.C. 1731) is amended—

(1) by striking subsection (a); and

(2) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively; and

(3) in subsection (b) (as so redesignated), by striking “(as designated)”.

(b) ANNUAL REPORT REGARDING AGRICULTURAL COMMODITIES TO FOREIGN COUNTRIES.—

(1) IN GENERAL.—The term “appropriations committee regarding the administration of food assistance programs under title II to benefit foreign countries during the prior fiscal year.”

(2) CONTENTS.—An annual report described in this paragraph shall include—

(i) a statement that contains a description of each program, country, and commodity authorized under this title; and

(ii) a general description of each program oversight, monitoring, and evaluation system implemented under this Act during the prior fiscal year.

(c) ANNUAL REPORT.—Not later than February 1 of each fiscal year, the Administrator shall prepare and submit to the appropriate committees of Congress a report regarding the administration of food assistance programs under title II.

(d) CONFORMING AMENDMENT.—Section 307(e) of the Food for Peace Act (7 U.S.C. 1736(e)) is amended—

(1) by striking “Food for Peace Act” and inserting “Food for Peace Act of 1985”.

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

(3) APPROPRIATE COMMITTEE OF CONGRESS.—The term “appropriate committee of Congress” means—

(A) the Committee on Agriculture, Nutrition, and Forestry of the Senate; and

(B) the Committee on Appropriations of the House of Representatives.

SEC. 305. USE OF COMMODITY CREDIT CORPORATION.

Section 406(b)(2) of the Food for Peace Act (7 U.S.C. 1736(b)(2)) is amended by inserting “, including the costs of carrying out section 415 before the semicolon.

SEC. 307. ADMINISTRATIVE PROVISIONS.

Section 407(c) of the Food for Peace Act (7 U.S.C. 1736a(c)) is amended—

(1) in paragraph (1), by striking “‘Funds made’ and inserting the following:

(A) IN GENERAL.—‘Funds made’;

(B) in subparagraph (A) (as so designated)—

(i) by striking “2007” and inserting “2012”; and

(ii) by striking “$2,000,000” and inserting “$10,000,000”; and

(C) by adding at the end the following:

(2) ADDITIONAL PREPOSITIONING SITES.—

(i) Feasibility.—Notwithstanding any provision of the Food for Peace Act, the Administrator may carry out assessments for establishing additional sites for prepositioning in foreign countries.

(ii) Establishment of sites.—On the results of each assessment carried out under clause (i), the Administrator may establish additional sites for prepositioning in foreign countries.

(iii) Establishment of sites.—Based on the results of each assessment carried out under clause (i), the Administrator may establish additional sites for prepositioning in foreign countries.

(iv) Establishment of sites.—Based on the results of each assessment carried out under clause (i), the Administrator may establish additional sites for prepositioning in foreign countries.

(5) NONEMERGENCY OR MULTIYEAR AGREEMENTS.—Annual report resource requests for ongoin- g nonemergency or ongoing multiyear agreements under title II shall be finalized not later than October 1 of the fiscal year in which the agricultural commodities will be shipped under the agreement.

SEC. 308. CONSOLIDATION AND MODIFICATION OF ANNUAL REPORTS REGARDING AGRICULTURAL TRADE ISSUES.

(a) ANNUAL REPORTS.—Section 407 of the Food for Peace Act (7 U.S.C. 1736a) is amended—

(1) by striking “‘Annual Report’,” and inserting “‘Annual Report—’, and

(2) by striking paragraph (2).
(B) to carry out the grant program established under title III; and
(C) to make payments to the Commodity Credit Corporation to the extent the Commodity Credit Corporation under title II, not less than $757,000,000 for fiscal year 2009, $740,000,000 for fiscal year 2010, $725,000,000 for fiscal year 2011, and $515,000,000 for fiscal year 2012 shall be expended for nonemergency food assistance programs under title II.

SEC. 3021. MINIMUM LEVEL OF NONEMERGENCY FOOD ASSISTANCE.

Section 413 of the Food for Peace Act (7 U.S.C. 1736g) is amended by adding at the end the following:

(e) MINIMUM LEVEL OF NONEMERGENCY FOOD ASSISTANCE.—

(1) FUNDS AND COMMODITIES.—Of the amounts made available to carry out emergency and nonemergency food assistance programs under title II, not less than $200,000,000 for each of fiscal years 2008 to 2012, shall be expended for nonemergency food assistance programs under title II.

(2) EXCEPTION.—The President may use less than the amount specified in paragraph (1) in a fiscal year for nonemergency food assistance programs under title II if—

(A) the President has made a determination that there is an urgent need for additional emergency food assistance;

(B) the funds and commodities held in the Bill Emerson Humanitarian Trust have been exhausted; and

(C) the President has submitted to Congress a supplemental appropriations request for a sum equal to the amount needed to reach the required spending level for nonemergency food assistance under paragraph (1) and the amount exhausted under paragraph (2)(B).

(3) NOTIFICATION TO CONGRESS.—If the President makes the determination described in paragraph (2)(A), the President shall submit to Congress written notification that the determination has been made.

SEC. 3022. COORDINATION OF FOREIGN ASSISTANCE PROGRAMS.

Section 413 of the Food for Peace Act (7 U.S.C. 1736g) is amended—

(1) by striking “To the maximum extent practicable, that risk—

including fees associated with the guarantees—

be appropriated for each of fiscal years 2008 through 2012 to carry out the programs under this section—

(A) $10,000,000 for sub-Saharan African and Caribbean Basin countries; and

(B) $5,000,000 for other developing or middle-income countries or emerging markets not described in subsection (a);” and

Subtitle II—Agricultural Trade Act of 1978 and Related Statutes

SEC. 3101. EXPORT CREDIT GUARANTEE PROGRAM.

(a) REPEAL.—Section 501(d) of the Food for Peace Act (7 U.S.C. 1737(d)) is amended in the matter preceding paragraph (1) by—

(1) striking “not less than” and inserting “not less than the greater of $10,000,000 or”;

(2) by striking paragraph (2) through and including paragraph (3) and inserting—

“(B) by striking ‘2002 through 2007’ and inserting ‘2008 through 2012’;

(3) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively; and

(4) by striking paragraph (1) and inserting the following:

‘‘(1) the United States Agency for International Development; and

(2) the Department of Agriculture;’’;

and

(b) E XPORT CREDIT GUARANTEE PROGRAM.—Section 501(e) of the Food for Peace Act (7 U.S.C. 1737(e)) is amended by striking paragraph (1) and inserting the following:

‘‘(1) In general.—The guarantees are authorized to be appropriated for each of fiscal years 2008 through 2012 to carry out the programs under this section—

(A) $10,000,000 for sub-Saharan African and Caribbean Basin countries; and

(B) $5,000,000 for other developing or middle-income countries or emerging markets not described in subsection (a);’’.

SEC. 3102. MARKET ACCESS PROGRAM.

(a) ORGANIC COMMODITIES.—Section 203(a) of the Agricultural Trade Act of 1978 (7 U.S.C. 5622(a)) is amended by inserting after “Agricultural Trade Act of 1978 (7 U.S.C. 5651)” the following:

“including commodities that are organically produced (as defined in section 2103 of the Organic Foods Production Act of 1990 (7 U.S.C. 6002));”.

(b) FUNDING.—Section 211(c)(1)(A) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641(c)(1)(A)) is amended by striking “$200,000,000 for each of fiscal years 2006 and 2007” and inserting “$200,000,000 for each of fiscal years 2008 through 2012”.

SEC. 3103. EXPORT ENHANCEMENT PROGRAM.

(a) IN GENERAL.—Section 301 of the Agricultural Trade Act of 1978 (7 U.S.C. 5661) is repealed.

(b) CONFORMING AMENDMENTS.—The Agricultural Trade Act of 1978 is amended—

(1) in title III, by striking the title heading and inserting the following:

“TITLE III—BARRIERS TO EXPORTS;”;

(2) by redesigning sections 302 and 303 (7 U.S.C. 5652 and 5653) as sections 301 and 302, respectively;

(3) in section 302 (as redesigned by paragraph (2)), by striking “, such as that established under section 301,”;

(4) in section 401 (7 U.S.C. 5661) a new section (a) (by striking “section 201, 202, or 301” and inserting “section 201 or 202”;

(5) in section 202 (as redesigning by paragraph (2), by striking “sections 201, 202, and 301” and inserting “sections 201 and 202”;

and

(6) in section 301 (as redesigning by paragraph (2), by striking “sections 201, 202, and 301” and inserting “sections 201 and 202”; and

(7) in subsection (3).
(5) in section 402(a)(1) (7 U.S.C. 5662(a)(1)), by striking “sections 201, 202, 203, and 301” and inserting “sections 201, 202, and 203”.

SEC. 3104. FOREIGN MARKET DEVELOPMENT CO-OPERATION.

(a) REPORT TO CONGRESS.—Section 702(c) of the Agricultural Trade Act of 1978 (7 U.S.C. 5723(c)) is amended by striking “Committee on Foreign Operations and Related Agencies” and inserting “Committee on Foreign Affairs”.

(b) FUNDING.—Section 703(a) of the Agricultural Trade Act of 1978 (7 U.S.C. 5723(a)) is amended by adding “2006 through 2007” and inserting “2008 through 2012”.

SEC. 3105. FOOD FOR PROGRESS ACT OF 1985.

(a) IN GENERAL.—The Food for Progress Act of 1985 (7 U.S.C. 1736o) is amended by striking “2006” each place it appears and inserting “2012”.

(b) DESIGNATION OF PROJECT IN SUB-SAHARAN AFRICA.—The Food for Progress Act of 1985 (7 U.S.C. 1736o) is amended in subsection (f) by adding at the end the following:

“(6) PROJECT IN MALAWI.—

“(A) IN GENERAL.—In carrying out this section during fiscal year 2009, the President shall approve not less than 1 multiyear project for Malawi:

“(i) to promote sustainable agriculture; and

“(ii) to increase the number of women in leadership positions.

“(B) USE OF ELIGIBLE COMMODITIES.—Of the eligible commodities used to carry out this section during the period in which the project described in subparagraph (A) is carried out, the President shall carry out the project using eligible commodities with a total value of not less than $3,000,000 during the course of the project.

“(c) USE OF COMMODITY CREDIT CORPORATION FUNDS.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section $84,000,000 for fiscal year 2009, to remain available until expended.”.

SEC. 3106. McGOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION AND CHILD NUTRITION PROGRAM.

Section 505 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736e-1) is amended—

(1) in subsections (b), (c)(2)(B), (f)(1), (h), (1), and (l)(1), by striking “President” each place it appears and inserting “Secretary”; and

(2) in subsection (d), by striking “The President shall designate 1 or more Federal agencies” and inserting “The Secretary shall”;

(3) in paragraph (f)(2), by striking “implementing agency” and inserting “Secretary”; and

(4) in subsection (l)—

(A) by striking paragraph (1) and inserting the following:

“(A) USE OF COMMODITY CREDIT CORPORATION FUNDS.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section $91,000,000 for fiscal year 2009, to remain available until expended.”;

(B) in paragraph (2), by striking “2004 through 2007” and inserting “2008 through 2012”;

(C) in paragraph (3), by striking “any Federal agency implementing or assisting” and inserting “the Department of Agriculture or any other Federal agency assisting”.

Subtitle C—Miscellaneous

SEC. 3201. BILL EMERSON HUMANITARIAN TRUST.

Section 302 of the Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736c-1) is amended—

(1) in subsection (a)—

(A) by striking “establish a trust stock, and establishing “establish and maintain a trust”;

(B) by striking “or any combination of the commodities, totaling not more than 4,000 metric tons” and inserting “any combination of the commodities, or funds”;

(2) in subsection (b)—

(A) in paragraph (1), by striking subparagraph (D) and inserting the following:

“(D) funds made available—

“(i) under paragraph (2)(B),

“(ii) as a result of a change of any commodity held in the trust for an equivalent amount of funds from the market, if the Secretary determines that such a sale of the commodity in the market will not unduly disrupt domestic markets; or

“(iii) to maximize the value of the trust, in accordance with subsection (d)(3);”;

and

(B) in paragraphs (2)(B), (I), in clause (l)—

(I) by striking “2007” each place it appears and inserting “2012”;

(II) by striking “(c)(1)” and inserting “(c)(4)”;

and

(III) by adding at the end the following:

“(iii) from funds accrued through the management of the trust under subsection (d)(3);”;

in subsection (c)—

(A) by striking paragraphs (1) and (2) and inserting the following:

“(1) RELEASES FOR EMERGENCY ASSISTANCE.—

“(A) DEFINITION OF EMERGENCY.—

“(i) IN GENERAL.—In this paragraph, the term ‘emergency’ means an urgent situation—

“(I) in which there is clear evidence that an event or series of events described in clause (ii) has resulted in—

“(aa) that causes human suffering; and

“(bb) for which a government concerned has not chosen, or has not the means, to remedy; or

“(II) created by a demonstrably abnormal event or series of events that produces dislocation in the lives of persons in the countryside of an entire country or region of a country on an exceptional scale.

“(ii) EVENT OR SERIES OF EVENTS.—An event or series of events referred to in clause (i) includes or more of—

“(I) a sudden calamity, such as an earthquake, flood, locust infestation, or similar unforeseen disaster;

“(II) a human-made emergency resulting in—

“(aa) a significant influx of refugees; and

“(bb) the internal displacement of populations; or

“(cc) the suffering of otherwise affected populations;

“(III) food scarcity conditions caused by slow-onset events, such as drought, crop failure, pest infestation, and disease, that result in an erosion of the ability of communities and vulnerable populations to meet food needs; and

“(IV) severe food access or availability conditions resulting from sudden economic shocks, market failure, or economic collapse, that result in an erosion of the ability of communities and vulnerable populations to meet food needs.

“(B) RELEASES.—

“(1) IN GENERAL.—Any funds or commodities held in the trust are sufficient to meet emergency needs under title II of that Act (7 U.S.C. 1721 et seq.) for a fiscal year, that result in an erosion of the ability of communities and vulnerable populations to meet food needs.

“(2) ELIGIBLE COMMODITIES.—Eligible commodities from which releases may be made are—

“(A) food crops;

“(B) livestock and livestock products;

“(C) fish and fish products;

“(D) nonfood commodities; and

“(E) other goods and services.

“(3) ELIGIBLE CHARGERS.—Any funds or commodities that are released shall be charged to—

“(A) the U.S. Mission to a country that has ratified the Convention on the Rights of the Child ( marketed in the country, under section 204(a)(3) of the Food for Peace Act (7 U.S.C. 1724(a)(3)) as a condition for a release of funds or commodities under subparagraph (B);”;

and

(B) by redesigning paragraphs (3) through (5) as paragraphs (4) through (6), respectively, and indenting the subparagraphs appropriately;

(B) by striking the subsection designation and heading and all that follows through “provide—” and inserting the following:

“(4) MANAGEMENT OF TRUST.—

“(1) IN GENERAL.—The Secretary shall provide for the management of eligible commodities and funds held in the trust in a manner that is consistent with maximizing the value of the trust, as determined by the Secretary.

“(2) ELIGIBLE COMMODITIES.—The Secretary shall provide—

“(C) paragraph (2) (as redesignated by subparagraph (B))—

“(i) in subparagraph (B) (as redesignated by subparagraph (A)), by striking “and” at the end;

and

“(ii) in subparagraph (C) (as redesignated by subparagraph (A)), by striking the period at the end and inserting “; and”;

and

“(D) by adding at the end the following:

“(3) FUNDS.—

“(A) ELIGIBLE RECEPTORS.—If any commodity held in the trust is exchanged for funds under subsection (b)(1)(D)(ii), the funds shall be released in the case of an emergency under subsection (c).

“(B) INVESTMENT.—The Secretary may invest funds held in the trust in any short-term obligation of the United States or any other low-risk short-term instrument or security insured by the Federal Government in which a regulated insurance company may invest under the laws of the District of Columbia.”;

and

(5) in subsection (h), in each of paragraphs (1) and (2), by striking “2007” each place it appears and inserting “2012”.

SEC. 3202. GLOBAL CROP DIVERSITY TRUST.

(a) CONTRIBUTION.—The Administrator of the United States Agency for International Development shall contribute funds to the Global Crop Diversity Trust (referred to in this section as the “Trust”) to assist in the conservation of genetic diversity in food crops through the collection and storage of germplasm of food crops in a manner that provides for—

(1) the maintenance and storage of seed collections;

(2) the documentation and cataloguing of the genetics and characteristics of conserved seeds to ensure efficient reference for researchers, plant breeders, and the public;

(3) building the capacity of seed collection in developing countries;

(4) making information regarding crop genetic data publicly available for researchers, plant breeders, and the public (including through the provision of an accessible Internet website);

(5) the operation and maintenance of a bank of seeds held in countries which are stored duplicate samples of seeds, in the case of natural or man-made disasters; and
The term "child labor" means the worst forms of child labor as defined in International Labor Convention 182, the Convention Concerning the Prohibition and Elimination of the Worst Forms of Child Labor, done at Geneva on June 17, 1999.

(2) ESTABLISHMENT.—There is established a Consultative Group to Eliminate the Use of Child Labor and Forced Labor in Imported Agricultural Products, consisting of not more than 13 individuals, as determined by the Secretary, including representatives from the following:

(a) appropriate committees of Congress; and
(b) international governmental organizations.

(3) MEETINGS.—Not less than 4 times per year, the Consultative Group shall meet at the call of the Secretary, to receive recommendations described in subsection (e)(1). Not later than 1 year after the date of enactment of this Act, and annually thereafter through December 31, 2012, the Secretary shall submit to the Committees on Agriculture and Foreign Affairs of the House of Representatives, the Committee on Agriculture, Nutrition, and Forestry of the Senate, and the Committee on Agriculture, Rural Development, Nutrition, and Forestry of the House of Representatives, a report describing the activities and recommendations of the Consultative Group.

Section 3205 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 5680) is amended by striking (B) by 1 or more individuals who, at the time of performing the work or service, were subjected to a severe form of trafficking in persons (as that term is defined in that section).

The term "forced labor" means all work or service—

(A) that is exacted from any individual under menace of any penalty for nonperformance of the work or service, and for which—

(i) the work or service is not offered voluntarily; or

(ii) the work or service is performed as a result of coercion, debt bondage, or involuntary servitude; or

(B) the use of goods from the United States are produced with the use of forced labor and child labor.

(2) GUIDELINES.—Not later than 1 year after the date of enactment of this Act and in accordance with section 103(d) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(d)), as applicable to the importation of agricultural products made with the use of child labor or forced labor, the Consultative Group shall develop, and submit to the Secretary, recommendations relating to a standard set of practices for independent, third-party monitoring and verification for the production, processing, and distribution of agricultural products or commodities to reduce the likelihood that agricultural products or commodities imported into the United States are produced with the use of forced labor or child labor.

(1) ADMINISTRATOR.—The term "consultant" means an agricultural commodity or the product of an agricultural commodity that—

(a) is produced in, and procured from, a developing country; and

(b) at a minimum, meets each nutritional, quality, and labeling standard of the country that receives the agricultural commodity, as determined by the Secretary.

(2) ELIGIBLE COMMODITY.—The term "eligible commodity" means an agricultural commodity or the product of an agricultural commodity that—

(a) is produced in, and procured from, a developing country; and

(b) at a minimum, meets each nutritional, quality, and labeling standard of the country that receives the agricultural commodity, as determined by the Secretary.

(3) ELIGIBLE ORGANIZATION.—The term "eligible organization" means an organization that is—

(a) described in section 202(d) of the Food for Peace Act (7 U.S.C. 1722(d)); and

(b) with respect to nongovernmental organizations, subject to regulations promulgated or guidelines issued to carry out this section, including the United States export requirements that are applicable to nongovernmental organizations.

(4) REQUIREMENTS.—Guidelines released under paragraph (a) shall be published in the Federal Register and made available for public comment for 30 days.

(b) MEMBERSHIP.—The Consultative Group shall be composed of not more than 13 individuals, of whom—

(1) 2 members shall represent the Department of Agriculture, as determined by the Secretary;

(2) 1 member shall be the Deputy Under Secretary for International Affairs of the Department of Labor;

(3) 1 member shall represent the Department of State, as determined by the Secretary;

(4) 3 members shall represent private agriculture-related enterprises, which may include retailers, food processors, importers, producers, and at least 1 member shall be an importer, food processor, or retailer who utilizes independent, third-party supply chain monitoring for forced labor or child labor;

(5) 2 members shall represent institutions of higher education and research institutions;

(6) 1 member shall represent an organization that provides conflict, crop, and technical certification services for labor standards for producers or importers of agricultural commodities or products; and

(7) 3 members shall represent organizations described in section 501(c)(3) of the Internal Revenue Code of 1986 that have expertise on the issues of international child labor and do not possess a conflict of interest associated with establishment of the guidelines issued under subsection (c)(2), as determined by the Bureau of International Labor Affairs of the Department of Labor, including representatives from consumer organizations and trade unions, if appropriate.

(c) CHAIRPERSON.—A representative of the Department of Agriculture appointed under subsection (d)(1), as determined by the Secretary, shall serve as the chairperson of the Consultative Group.

(4) REQUIREMENTS.—Not less than 4 times per year, the Consultative Group shall meet at the call of the Secretary, to receive recommendations described in subsection (e)(1), and annually thereafter through December 31, 2012, the Secretary shall submit to the Committees on Agriculture and Foreign Affairs of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate, a report describing the activities and recommendations of the Consultative Group.

(5) TERMINATION OF AUTHORITY.—The Consultative Group shall terminate on December 31, 2012.

SEC. 3206. LOCAL AND REGIONAL FOOD AID PROCUREMENT PROJECTS.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Agency for International Development.

(2) ELIGIBLE ORGANIZATION.—The term "eligible organization" means an organization that is—

(a) described in section 202(d) of the Food for Peace Act (7 U.S.C. 1722(d)); and

(b) with respect to nongovernmental organizations, subject to regulations promulgated or guidelines issued to carry out this section, including the United States export requirements that are applicable to nongovernmental organizations.

(3) ELIGIBLE COMMODITY.—The term "eligible commodity" means an agricultural commodity or the product of an agricultural commodity that—

(a) is produced in, and procured from, a developing country; and

(b) at a minimum, meets each nutritional, quality, and labeling standard of the country that receives the agricultural commodity, as determined by the Secretary.

(4) REQUIREMENTS.—Guidelines released under paragraph (a) shall be published in the Federal Register and made available for public comment for 30 days.

(b) MEMBERSHIP.—The Consultative Group shall be composed of not more than 13 individuals, of whom—

(1) 2 members shall represent the Department of Agriculture, as determined by the Secretary;

(2) 1 member shall be the Deputy Under Secretary for International Affairs of the Department of Labor;

(3) 1 member shall represent the Department of State, as determined by the Secretary;

(4) 3 members shall represent private agriculture-related enterprises, which may include retailers, food processors, importers, producers, and at least 1 member shall be an importer, food processor, or retailer who utilizes independent, third-party supply chain monitoring for forced labor or child labor;
Secretary shall initiate a study of prior local and regional procurements for food aid programs conducted by—
(i) other donor countries;
(ii) local or regional organizations; and
(iii) the World Food Program of the United Nations.

(B) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report containing the results of the study conducted under subparagraph (a). The report shall include—
(1) a list of all markets in which an eligible commodity was procured;
(2) the number of field-based projects conducted in each market; and
(3) a summary of the results of the study, including any recommendations for improving the procurement of eligible commodities.

(C) PROCUREMENT.—
(i) IN GENERAL.—Any eligible commodity that is procured for a field-based project carried out under subsection (b)(2) shall be procured through any approach or methodology that is determined by the Secretary to be an effective approach or methodology to provide adequate information regarding the manner by which to expedite, to the maximum extent practicable, the provision of food aid to affected populations without significantly increasing commodity costs for low-income consumers who procure commodities sourced from the same market at which the eligible commodity is procured.

(ii) TRANSSHIPMENT.—The Secretary shall, in accordance with such terms and conditions as the Secretary considers necessary, permit the transfer of an eligible commodity from one country to another country.

(iii) USE OF FUND.—Any eligible commodity procured through this section may be used for food aid.

(D) REGULATIONS—
(i) IN GENERAL.—The Secretary shall promulgate regulations or issue guidelines to carry out field-based projects under this section.

(ii) USE OF FUND.—In promulgating regulations under paragraph (1), the Secretary shall take into consideration the results of the study described in subsection (b)(1).

(iii) COMPLETION REQUIREMENT.—To be eligible for a local or regional procurement, a commodity shall be procured within the period of time required for procurement and delivery of the commodity.

(iv) QUALITY AND SAFETY.—The Secretary shall ensure that the majority of field-based projects to fund under this section are conducted in accordance with such terms and conditions as the Secretary may require.

(v) PRIORITY.—In making determinations of priorities for the procurement of eligible commodities, the Secretary shall consider—
(I) the prevailing and historic supply, demand, and price movements of the market (including the extent of competition for procurement bids);
(II) the impact of the procurement of the eligible commodity on producer and consumer prices in the market; and
(III) the need to respond to food crises and disasters.

(E) INDEPENDENT EVALUATIONS.—
(i) IN GENERAL.—Not later than 180 days after the date on which the Secretary initiated the procurement process, the Secretary shall require the independent third party to conduct an independent evaluation of the field-based projects. The Secretary shall require the independent third party to:
(a) collect by September 30, 2011, data containing the information required under subsection (b)(1), relating to the field-based project, and
(b) provide to the Secretary the data collected under subparagraph (A).

(ii) REQUIREMENTS OF SECRETARY.—
(A) PROJECTS.—
(I) IN GENERAL.—The Secretary shall require the independent third party to:
(a) select a diversity of projects based on the Secretary’s determination of the markets in which an eligible commodity is procured.
(b) select a diversity of projects based on the Secretary’s determination of the recipients of the commodity.
(c) select a diversity of projects based on the Secretary’s determination of the recipient’s actions in response to the procurement.

(ii) TECHNICAL.—The Secretary shall ensure that the independent third party engages a technical advisor to conduct the independent evaluation.

(iii) DETERMINATION.—The Secretary shall require the independent third party to conduct an independent evaluation of all field-based projects that—
(I) address each factor described in subparagraphs (A) and (B) that may affect the field-based project;
(II) are conducted in accordance with this section.

(B) REQUIREMENTS.—The Secretary shall require the independent third party to—
(I) with respect to each relevant market in which an eligible commodity was procured under this section, a description of—
(a) the prevailing and historic supply, demand, and price movements of the market (including the extent of competition for procurement bids);
(b) the impact of the procurement of the eligible commodity on producer and consumer prices in the market; and
(c) the need to respond to food crises and disasters.

(ii) in each report of the independent third party, a comparison of different methodologies and approaches on—
(a) the effect of the procurement of eligible commodities on the market and on the recipient country;
(b) the effects of the procurement of eligible commodities on local or regional procurement of any eligible commodities.

(III) records and reports.—The Secretary shall provide to the independent third party access to the independent third party’s evaluation of all field-based projects conducted under this section.

(2) REPORT.—Not later than 4 years after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report that contains the analysis and findings of the independent evaluation conducted under paragraph (1).
(2) Funding amounts.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section—
(A) $5,000,000 for fiscal year 2009;
(B) $25,000,000 for fiscal year 2010; and
(C) $25,000,000 for fiscal year 2011; and
(D) $5,000,000 for fiscal year 2012.

Subtitle D—Softwood Lumber

SEC. 3001. SOFTWOOD LUMBER.

(a) ESTABLISHMENT.—The Tariff Act of 1930 (19 U.S.C. 1202 et seq.) is amended by adding at the end the following new title:

"TITLE VIII—SOFTWOOD LUMBER"

"SEC. 801. SHORT TITLE; TABLE OF CONTENTS.

"(a) In general.—This title may be cited as the ‘Softwood Lumber Act of 2008’.

"(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

Sec. 801. Short title; table of contents.
Sec. 802. Definitions.
Sec. 803. Establishment of softwood lumber importer declaration program.
Sec. 804. Scope of softwood lumber importer declaration program.
Sec. 805. Export charge determination and publication.
Sec. 806. Reconciliation.
Sec. 807. Verification.
Sec. 808. Reporting requirements.
Sec. 809. Reports.

"SEC. 802. DEFINITIONS.

"In this title—

"(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives.

"(2) COUNTRY OF EXPORT.—The term ‘country of export’ means the country (including any political subdivision of the country) from which softwood lumber or a softwood lumber product is exported before entering the customs territory of the United States.

"(3) CUSTOMS LAWS OF THE UNITED STATES.—The term ‘customs laws of the United States’ means any law or regulation enforced or administered by U.S. Customs and Border Protection.

"(4) EXPORT CHARGES.—The term ‘export charges’ means any tax, charge, or other fee collected by a country from which softwood lumber or a softwood lumber product, described in section 804(a), is exported pursuant to an international agreement entered into by that country and the United States.

"(5) EXPORT PRICE.—

"(A) IN GENERAL.—The term ‘export price’ means—

"(i) in the case of softwood lumber or a softwood lumber product that has undergone only primary processing, the value that would be determined for F.O.B. at the facility where the product underwent the last primary processing before export;

"(ii) in the case of softwood lumber or a softwood lumber product described in this subclause as lumber or a product that underwent the last primary processing before export by a manufacturer—

"(aa) does not hold tenure rights provided by the country of export;

"(bb) did not acquire standing timber directly from the country of export; and

"(cc) is not related to the person who holds tenure rights or acquired standing timber directly from the country of export;

"(iii) in the case of softwood lumber or a softwood lumber product described in subclause (II), the value that would be determined for F.O.B. at the facility where the product underwent the last processing before export;

"(B) IN GENERAL.—(i) The export price provided pursuant to subsection (b)(i) is consistent with the export charge determined by the country of export.

"(ii) The export price provided pursuant to subsection (b)(i) is consistent with the invoice price provided on the export permit, if any, granted by the country of export; and

"(C) the export price provided pursuant to subsection (b)(i) is consistent with the invoice price provided on the export permit, if any, granted by the country of export; and

"(D) in accordance with the volume, export price, and export charge rate or rates, if any, as calculated under an international agreement entered into by the country of export and the United States; and

"(ii) consistent with the export charge determinations published by the Under Secretary for International Trade of the Department of Commerce pursuant to section 805(b); and

"(2) to the best of the person’s knowledge and belief.

"(3) the export price provided pursuant to subsection (b)(i) is determined in accordance with the definition provided in section 802(5); and

"(4) the export price provided pursuant to subsection (b)(i) is calculated using the export price provided on the export permit, if any, granted by the country of export; and

"(C) the exporter has paid, or committed to pay, all export charges due—

"(i) in accordance with the volume, export price, and export charge rate or rates, if any, as calculated under an international agreement entered into by the country of export and the United States; and

"(ii) the value of all charges payable by a purchaser, including those charges incurred in the placement of merchandise on board of a conveyance for shipment, but does not include the export price provided on the export permit, if any, granted by the country of export; and

"(8) PERSON.—The term ‘person’ includes any individual, partnership, corporation, association, business trust, government entity, or other entity subject to the jurisdiction of the United States.

"(9) UNITED STATES.—The term ‘United States’ means the customs territory of the United States, as defined in General Note 2 of the HTS.

"SEC. 803. ESTABLISHMENT OF SOFTWOOD LUMBER IMPORTER DECLARATION PROGRAM.

"(a) ESTABLISHMENT OF PROGRAM.—

"(1) IN GENERAL.—The President shall establish and maintain an importer declaration program with respect to the importation of softwood lumber and softwood lumber products described in section 804(a). The importer declaration program shall require importers of softwood lumber and softwood lumber products described in section 804(a) to submit an importer declaration under subsection (b) and declare the information required by subsection (c), and require that such information accompany the entry summary documentation.

"(2) ELECTRONIC RECORD.—The President shall establish an electronic record that includes the importer information required under subsection (b) and the declarations required under subsection (c).

"(b) REQUIRED INFORMATION.—The President shall require the following information to be submitted by any person seeking to import softwood lumber or softwood lumber products described in section 804(a):

"(1) The export price for each shipment of softwood lumber or softwood lumber products.

"(2) The estimated export charge, if any, applicable to each shipment of softwood lumber or softwood lumber products as calculated by applying the percentage determined and published by the Under Secretary for International Trade of the Department of Commerce pursuant to section 802(5) to the export price provided in subsection (b)(1).

"(c) IMPORTER DECLARATIONS.—Pursuant to procedures prescribed by the President, any person seeking to import softwood lumber or softwood lumber products described in section 804(a) shall declare that—

"(1) the person has made appropriate inquiry, including seeking appropriate documentation from the exporter and consulting the determinations published by the Under Secretary for International Trade of the Department of Commerce pursuant to section 805(b); and

"(2) to the best of the person’s knowledge and belief.

"(3) the export price provided pursuant to subsection (b)(i) is determined in accordance with the definition provided in section 802(5); and

"(4) the export price provided pursuant to subsection (b)(i) is calculated using the export price provided on the export permit, if any, granted by the country of export; and

"(8) the person bears a relationship to such other person described in section 152(a) of the Internal Revenue Code of 1986.

"(9) the person bears a relationship to such other person described in section 152(a) of the Internal Revenue Code of 1986.

"(10) the person bears a relationship to such other person described in section 152(a) of the Internal Revenue Code of 1986.

"(11) the person bears a relationship to such other person described in section 152(a) of the Internal Revenue Code of 1986.

"(12) the person bears a relationship to such other person described in section 152(a) of the Internal Revenue Code of 1986.

"(13) TENURE RIGHTS.—For purposes of this paragraph, the term ‘tenure rights’ means any law or regulation enforcing or administering tenure rights or acquired standing timber directly from the country of export.

"(14) IMPORTER DECLARATION.—Pursuant to procedures prescribed by the President, any person seeking to import softwood lumber or softwood lumber products described in section 804(a) shall declare that—

"(1) the person has made appropriate inquiry, including seeking appropriate documentation from the exporter and consulting the determinations published by the Under Secretary for International Trade of the Department of Commerce pursuant to section 805(b); and

"(2) to the best of the person’s knowledge and belief.

"(3) the export price provided pursuant to subsection (b)(i) is determined in accordance with the definition provided in section 802(5); and

"(4) the export price provided pursuant to subsection (b)(i) is calculated using the export price provided on the export permit, if any, granted by the country of export; and

"(5) the exporter has paid, or committed to pay, all export charges due—

"(i) in accordance with the volume, export price, and export charge rate or rates, if any, as calculated under an international agreement entered into by the country of export and the United States; and

"(ii) consistent with the export charge determinations published by the Under Secretary for International Trade pursuant to section 805(b); and

"SEC. 804. SCOPE OF SOFTWOOD LUMBER IMPORTER DECLARATION PROGRAM.

"(a) PRODUCTS INCLUDED IN PROGRAM.—The following products shall be subject to the importer declaration program established under section 803:

"(1) All softwood lumber and softwood lumber products classified under heading 4407.10.00, 4409.10.10, 4409.10.20, and 4409.10.90 of the HTS, including the following softwood lumber products:

"(A) Coniferous wood, sawn or chipped lengthwise, sliced or peeled, whether or not
planed, sanded, or finger-jointed, of a thickness exceeding 6 millimeters.

"(B) Coniferous wood siding (including strips and friezes for parquet flooring, not assembled) continuously shaped (tongued, grooved, rabbeted, chamfered, v-jointed, beaded, molded, rounded, or the like) along any of its edges or faces, whether or not planed, sanded, or finger-jointed.

"(C) Other coniferous wood (including strips and friezes for parquet flooring, not assembled) continuously shaped (tongued, grooved, rabbeted, chamfered, v-jointed, beaded, molded, rounded, or the like) along any of its edges or faces (other than wood moldings and wood dowel rods) whether or not planed, sanded, or finger-jointed.

"(D) Coniferous wood flooring (including strips and friezes for parquet flooring, not assembled) continuously shaped (tongued, grooved, rabbeted, chamfered, v-jointed, beaded, molded, rounded, or the like) along any of its edges or faces, whether or not planed, sanded, or finger-jointed.

"(E) Coniferous drilled and notched lumber and angle cut lumber.

"(2) PRODUCTS CONTINUALLY SHAPED.—Any product classified under subheading 4409.10.05 of the HTS that is continuously shaped along its end or side edges.

"(3) OTHER LUMBER PRODUCTS.—Except as otherwise provided in subsection (b) or (c), softwood lumber products that are stringers and angle triangles with sides measuring 3 pieces of wood in the shape of isosceles right angle triangles with sides measuring 1/4 of an inch or more.

"(4) FENCE PICTURES.—Fence pictures requiring no further processing and properly classified under subheading 4418.90.70 of the HTS, 1 inch or less in actual thickness, up to 8 inches wide, and 6 feet or less in length, and having flat surfaces cut having angle cuts that clearly identify them as fence pictures. In the case of dog-eared fence pictures, the corners of the boards shall be cut off so as to remove pieces of the process making the corners round 1 corner.

"(5) UNITED STATES-ORIGIN LUMBER.—Lumber originating in the United States that is exported to another country for minor processing and imported into the United States if—

"(A) the processing occurring in another country is limited to kiln drying, planing to create smooth-to-size board, and sanding; and

"(B) the importer establishes to the satisfaction of U.S. Customs and Border Protection upon entry that the lumber originated in the United States.

"(6) SOFTWOOD LUMBER.—Any softwood lumber or softwood lumber product that originated in the United States, if the importer, exporter, foreign processor, or original United States producer establishes to the satisfaction of U.S. Customs and Border Protection upon entry that the softwood lumber entered and certified as originating in the United States was first produced in the United States.

"(7) HOME PACKAGES OR KITS.—

"(A) IN GENERAL.—Softwood lumber or softwood lumber products contained in a single family home package or kit, regardless of the classification under the HTS, if the importer declares that the following requirements have been met:

"(i) The package or kit constitutes a full package of the number of wooden pieces specified in the home design, plan, or blueprint necessary to produce a home of at least 700 square feet produced to a specified plan, design, or blueprint.

"(ii) (I) All necessary internal and external doors and windows, nails, screws, glue, subfloor, sheathing, beams, posts, and connectors; and

"(ii) (II) if included in the purchase contract, the decking, trim, drywall, and roof shingles specified in the home design, plan, or blueprint.

"(iii) Prior to importation, the package or kit is sold to a United States retailer that sells complete home packages or kits pursuant to a written purchase contract referencing the particular home design, plan, or blueprint, and the contract is signed by a customer not affiliated with the importer.

"(IV) Softwood lumber products entered as part of the package or kit, whether in a single entry or multiple entries on multiple days, are to be used solely for the construction of the single family home specified by the home design, plan, or blueprint matching the U.S. Customs and Border Protection import entry.

"(8) OTHER LUMBER PRODUCTS.—

"(A) IN GENERAL.—Softwood lumber or softwood lumber products specified in the plan, design, or blueprint for which such parts are being imported.

"(B) ADDITIONAL DOCUMENTATION REQUIRED FOR HOME PACKAGES AND KITS.—In the case of each entry of products described in clauses (i) through (iv) of subparagraph (A) the following documentation is required by the importer and made available to U.S. Customs and Border Protection upon request:

"(i) A copy of the appropriate home design, plan, or blueprint matching the customs entry in the United States.

"(ii) A purchase contract from a retailer of home packages or kits to the customer not affiliated with the importer.

"(iii) A listing of all parts in the package or kit being entered into the United States that corresponds to the home design, plan, or blueprint for which such parts are being imported.

"(IV) If a single contract involves multiple entries of packages or kits, all the documentation required to be listed under clause (iii) that are included in each individual shipment.

"(D) PRODUCTS COVERED.—For purposes of determining if a product is covered by the importer declaration program, the President shall be guided by the article descriptions provided by the importer.

"SEC. 805. EXPORT CHARGE DETERMINATION AND PUBLICATION.

"(a) DETERMINATION.—The Under Secretary for International Trade of the Department of Commerce shall determine, on a monthly basis, any export charges (expressed as a percentage of export price) to be collected by a country of export from exporters of softwood lumber or softwood lumber products described in section 804(a) in order to ensure compliance with any international agreements entered into by that country and the United States.

"(b) PUBLICATION.—The Under Secretary for International Trade shall publish any determination made under subsection (a) on the website of the International Trade Administration of the Department of Commerce, and in any other manner the Under Secretary considers appropriate.

"SEC. 806. RECONCILIATION.

"(a) RECONCILIATION.—The Secretary of the Treasury shall conduct reconciliations to ensure the proper implementation and operation of international agreements entered into between a country of export of softwood lumber or softwood lumber products described in section 804(a) and the United States. The Secretary of the Treasury shall reconcile the following:

"(1) The export price declared by a United States importer pursuant to section 803(b)(1) with the export price reported to the United States by the country of export, if any.

"(2) The estimated export price declared by a United States importer pursuant to section 803(b)(1) with the revised export price reported to the United States by the country of export, if any.

"SEC. 807. VERIFICATION.

"(a) IN GENERAL.—The Secretary of the Treasury shall periodically verify the declarations made by a United States importer pursuant to section 803(c), including by determining whether—

"(1) the export price declared by a United States importer pursuant to section 803(b)(1) is the same as the export price provided on the export permit, if any, issued by the country of export; and

"(2) the estimated export price declared by a United States importer pursuant to section 803(b)(2) is consistent with the determination published by the Secretary of the Treasury for International Trade pursuant to section 805(b).

"(b) EXAMINATION OF BOOKS AND RECORDS.—

"(1) IN GENERAL.—Any record relating to the importer declaration program required under section 803 shall be treated as a record required to be maintained and produced under title V of this Act.

"(2) EXAMINATION OF RECORDS.—The Secretary of the Treasury is authorized to take examinations of and copy books and records, under section 509 of this Act, as the Secretary determines necessary to verify the declarations.
made pursuant to section 803(c) are true and accurate.

SEC. 808. PENALTIES.

(a) IN GENERAL.—It shall be unlawful for any person to import into the United States softwood lumber or softwood lumber products in knowing violation of this title.

(b) CIVIL PENALTIES.—Any person who commits an unlawful act as set forth in subsection (a) shall be liable for a civil penalty not to exceed $10,000 for each knowing violation.

(c) OTHER PENALTIES.—In addition to the penalties provided for in subsection (b), any violation of this title that violates any other customs law of the United States shall be subject to any civil and criminal penalty, including seizure and forfeiture, that may be imposed under such custom law or title 18, United States Code, with respect to the importation of softwood lumber and softwood lumber products described in section 804(a).

(d) FACTORS TO CONSIDER IN ASSESSING PENALTIES.—In determining the amount of civil penalties to be assessed under this section, consideration shall be given to any history of prior violations of this title by the person; the person’s ability of the person to pay the penalty; the seriousness of the violation, and such other matters as fairness may require.

(e) NOTICE.—No penalty may be assessed under this subsection against a person importing lumber products described in section 804(a) unless the person is given notice and opportunity to make statements, both oral and written, with respect to such violation.

(f) EXCEPTION.—Notwithstanding any other provision of this title, and without limitation, an importer shall not be found to have violated subsection 808(c)(1) if—

(1) the importer made an appropriate inquiry in accordance with section 803(c)(1) with respect to the declaration;

(2) the importer maintains records maintained pursuant to section 807(b) that substantiate the declaration; and

(3) the importer made the declaration was false.

SEC. 809. REPORTS.

(a) IN GENERAL.—The Comptroller General of the United States shall submit the following reports to the appropriate congressional committees—

(1) describing the reconciliations conducted under section 806, and the verifications conducted under section 807;

(2) in a manner in which the United States importers subject to reconciliations conducted under section 806 and verifications conducted under section 807 were chosen;

(3) identifying any penalties imposed under section 808;

(4) identifying any patterns of noncompliance with this title; and

(5) identifying any problems or obstacles encountered in the implementation and enforcement of this title.

(b) SURVEY REPORTS.—Not later than 180 days after the date of enactment of this title, and every 180 days thereafter, the Secretary of Commerce shall provide to the appropriate congressional committees a report on any subsidies on softwood lumber or softwood lumber products, including stumpage subsidies, provided by countries of export.

(c) GAO REPORTS.—The Comptroller General of the United States shall submit the following reports to the appropriate congressional committees—

(1) Not later than 18 months after the date of the enactment of this title, a report on the effectiveness of the reconciliations conducted under section 806, and verifications conducted under section 807.

(2) Not later than 12 months after the date of enactment of this title, a report on whether countries that export softwood lumber or softwood lumber products to the United States are complying with any intergovernmental agreements entered into by those countries and the United States.

(b) EFFECTIVE DATE.—The amendments made by this title shall take effect on a date that is 60 days after the date of the enactment of this Act.

TITLE IV—NUTRITION

Subtitle A—Food Stamp Program

PART I—RENAMEING OF FOOD STAMP ACT AND PROGRAM

SEC. 4001. RENAMING OF FOOD STAMP ACT AND PROGRAM.

(a) SHORT TITLE.—The first section of the Food Stamp Act of 1977 (7 U.S.C. 2011 note; Public Law 88–525) is amended by striking “Food Stamp Act of 1977” and inserting “Food and Nutrition Act of 2008.”

(b) PROGRAM.—The Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) is amended by striking “FOOD STAMP PROGRAM” and inserting “SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM”.

SEC. 4002. CONFORMING AMENDMENTS.

(a) IN GENERAL.—The Food and Nutrition Act of 2008 (7 U.S.C. 2013) is amended in the section heading by striking “Simplified Food STAMP” and inserting “SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM”.


(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 4003. TRAVEL ALLOWANCES.

(a) IN GENERAL.—Section 16 of the Food and Nutrition Act of 2008 (7 U.S.C. 2024) is amended—

(1) by striking “(aa)” in paragraph (2)(B), by striking “‘food stamp benefit’” and inserting “‘Simplified Food Stamp Benefit’”, and inserting “‘Supplemental Nutrition Assistance Program benefit’”;

(2) by striking “‘food stamp benefits’” and inserting “‘Simplified Food Stamp Benefits’”, and inserting “‘Supplemental Nutrition Assistance Program benefits’”;

(3) by replacing “‘food stamp program’” and inserting “‘Supplemental Nutrition Assistance Program’”;

(4) by striking “‘food stamp’” and inserting “‘Simplified Food Stamp’”;

(5) by striking “‘food stamp participation’” and inserting “‘Supplemental Nutrition Assistance Program participation’”;

(6) by striking “‘food stamp’” and inserting “‘Supplemental Nutrition Assistance Program’”;

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 4004. ADMINISTRATIVE CHANGES.

(a) IN GENERAL.—The Food and Nutrition Act of 2008 (7 U.S.C. 2025) is amended—

(1) in paragraph (2), by striking “‘food stamp benefit’” and inserting “‘Simplified Food Stamp Benefit’”, and inserting “‘Supplemental Nutrition Assistance Program benefit’”;

(2) in paragraph (4), by striking “‘food stamp’” and inserting “‘Simplified Food Stamp’”;

(3) in paragraph (1), by striking “‘food stamp’” and inserting “‘Simplified Food Stamp’”;

(4) in subparagraph (A), by striking “‘food stamp benefit’” and inserting “‘Supplemental Nutrition Assistance Program benefit’”;

(5) in subparagraph (B), by striking “‘food stamp participant’” and inserting “‘Supplemental Nutrition Assistance Program participant’”;

(6) in subparagraph (C), by striking “‘food stamp’” and inserting “‘Simplified Food Stamp’”;

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 4005. COMBINED REPORTS.

(a) IN GENERAL.—The Food and Nutrition Act of 2008 (7 U.S.C. 2026) is amended—

(1) in paragraph (9), by striking “‘food stamp benefit’” and inserting “‘Supplemental Nutrition Assistance Program benefit’”;

(2) in paragraph (10), by striking “‘food stamp participation’” and inserting “‘Supplemental Nutrition Assistance Program participation’”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.
(bb) in clause (iii)(I), by striking “the State’s food stamp households” and inserting “the number of households in the State receiving supplemental nutrition assistance program benefits”;
(cc) in clause (iv)(IV)(bb), by striking “food stamp deductions” and inserting “supplemental nutrition assistance program deductions”;
(ii) in paragraph (2), by striking “food stamp benefits” and inserting “supplemental nutrition assistance program benefits”; and
(iii) in subparagraph (A), by striking “food stamp employment” and inserting “supplemental nutrition assistance program employment”;
(II) in paragraph (B), by striking “food stamp recipients” and inserting “supplemental nutrition assistance program recipients”; and
(iii) in subparagraph (C), by striking “food stamp” and inserting “supplemental nutrition assistance program benefits”;
(iv) in paragraph (D), by striking “food stamp benefits” and inserting “supplemental nutrition assistance program benefits”; and
(C) in subsection (d),
(i) in paragraph (1)(B), by striking “food stamp” and inserting “supplemental nutrition assistance program”; and
(ii) in paragraph (2),
(1) in subparagraph (A), by striking “food stamp allotments” each place it appears and inserting “allocations”; and
(II) in subparagraph (C)(iii)(V), by striking “food stamp” and inserting “supplemental nutrition assistance program”; and
(iii) in paragraphs (3)(E) and (J), by striking “food stamp” and inserting “supplemental nutrition assistance program benefits”; and
(F) in subsection (g), in the first sentence, by striking “receipt of food stamp” and inserting “receipt of supplemental nutrition assistance program”; and
(G) in subsection (i), by striking “food stamp benefits” each place it appears and inserting “supplemental nutrition assistance program benefits”;
(1) in subsection (a)(1)(A), by striking “FOOD STAMP ACT” and inserting “FOOD AND NUTRITION ACT OF 2008”;
(2) in each applicable subsection and appropriations heading, by striking “FOOD STAMP ACT” each place it appears and inserting “FOOD AND NUTRITION ACT OF 2008”;
(3) in each applicable title, subtitle, chapter, subchapter, section, subsection, or appropriations heading, by striking “FOOD STAMP ACT” each place it appears and inserting “FOOD AND NUTRITION ACT OF 2008”;
(4) in each applicable title, subtitle, chapter, subchapter, section, subsection, or appropriations heading, by striking “FOOD STAMP PROGRAM” each place it appears and inserting “SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM”;
(5) in each applicable subsection and appropriations heading, by striking “FOOD STAMP PROGRAM” each place it appears and inserting “SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM”;
(6) in each applicable heading other than a title, subtitle, chapter, subchapter, section, subsection, or appropriations heading, by striking “FOOD STAMP PROGRAM” each place it appears and inserting “SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM”;
(7) in each applicable heading other than a title, subtitle, chapter, subchapter, section, subsection, or appropriations heading, by striking “FOOD STAMP PROGRAM” each place it appears and inserting “SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM”; and
(8) in each applicable subsection and appropriations heading, by striking “FOOD STAMP PROGRAM” each place it appears and inserting “SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM”;
(9) in each applicable subsection and appropriations heading, by striking “FOOD STAMP PROGRAM” each place it appears and inserting “SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM”;
(3) Section 807(b) of the Stewart B. McKinney Homeless Assistance Act (7 U.S.C. 2014 note; Public Law 105-135).
(3) The Immigration and Nationality Act (8 U.S.C. 1101 et seq.).
(3) Section 1819 of the Department of Defense Appropriations Act, 1999 (10 U.S.C. 113 note; Public Law 105-276).
(5) Title 31, United States Code.
(5) Title 37, United States Code.
(5) The Health Protection Act (42 U.S.C. 201 et seq.).
(6) Titles II through XIX of the Social Security Act (42 U.S.C. 401 et seq.).
(7) The Older Americans Act of 1965 (42 U.S.C. 3001 et seq.).
(7) The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).
(7) Section 658G of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858l).
(13) The Immigration and Nationality Act (8 U.S.C. 1101 et seq.).
(17) Title 31, United States Code.
(17) Title 37, United States Code.
(17) The Health Protection Act (42 U.S.C. 201 et seq.).
(18) Titles II through XIX of the Social Security Act (42 U.S.C. 401 et seq.).
(20) The United States Housing Act of 1937 (42 U.S.C. 1437 et seq.).
(23) The Older Americans Act of 1965 (42 U.S.C. 3001 et seq.).
(27) Section 658G of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858l).
nutrition assistance program” established under that Act.

PART II—BENEFIT IMPROVEMENTS

SEC. 4101. EXCLUSION OF CERTAIN MILITARY PAY FROM INCOME.

Section 5(d) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(e)(d) is amended—

(1) by striking “(d) Household” and inserting “(d) EXCLUSIONS FROM INCOME.—Household”;

(2) by striking “only (1) any” and inserting “only”;

(3) by indenting each of paragraphs (2) through (18) so as to align with the margin of paragraph (1) (as amended by paragraph (2));

(4) by reporting the comma at the end of each of paragraphs (1) through (16) and inserting a semicolon;

(5) in paragraph (19) (A) by striking “like (A) awarded” and inserting “like—”;

(6) in paragraph (20) (B) by inserting “(A)” and inserting “(B)”;

(7) in paragraph (21), by striking “, and” and inserting “;', and”;

(8) in paragraph (22), by striking the period at the end and inserting a semicolon;

(9) by adding at the end the following:

“(A) AAV is the result of employment or service in a combat zone;

(B) was not received immediately prior to serving in a combat zone.”.

SEC. 4102. STRENGTHENING THE FOOD PURCHASE POWER OF LOW-INCOME AMERICANS.

Section 5(e)(1) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(e)(1)) is amended—

(1) by striking “less than $34” and all that follows through the end of the clause and inserting the following:

“(1) for fiscal year 2009, $14, $26, $303, and $127, respectively; and

(II) for fiscal year 2010 and each fiscal year thereafter, an amount that is equal to the amount from the previous fiscal year adjusted to the nearest lower dollar increment to reflect changes for the 12-month period ending on the preceding June 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor, for items other than food.”.

(2) in subparagraph (B)(ii), by striking “not less than $259” and all that follows through the end of the clause and inserting the following:

“(B) for fiscal year 2009, $280; and

(II) for fiscal year 2010 and each fiscal year thereafter, an amount that is equal to the amount from the previous fiscal year adjusted to the nearest lower dollar increment to reflect changes for the 12-month period ending on the preceding June 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor, for items other than food.”.

(3) in subparagraph (B)(ii), by striking “not less than $134” and all that follows through the end of the clause and inserting the following:

“(B) for fiscal year 2009, $14, $26, $303, and $127, respectively; and

(II) for fiscal year 2010 and each fiscal year thereafter, an amount that is equal to the amount from the previous fiscal year adjusted to the nearest lower dollar increment to reflect changes for the 12-month period ending on the preceding June 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor, for items other than food.”.

shall be based on the unrounded amount for the prior 12-month period.”.

SEC. 4103. SUPPORTING WORKING FAMILIES WITH CHILD CARE EXPENSES.

Section 5(f) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(f)(1)) is amended—

(1) by striking “(g)(1) The Secretary” and inserting the following:

“(g) ALLOWABLE FINANCIAL RESOURCES.—

(1) TOTAL AMOUNT.—“(A) IN GENERAL.—The Secretary

(2) in paragraph (A) (as so designated by paragraph (1))—

(a) by inserting “as adjusted in accordance with subparagraph (B)” after “$2,000,” and

(b) by inserting “as adjusted in accordance with subparagraph (B)” after “$3,000,” and

(c) by adding at the end the following:

“(B) ADJUSTMENT FOR INFLATION.—

(i) IN GENERAL.—Beginning on October 1, 2009, and each October 1 thereafter, the value of the amount described in subparagraph (A) shall be adjusted and rounded down to the nearest $250 increment to reflect changes for the 12-month period ending the preceding June in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

(ii) REQUIREMENT.—Each adjustment under subparagraph (A) shall be based on the unrounded amount for the prior 12-month period.”.

(b) EXCLUSION OF RETIREMENT ACCOUNTS FROM ALLOWABLE FINANCIAL RESOURCES.


(2) MANDATORY AND DISCRETIONARY EXCLUSIONS.—Section 5(g) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(g)) is amended by adding at the end the following:

“(7) EXCLUSION OF RETIREMENT ACCOUNTS FROM ALLOWABLE FINANCIAL RESOURCES.—

(A) MANDATORY EXCLUSIONS.—The Secretary shall exclude from financial resources under this subsection the value of—

(i) any funds in a plan, contract, or account, described in sections 401(a), 403(a), 403(b), 408A, 501(c)(18) of the Internal Revenue Code of 1986 and the value of funds in a Federal Thrift Savings Plan accounts which are provided for periods of not more than 90 days after an individual who received employment and training services under this paragraph gains employment; and

(ii) any retirement plan or account included in any successor or similar program for a household containing 1 member, as determined by the Secretary under section 3, rounded to the nearest whole dollar increment.

(B) DISCRETIONARY EXCLUSIONS.—The Secretary may exclude from financial resources under this subsection the value of any other retirement plans, contracts, or accounts (as determined by the Secretary).

(c) EXCLUSION OF EDUCATION ACCOUNTS FROM ALLOWABLE FINANCIAL RESOURCES.—

Section 5(g)(5) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(g)(5)) as amended by subsection (b) is amended by adding at the end the following:

“(8) EXCLUSION OF EDUCATION ACCOUNTS FROM ALLOWABLE FINANCIAL RESOURCES.—

(A) MANDATORY EXCLUSIONS.—The Secretary shall exclude from financial resources

under this subsection the value of any funds in a qualified tuition program described in section 529 of the Internal Revenue Code of 1986 or in a Coverdell education savings account described in section 530 of that Code.

(B) DISCRETIONARY EXCLUSIONS.—The Secretary may exclude from financial resources under this subsection the value of any other education program accounts (as determined by the Secretary).”.

SEC. 4105. FACILITATING SIMPLIFIED REPORTING.

Section 6(c)(1)(A) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(c)(1)(A)) is amended—

(1) by striking “reporting by” and inserting “reporting”;

(2) in clause (i), by inserting “for periods shorter than 4 months by” before “migrant”; and

(3) in clause (ii), by inserting “for periods shorter than 4 months by” before “households”;

and

(4) in clause (iii), by inserting “for periods shorter than 1 year by” before “households”.

SEC. 4106. TRANSITIONAL BENEFITS OPTION.

Section 11(a)(1) of the Food and Nutrition Act of 2008 (7 U.S.C. 2020(a)(1)) is amended—

(1) by striking “benefits to a household”; and

(2) by striking the period at the end and inserting “;”.

and

(3) by adding at the end the following:

“(b) at the option of the State, a household with children that ceases to receive cash assistance under a State-funded public assistance program.”.

SEC. 4107. INCREASING THE MINIMUM BENEFIT.

Section 8(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2017(a)) is amended by striking “$10 per month” and inserting “$8 per month.”

SEC. 4108. EMPLOYMENT, TRAINING, AND JOB RETENTION.

Section 6(d)(4) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(d)(4)) is amended—

(1) in subparagraph (B)—

(A) by redesignating clause (vii) as clause (viii); and

(B) by inserting after clause (vii) the following:

“(vii) Programs intended to ensure job retention by providing job retention services, for periods of not more than 90 days after an individual who received employment and training services under this paragraph gains employment; and

(2) in subparagraph (F), by adding at the end the following:

“(iii) any individual voluntarily electing to participate in a program under this paragraph shall not be subject to the limitations described in clauses (i) and (ii).”.

PART III—PROGRAM OPERATIONS

SEC. 4111. NUTRITION EDUCATION.

(a) AUTHORITY TO PROVIDE NUTRITION EDUCATION.—Section 4(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2013(a)) is amended in the first sentence by inserting “and, through an approved State plan, nutrition education,” after “children”.

(b) IMPLEMENTATION.—Section 11 of the Food and Nutrition Act of 2008 (7 U.S.C. 2020) is amended by striking subsection (f) and inserting the following:

“(f) NUTRITION EDUCATION.—

(1) IN GENERAL.—State agencies may implement a nutrition education program for eligible individuals to promote healthy food choices consistent with the most recent Dietary Guidelines for

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nutrition assistance program” established under that Act.

(2) DELIVERY OF NUTRITION EDUCATION.—State agencies deliver nutrition education directly to eligible persons or through agreements with the National Institute of Food and Agriculture, including through the expansion and application of the Food and Nutrition Education Program under section 3(d) of the Act of May 8, 1914 (7 U.S.C. 343(d)), and other State and community health and nutrition providers and organizations.

(3) NUTRITION EDUCATION STATE PLANS.—

(a) IN GENERAL.—A State agency that elects to provide nutrition education under this subsection shall submit a nutrition education State plan to the Secretary for approval.

(b) REQUIREMENTS.—The plan shall—
(i) identify the uses of the funding for local projects; and
(ii) conform to standards established by the Secretary through regulations or guidance.

(c) REIMBURSEMENT.—State costs for providing nutrition education under this subsection shall be reimbursed pursuant to section 6(b).

(4) NOTIFICATION.—To the maximum extent practicable, State agencies shall notify applicants, participants, and eligible programs of the availability of nutrition education under this subsection.

SEC. 4112. TECHNICAL CLARIFICATION REGARDING ELIGIBILITY.

Section 6(k) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(k)) is amended—
(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and inserting after (A)—
(2) by striking “No member” and inserting the following:
(i) IN GENERAL.—No member; and
(ii) in adding at the end the following:

(3) PROCEDURES.—The Secretary shall—
(a) define the terms ‘fleeting’ and ‘actively seeking’ for purposes of this subsection; and
(b) ensure that State agencies use consistent procedures established by the Secretary that disqualify individuals whom law enforcement officials are actively seeking for the purpose of holding criminal proceedings against the individual.

SEC. 4113. CLARIFICATION OF SPLIT ISSUANCE.

Section 6(o) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(o)) is amended by striking paragraph (2) and inserting the following:

(2) REQUIREMENTS.—
(A) IN GENERAL.—Any procedure established under paragraph (1) shall—
(i) not reduce the allotment of any household for any period; and
(ii) ensure that no household experiences an interval between issuances of more than 40 days.

(B) MULTIPLE ISSUANCES.—The procedure may include issuing benefits to a household in more than 1 issuance during a month only when a benefit correction is necessary.

SEC. 4114. ACCRUAL OF BENEFITS.

Section 7(1) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(l)) is amended by adding at the end the following:

(12) RECOVERING ELECTRONIC BENEFITS.—
(A) IN GENERAL.—A State agency shall establish a procedure for recovering electronic benefits from the account of a household due to inactivity.

(B) BENEFIT STORAGE.—A State agency may store recovered electronic benefits offline in accordance with subparagraph (D), if the household has not accessed the account after a period of 12 months.

(C) BENEFIT EXPUNGING.—A State agency shall expunge benefits that have not been accessed by a household after a period of 12 months.

(13) NOTICE.—A State agency shall—
(i) send notice to a household the benefits of which are stored under subparagraph (B); and
(ii) not later than 48 hours after request by the household, make the stored benefits available to the household.

SEC. 4115. ISSUANCE AND USE OF PROGRAM BENEFITS.

(a) IN GENERAL.—Section 7 of the Food and Nutrition Act of 2008 (7 U.S.C. 2015) is amended—
(1) by striking the section designation and heading and inserting “subsection (j) shall be” and inserting the following:

SEC. 7. ISSUANCE AND USE OF PROGRAM BENEFITS.

(a) IN GENERAL.—Except as provided in subsection (i), EBT cards shall be—

(2) in subsection (b)—

(A) by striking “(b) Coupons” and inserting the following:

(b) USE.—Benefits; and

(B) by striking the second proviso;

(3) in subsection (c)—

(A) by striking “(c) Coupons” and inserting the following:

(c) DESIGN.—

(i) IN GENERAL.—EBT cards;

(B) in the first sentence, by striking “and define their denomination”; and

(C) by striking the second sentence and inserting the following:

(2) PROHIBITION.—The name of any public official shall not appear on any EBT card.;

(4) NOTIFICATION.—The Secretary shall require a State agency to—

(A) by striking “coupons” each place it appears and inserting “benefit issuers”;

(B) by striking “coupon issuer” and inserting “benefit issuers”;

(C) by striking “including any losses” and all that follows through “section 11(e)(2));

and

(D) by striking “and allotments”;

(5) by striking subsection (g) and inserting the following:

(g) ALTERNATIVE BENEFIT DELIVERY.—

(1) IN GENERAL.—If the Secretary determines that the Inspector General of the Department of Agriculture, that it would improve the integrity of the supplemental nutrition assistance program, the Secretary shall require a State agency to issue or deliver benefits using alternative methods.

(2) NO IMPOSITION OF COSTS.—The cost of documents or systems that may be required by this subsection may not be imposed upon a retail food store participating in the supplemental nutrition assistance program.

(6) DE-VALIDATION AND TERMINATION OF ISSUANCE OF PAPER COUPONS.—

(A) COUPON ISSUANCE.—Effective on the date of enactment of the Food, Conservation, and Energy Act of 2008, no State shall issue any coupon, stamp, certificate, or authorization card to a household that receives supplemental nutrition assistance under this Act.

(B) EBT CARDS.—Effective beginning on the date that is 1 year after the date of enactment of the Food, Conservation, and Energy Act of 2008, any EBT card issued under subsection (i) shall be eligible for exchange at any retail food store.

(C) DE-OBLIGATION OF COUPONS.—Coupons not redeemed shall expire on the date of enactment of the Food, Conservation, and Energy Act of 2008 shall—

(1) no longer be an obligation of the Federal Government; and

(2) not be redeemable.

(b) by striking “couponing, shipping, and redeeming coupons” and inserting “issuing and redeeming benefits”;

and

(b) by striking “coupons in the form of” each place it appears and inserting “program benefits in the form of”;

and

(b) CONFORMING AMENDMENTS.—

(1) Section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2013) is amended—
(A) in subsection (a), by striking “coupons” and inserting “benefits”; and

(b) by striking subsection (b) and inserting the following:

(b) BENEFIT.—The term ‘benefit’ means the value of supplemental nutrition assistance provided to a household by means of—

(1) an electronic benefit transfer card under section 7(i); or

(2) other means of providing assistance, as determined by the Secretary.

and

(c) in subsection (c), in the first sentence, by striking “authorization cards” and inserting “benefits”; and

(d) in subsection (d), by striking “or access device” and all that follows through the end of the subsection and inserting a period;

(E) in subsection (e)—

(i) by striking “(e) Coupon issuer means” and inserting the following:

(e) BENEFIT ISSUER.—The term ‘benefit issuer’ means; and

(ii) by striking “and inserting” benefi”

(F) in subsection (g)(7), by striking “subsection (r)” and inserting “subsection (j)”;

(G) in subsection (i)(5)—

(i) in subparagraph (A), by striking “subsection (r)” and inserting “subsection (j); and

(ii) in subparagraph (D), by striking “coupons” and inserting “benefits”;

(H) in subsection (j), by striking “(as that term is defined in subsection (p))”;

(i) in subsection (k)—

(i) in paragraph (1)(A), by striking “subsection (u)(1)” and inserting “subsection (r)(1)”;

(ii) in paragraph (2), by striking “subsections (g)(3), (4), (5), (7), (8), and (9) of this section” and inserting “paragraphs (3), (4), (5), (7), and (8) of this section”; and

(iii) in paragraph (3), by striking “subsection (g)(6)” and inserting “subsection (k)(6)”;

(J) in subsection (t), by inserting “, including point of sale devices,” after other means of access; and

(K) in subsection (u), by striking “(as defined in subsection (g))”;

and

(L) by adding at the end the following:

(1) EBT CARDS.—The term “EBT card” means an electronic benefit transfer card issued under section 7(1); and

(2) DE-VALIDATION.—Effective immediately before the date of enactment of the Food, Conservation, and Energy Act of 2008, if an EBT card is—

(i) not activated by the Secretary; and

(ii) not activated by a State agency; and

(iii) in the first sentence, by striking “benefit issuers” and inserting “State agencies”; and

(iv) by striking “and inserting” and inserting “(as that term is defined in subsection (p));”;

(v) in subsection (k)—

(i) in paragraph (1)(A), by striking “subsection (u)(1)” and inserting “subsection (r)(1)”;

(ii) in paragraph (2), by striking “subsections (g)(3), (4), (5), (7), (8), and (9) of this section” and inserting “paragraphs (3), (4), (5), (7), and (8) of this section”; and

(iii) in paragraph (3), by striking “subsection (g)(6)” and inserting “subsection (k)(6)”;

(J) in subsection (t), by inserting “, including point of sale devices,” after other means of access; and

(K) in subsection (u), by striking “(as defined in subsection (g));”;

and

(L) by adding at the end the following:

(1) EBT CARDS.—The term “EBT card” means an electronic benefit transfer card issued under section 7(1); and
(B) by striking “coupons” each place it appears and inserting “benefits”; and

(B) by striking “coupons issued” and inserting “benefits issued”.

(Section 5 of the Food and Nutrition Act of 2008 (7 U.S.C. 2014) is amended—

(A) in subsection (a), by striking “section 3(i)(4)” and inserting “section 3(i)(1)”;

(C) in subsection (h), by striking “coupon or coupons” and inserting “benefits”; and

(E) by striking “coupons” each place it appears and inserting “benefits”; and

(F) in subsection (q), by striking “section 11(e)(20)(B)” and inserting “subsection (e)(18)(B)”.

(Section 13 of the Food and Nutrition Act of 2008 (7 U.S.C. 2022) is amended by striking “coupons” each place it appears and inserting “benefits”.

(Section 15 of the Food and Nutrition Act of 2008 (7 U.S.C. 2024) is amended—

(A) in subsection (a), by striking “coupons” and inserting “benefits”; and

(B) in subsection (b)(1)—

(i) by striking “coupons, authorization cards, or electronic benefit devices” each place it appears and inserting “benefits”; and

(ii) by striking “coupons or authorization cards” and inserting “benefits”; and

(iii) by striking “coupons” each place it appears and inserting “benefits”; and

(C) in subsection (c), by striking “coupons” each place it appears and inserting “benefits”; and

(D) in subsection (d), by striking “Coupons issued” and inserting “Benefits”; and

(E) by striking subsections (e) and (f); and

(F) by redesigning subsections (g) and (h) as subsections (e) and (f), respectively; and

(G) in subsection (e) (as so redesignated), by striking “coupon or coupons” and access devices and inserting “benefits”.

(Section 16 of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(a)) is amended by striking “coupons” each place it appears and inserting “benefits”.

(Section 17 of the Food and Nutrition Act of 2008 (7 U.S.C. 2026) is amended—

(A) in subsection (a)(2), by striking “coupon” and inserting “benefit”; and

(B) in subsection (b)—

(I) in paragraph (1)—

(aa) by striking “coupons, authorization cards, or electronic benefit devices” each place it appears and inserting “benefits”; and

(bb) by striking “coupons or authorization cards” and inserting “benefits”; and

(bb) by striking “coupon or coupons” and access devices and inserting “benefits”;

(C) in subsection (c), by striking “section 7(i)” and inserting “section 7(i)”; and

(D) in clause (v)—

(aa) by striking “countersigned food coupons or similar”; and

(bb) by striking “food coupons” and inserting “EBT cards”;

(ii) in subparagraph (C)(i)(x), by striking “coupons” and inserting “EBT cards”; and

(iii) in subsection (j), by striking “coupon” and inserting “benefit”.

(Section 19(a)(2)(A)(i) of the Food and Nutrition Act of 2008 (7 U.S.C. 2026(b)(2)(A)(i)) is amended by striking “section 3(n)(1)” and inserting “section 3(n)(3)”.

(Section 21 of the Food and Nutrition Act of 2008 (7 U.S.C. 2030) is repealed.

(Section 22 of the Food and Nutrition Act of 2008 (7 U.S.C. 2031) is amended—

(A) by striking “food coupons” each place it appears and inserting “benefits”; and

(B) by striking “coupons” each place it appears and inserting “benefits”; and

(iii) by striking “food coupons” each place it appears and inserting “benefits”; and

(C) in subsection (g)(1)(A), by striking “coupon” and inserting “benefits”.

(Section 26(c)(3) of the Food and Nutrition Act of 2008 (7 U.S.C. 2035(c)(3)) is amended—

(A) in subparagraph (A), by striking “subsection (a)” and inserting “subsections (a) through (f)”;

(B) in subparagraph (B), by striking “(i), (ii), (iii), (iv), (v), and (vi)” and inserting “(i), (ii), (iii), (iv), and (v)”.

(1) GENERAL.—Each provision of law described in subparagraph (A) is amended—

(i) by striking “coupons” each place it appears and inserting “benefits”; and

(ii) by striking “coupon” each place it appears and inserting “benefit”;

(iii) by striking “food coupons” each place it appears and inserting “benefits”;

(iv) in each heading, by striking “FOOD COUPONS” each place it appears and inserting “BENEFITS”;

(v) by striking “food stamp coupon” each place it appears and inserting “benefit”; and

(vi) by striking “food stamp” each place it appears and inserting “benefit”.

(Provisions of law the provisions of law referred to in subparagraph (A) are the following:


(b) Section 1956(c)(7)(D) of title 18, United States Code.

(c) Titles II through XIX of the Social Security Act (42 U.S.C. 401 et seq.

(d) Section 491(b)(3) of the Social Security Amendments of 1972 (42 U.S.C. 1382e note; Public Law 92-603).

(e) The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.


(2) DEFINITION OF TERMS.—

(A) Section 2 of Public Law 110-205 (7 U.S.C. 2012 note; 107 Stat. 2148) is amended by striking “section 3(k)(1)” and inserting “section 3(p)(1)”.

(B) Section 205 of the Food Stamp Program Improvements Act of 1994 (7 U.S.C. 2026 note; Public Law 103-225) is amended by striking “section 3(b)(7)” and inserting “section 3(b)(8) or (9)”.

(C) Section 115 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (42 U.S.C. 6121(a)) is amended—

(i) in paragraph (2)(F)(ii), by striking “section 3(b)” and inserting “section 3(i)”; and

(ii) in paragraph (3)(b), by striking “section 3(b)” and inserting “section 3(i)”.

(E) Section 3903(c)(2)(C)(vii) of title 31, United States Code, is amended by striking “section 3(b)” and inserting “section 3(i)”.

(F) Section 303(d)(4) of the Social Security Act (42 U.S.C. 5003(d)(4)) is amended by striking “section 3(n)(1)” and inserting “section 3(n)(3)”.

(G) Section 494 of the Social Security Act (42 U.S.C. 604) is amended by striking “section 3(b)” each place it appears and inserting “section 3(i)”.

(H) Section 531 of the Social Security Act (42 U.S.C. 654) is amended by striking “section 3(b)” each place it appears and inserting “section 3(i)”.

by striking ‘‘(as defined in section 3(e) of such Act)’’.

(d) REFERENCES.—Any reference in any Federal, State, tribal, or local law (including regulations) to a ‘‘coupon’’, ‘‘authorization card’’, or other access device provided under the Food and Nutrition Act of 2008 (7 U.S.C. 2008) is amended to include a reference to a ‘‘benefit’’ provided under that Act.

SEC. 4116. REVIEW OF MAJOR CHANGES IN PROGRAM DESIGN.
Section 11 of the Food and Nutrition Act of 2008 (7 U.S.C. 2020(e)(2)) is amended by striking the section enumerator and heading and subsection (a) and inserting the following:—

‘‘SEC. 11. ADMINISTRATION.—
(a) State Responsibility.—
(1) IN GENERAL.—The State agency of each participating State shall have responsibility for certifying applicant households and issuing EBT cards.

(2) LOCAL ADMINISTRATION.—The responsibility of the agency of the State government shall not be affected by whether the program is operated on a State-administered or county-administered basis, as provided under section 3(c)(1).

(3) RECORDS.—
(A) IN GENERAL.—Each State agency shall keep a record of the data that may be necessary to determine whether the program is being conducted in compliance with this Act (including regulations issued under this Act).

(B) INSPECTION AND AUDIT.—Records described in subparagraph (A) shall—
(i) be available for inspection and audit at any reasonable time;

(ii) subject to subsection (e)(8), be available for review in any action filed by a household to enforce any provision of this Act (including regulations issued under this Act); and

(iii) be preserved for such period of not less than 3 years as may be specified in regulations.

(4) REVIEW OF MAJOR CHANGES IN PROGRAM DESIGN.—
(A) IN GENERAL.—The Secretary shall develop standards for identifying major changes in the operations of a State agency, including—

(i) large or substantially-increased numbers of low-income households that do not live in proximity to an office performing the major functions described in subsection (e);

(ii) substantial increases in reliance on automated systems for the performance of responsibilities previously performed by personnel described in subsection (e)(6)(B);

(iii) changes that potentially increase the difficulty of reporting information under subsection (e) or section 6(c); and

(iv) changes that may disproportionately increase the burdens on any of the types of households described in subsection (e)(2)(A).

(B) NOTIFICATION.—If a State agency implements a major change in operations, the State agency shall—

(i) notify the Secretary; and

(ii) collect such information as the Secretary shall require to identify and correct any adverse effects on program integrity or access, including access by any of the types of households described in subsection (e)(2)(A).

SEC. 4117. CIVIL RIGHTS COMPLIANCE.
Section 11 of the Food and Nutrition Act of 2008 (7 U.S.C. 2020(e)(2)) is amended by striking subsection (c) and inserting the following:—

(1) IN GENERAL.—In the certification of applicant households for the supplemental nutrition assistance program, there shall be no discrimination by reason of race, sex, religious creed, national origin, or political affiliation.

(ii) RELATION TO OTHER LAWS.—The administration of the program by a State agency shall be consistent with the rights of households under the following laws (including implementing regulations):

(A) The Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.).


(C) The Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(D) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000e). The requirements under paragraph (1)(B) through (E) as subparagraphs (B) through (V) may be followed by such other standards as are prescribed by the Secretary, data from which shall be thoroughly evaluated before the Secretary approves the system to be implemented more broadly; and

(P) would be consistent with other systems used in the administration of State programs, including the program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).

‘‘(E) would be tested adequately and before implementation, including through pilot projects in limited areas for major systems changes as determined under rules promulgated by the Secretary, data from which shall be thoroughly evaluated before the Secretary approves the system to be implemented more broadly; and

‘‘(F) would be operated in accordance with an adequate plan for—

(i) continuous updating to reflect changed policy and circumstances; and

(ii) testing the effect of the system on access for eligible households and on payment accuracy.

‘‘(2) LIMITATION.—The Secretary shall not make payments to a State agency under paragraph (1) to the extent that the State agency—

(A) is reimbursed for the costs under any other Federal program; or

(B) uses the systems for purposes not connected with the supplemental nutrition assistance program.

SEC. 4122. FUNDING OF EMPLOYMENT AND TRAINING PROGRAMS.
Section 16(h)(1)(A) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(h)(1)(A)) is amended in subparagraph (A), by striking ‘‘to remain available until expended’’ and inserting ‘‘to remain available for 15 months’’. PART IV—PROGRAM INTEGRITY

SEC. 4131. ELIGIBILITY DISQUALIFICATION.
Section 6 of the Food and Nutrition Act of 2008 (7 U.S.C. 2015) is amended by adding at the end thereof the following:

‘‘(d) DISQUALIFICATION FOR OBTAINING CASH BY DESTROYING FOOD AND COLLECTING DEPOSITS.—Subject to any requirements established by the Secretary, any person who has been found by a State or Federal court or administrative agency in a hearing under section (b) to have intentionally obtained cash by purchasing products with supplemental nutrition assistance program benefits that have containers that require return deposits, discarding the product, and returning the container for deposit, amount shall be ineligible for benefits under this Act for such period of time as the Secretary shall prescribe by regulation.''

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any requirements established by the Secretary, any person who has been found by a State or Federal court or administrative agency in a hearing under subsection (b) to have intentionally sold any food that was purchased using supplemental nutrition assistance program benefits shall be ineligible for benefits under this Act for such period of time as the Secretary shall prescribe by regulation.

SEC. 4132. CIVIL PENALTIES AND DISQUALIFICATION FOR RETAIL FOOD STORES AND WHOLESALE FOOD CONCERNS.

Section 12 of the Food and Nutrition Act of 2008 (7 U.S.C. 2002) is amended—

(1) by striking the section designation and heading and all that follows through the end of subsection (a) and inserting the following:

"SEC. 12. CIVIL PENALTIES AND DISQUALIFICATIONS FOR RETAIL FOOD STORES AND WHOLESALE FOOD CONCERNS.

(a) DISQUALIFICATION.—

(1) In general.—If an approved retail food store or wholesale food concern that violates a provision of this Act or a regulation under this Act may be—

(A) disqualified for a specified period of time from further participation in the supplemental nutrition assistance program;

(B) assessed a civil penalty of up to $100,000 for each violation; or

(C) both.

(b) REGULATIONS.—Regulations promulgated under this Act shall provide criteria for the determination of violations of subparagraph (A), including the suspension or disqualification of and the assessment of a civil penalty against a retail food store or wholesale food concern on the basis of evidence that may include facts established through on-site investigations, inconsistent redemption data, or evidence obtained through a transaction report under an electronic benefit transfer system.

(c) BOND REQUIREMENTS.—Subject to subsection (c), a disqualification or civil penalty in lieu of a disqualification period to submit a collateral bond or irrevocable letter of credit.

(d) DISQUALIFICATION.—The Secretary shall:

(1) by striking "Such store or concern" and inserting the following:

(4) FORFEITURE.—If the Secretary finds

(2) by striking "If the Secretary finds" and inserting the following:

(5) HEARING.—A store or concern described in paragraph (1) may request an administrative hearing under section 17 of the Food and Nutrition Act of 2008 (7 U.S.C. 2002) to contest the civil penalty or disqualification.

(3) BOND REQUIREMENTS.—If the Secretary finds that a store or concern

(4) REMISSION TO THE SECRETARY.—If the Secretary remits a civil penalty under section 17 of the Food and Nutrition Act of 2008 (7 U.S.C. 2002) to a State or Federal agency, the Secretary shall make a final determination of the amount remitted and the amount due to the State or Federal agency under any other provision of this Act by the amount remitted.

(5) LIMITATION.—Any liability amount established under section 16(c)(1)(C) shall be reduced by the amount of the claim established under this subparagraph.

PART V—MISCELLANEOUS

SEC. 4141. PILOT PROJECTS TO EVALUATE HEALTH AND NUTRITION PROMOTION AND SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.

Section 17 of the Food and Nutrition Act of 2008 (7 U.S.C. 2026) is amended by adding at the end the following:

"(k) PILOT PROJECTS TO EVALUATE HEALTH AND NUTRITION PROMOTION IN THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary shall carry out, under such terms and conditions as the Secretary considers to be appropriate, pilot projects to develop and test methods—

(A) to use the existing nutritional assistance program to improve the dietary and health status of households eligible for or participating in the supplemental nutrition assistance program; and

(B) to reduce overweight, obesity (including childhood obesity), and associated morbidities in the United States.

(2) GRANTS.—

(A) IN GENERAL.—In carrying out this subsection, the Secretary shall make grants to public or private organizations or agencies (as defined by the Secretary), for use in accordance with projects that meet the strategy goals of this subsection.

(B) APPLICATION.—To be eligible to receive a contract, cooperative agreement, or..."
grant under this paragraph, an organization shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may transfer to the Secretary to carry out this section $1,000,000, to remain available until expended.

(2) Receipt and acceptance.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under paragraph (1), without further appropriation.

B. Food Distribution Programs

I. Emergency Food Assistance Program

SEC. 4201. Emergency Food Assistance Program

(a) Purchase of Commodities.—Section 22(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2028(a)) is amended by—

(1) by striking ‘‘(a) Purchase of Commodities’’ and all that follows through ‘‘$150,000,000’’ and inserting the following:—

‘‘(a) Purchase of Commodities.—

(1) in general.—From amounts made available to carry out this Act, for each of the fiscal years 2008 through 2012, the Secretary shall purchase a dollar amount described in paragraph (2) of—

(A) for fiscal year 2008, $150,000,000;

(B) for fiscal year 2009, $250,000,000;

(C) for each of fiscal years 2010 through 2012, the dollar amount of commodities specified in subparagraph (B) adjusted by the percentage by which the thrift food plan has been adjusted under section 3(u)(4) between June 30, 2008, and June 30 of the immediately preceding fiscal year;’’;

(b) State Plans.—Section 22(a) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7503) is amended by striking subsection (a) and inserting the following:—

‘‘(a) Plans.—

(1) in general.—To receive commodities under this Act, a State shall submit to the Secretary an operation and administration plan for the provision of benefits under this Act.

(2) Updates.—A State shall submit to the Secretary for approval any amendment to a plan submitted under paragraph (1) in any case in which the State proposes to make a change to the operation or administration of a program described in the plan. A plan submitted under subsection (a) is in effect until modified or revoked by the Secretary in writing. A plan modified or revoked by the Secretary shall be entitled to receive, shall be adjusted, and shall carry out paragraph (1)’’;

SEC. 4142. Stabilization and Improvement of Food Assistance for Puerto Rico

(a) in general.—The Secretary shall carry out a study of the feasibility and effects of including the Commonwealth of Puerto Rico in the definition of the term ‘‘State’’ under section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012), in lieu of providing block grants under section 19 of that Act (7 U.S.C. 2026).

(b) Inclusions.—The study shall include—

(1) an assessment of the administrative, financial, management, and other changes that would be necessary for the Commonwealth to establish a comparable food assistance program, including compliance with appropriate program rules under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), such as—

(A) benefit levels under section 3(u) of that Act (7 U.S.C. 2012(u));

(B) income eligibility standards under sections 5(c) and 6 of that Act (7 U.S.C. 2014(c), 2015); and

(C) deduction levels under section 5(e) of that Act (7 U.S.C. 2014(e));

(2) an estimate of the impact on Federal and Commonwealth benefit and administrative costs;

(3) an assessment of the impact of the program on low-income Puerto Ricans, as compared to the program under section 19 of that Act (7 U.S.C. 2028); and

(4) such other factors as the Secretary considers to be appropriate.

(c) Report.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture, the Senate, and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the study conducted under this section.
bank associations, and food bank collaboratives that operate in rural areas; and

(B) improving the capacity of the food banks, such as equipment, storage, distribution, track, and deliver time-sensitive or perishable food products.

(c) Eligible recipients.—An eligible entity shall use a grant received under this section for any fiscal year to carry out activities of the eligible entity, including—

(1) developing and maintenance of a computerized system for the tracking of time-sensitive food products;

(2) capital, infrastructure, and operating costs associated with the collection, storage, distribution, and transportation of time-sensitive and perishable food products;

(3) improving the security and diversity of the emergency food distribution and recovery systems of the United States through the support of small or mid-size farms and ranches, fisheries, and aquaculture, and donations from local food producers and manufacturers to persons in need;

(4) providing recovered foods to food banks and similar nonprofit emergency food providers to reduce hunger in the United States;

(5) improving the identification of—

(A) donors of donated foods;

(B) potential nonprofit emergency food providers; and

(C) persons in need of emergency food assistance in rural areas;

(6) constructing, expanding, or repairing a facility or equipment to support hunger relief agencies in the community.

(d) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 2008 through 2012.

PART II—FOOD DISTRIBUTION PROGRAM ON INDIAN RESERVATIONS

SEC. 421. ASSESSING THE NUTRITIONAL VALUE OF THE FDPIR FOOD PACKAGE.

(a) In General.—Section 4 of the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) is amended by striking subsection (b) and inserting the following:

‘‘(b) Food Distribution Program on Indian Reservations.—

‘‘(1) In General.—Distribution of commodities, not to exceed $5,000,000, under the supplemental nutrition assistance program, established by section 301 of the National Hunger Elimination Act of 1990 (7 U.S.C. 5341), to States in which traditional and locally-grown foods are least desired by those participants; and

‘‘(2) Specific Measures.—Not later than 180 days after the date of enactment of this section, the Secretary shall submit to the Committees on Agriculture and Education and Labor of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the activities carried out under this paragraph during the preceding calendar year.

‘‘(e) Authorization of Appropriations.—There is authorized to be appropriated to the Secretary for purposes under this subsection $5,000,000 for each of fiscal years 2008 through 2012.’’.

(b) FDPIR Food Package.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes—

(1) how the Secretary derives the process for determining the food package under the supplemental nutrition assistance program on Indian reservations established under section 4(b) of the Food and Nutrition Act of 2008 (7 U.S.C. 2013(b)) (referred to in this section as the ‘‘food package’’); and

(2) the extent to which the food package—

(A) addresses the nutritional needs of low-income Native Americans, including any costs associated with the most recent Dietary Guidelines for Americans, including any costs associated with the most recent Dietary Guidelines for

PART III—COMMODITY SUPPLEMENTAL FOOD PROGRAM

SEC. 4221. COMMODITY SUPPLEMENTAL FOOD PROGRAM.

Section 5 of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 5341; note; Public Law 93–86) is amended by striking subsection (g) and inserting the following:

‘‘(g) Prohibition.—Notwithstanding any other provision of law (including regulations), the Secretary may not require a State or local agency to prioritize assistance to a particular group of individuals that are—

‘‘(1) low-income persons aged 60 and older; or

‘‘(2) women, infants, and children.’’

PART IV—SIXTEN SENSORS’ MARKET NUTRITION PROGRAM

SEC. 4231. SENIORS’ MARKET NUTRITION PROGRAM.

Section 4002 of the Farm Security and Rural Development Act of 2002 (7 U.S.C. 2007) is amended—

(1) in subsection (b)(1), by inserting ‘‘honey,’’ after ‘‘vegetables’’;

(2) by striking subsection (c) and inserting the following:

‘‘(c) Exclusion of Benefits in Determining Eligibility for Other Programs.—The value of any benefit provided to any eligible seniors farmers’ market nutrition program recipient under this section shall not be considered to be income for purposes under any Federal, State, or local law.’’; and

(3) by adding at the end the following:

‘‘(d) Prohibition on Collection of Sales Taxes.—Each State shall ensure that the State or local tax is collected within the State on a purchase of food with a benefit distributed under the seniors farmers’ market nutrition program.’’.

‘‘(e) Regulations.—The Secretary may promulgate such regulations as the Secretary considers to be necessary to carry out the seniors farmers’ market nutrition program.’’.

Subtitle C—Child Nutrition and Related Programs

SEC. 4301. STATE PERFORMANCE ON ENROLLING CHILDREN IN FDPIR PROGRAM BENEFITS FOR FREE SCHOOL MEALS.

(a) In General.—Not later than December 31, 2008 and June 30 of each year thereafter, the Secretary shall submit to the Committees on Agriculture and Education and Labor of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that assesses the effectiveness of each State in enrolling school-aged children in households receiving program benefits under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) (referred to in this section as ‘‘program benefits’’) for free school meals using direct certification.

(b) Specific Measures.—The assessment of the Secretary of the performance of each State shall include—

(1) an estimate of the number of school-aged children, by State, who were members of a household receiving program benefits at any time in July, August, or September of the prior year;

(2) an estimate of the number of school-aged children, by State, who were directly certified eligible for free lunches under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), based on
section 9(j); the Richard B. Russell National School Lunch Act (42 U.S.C. 1756(a)(1)) is amended to read as follows:—

1. PURCHASES OF LOCALLY PRODUCED FOODS.—The Secretary shall—

(a) encourage institutions receiving funds under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) to purchase unprocessed agricultural products, both locally grown and locally raised, to the maximum extent practicable and appropriate; —

(b) advise institutions participating in a program described in paragraph (1) of the policy on the website maintained by the Secretary; and —

(c) ensure that institutions receiving funds under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), including the Department of Defense Fresh Fruit and Vegetable Program, use a geographic preference for the procurement of unprocessed agricultural products, both locally grown and locally raised.

2. FOODS.—

(a) DESCRIPTION.—The term ‘‘eligible program’’ means—

(i) a school-based program with hands-on gardening and nutrition education that incorporates the curriculum to the current focus on 1 or more grades at 2 or more eligible schools; or

(ii) a community-based summer program with hands-on gardening and nutrition education that is part of, or coordinated with, a summer enrichment program at 2 or more eligible schools.

(b) REQUIREMENT.—The term ‘‘eligible school’’ means a public school, at least 50 percent of the students of which are eligible for free or reduced price meals under this Act.

(c) SELECTION OF SCHOOLS.—The Secretary shall carry out a pilot program under which the Secretary shall provide to nonprofit organizations or public entities in not more than 5 States the additional funds that is operating a school lunch program under section 4(b) of the Food, Conservation, and Energy Act of 2008, each year, in selecting schools to participate in the program, each State shall—

(A) ensure that each school chosen to participate in the program is a school—

(i) in which not less than 50 percent of the students are eligible for free or reduced price meals under this Act; and

(ii) that submits an application in accordance with subparagraph (D); and

(B) to the maximum extent practicable, give the highest priority to schools with the highest proportion of children who are eligible for free or reduced price meals under this Act.

(C) ensure that each school selected is an elementary school (as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801));

(D) solicit applications from interested schools that include—

(i) information pertaining to the percentage of students enrolled in the school submitting the application who are eligible for free or reduced price school lunches under this Act;

(ii) a certification of support for participation in the program signed by the school food manager, the school principal, and the district superintendent (or equivalent positions, as determined by the school);

(iii) a plan for implementation of the program, including efforts to integrate activities carried out under this section with other efforts to promote sound health and nutrition, reduce overweight and obesity, and promote physical activity; and

(iv) such other information as may be requested by the Secretary.

(E) encourage applicants to submit a plan for implementation of the program that includes a partnership with 1 or more entities that will provide non-federal funds (including entities representing the fruit and vegetable industry).

3. PERFORMANCE INNOVATIONS.—

(a) PROGRAM.—

(1) IN GENERAL.—The Richard B. Russell National School Lunch Act is amended by inserting after section 18 (42 U.S.C. 1769) the following:

SEC. 19. FRESH FRUIT AND VEGETABLE PROGRAM.—

(a) PROGRAM.—

(1) IN GENERAL.—For the school year beginning July 2008 and each subsequent school year, the Secretary shall provide grants to States to carry out a program to make free fresh fruits and vegetables available in elementary schools (referred to in this section as the ‘‘program’’).

(b) ELIGIBLE PROGRAM.—A school participating in the program shall make free fresh fruits and vegetables available to students throughout the school day (or at such other times as are considered necessary) in 1 or more areas designated by the school.

(c) FUNDING TO STATES.—

(1) MINIMUM GRANT.—Except as provided in subsection (h), the Secretary shall provide to each of the 50 States and the District of Columbia an annual grant in an amount equal to 1 percent of the funds made available for a year to carry out the program.

(2) ADDITIONAL FUNDING.—Of the funds remaining after grants are made under paragraph (1), the Secretary shall allocate additional funds to each State that is operating a school lunch program under section 4 based on the proportion that—

(A) the population of the State; bears to —

(B) the population of the United States; and

(c) SELECTION OF SCHOOLS.—

(1) IN GENERAL.—Except as provided in paragraph (2) of this subsection and section 4304(a)(2) of the Food, Conservation, and Energy Act of 2008, each year, in selecting schools to participate in the program, each State shall—

(A) ensure that each school chosen to participate in the program is a school—

(i) in which not less than 50 percent of the students are eligible for free or reduced price meals under this Act; and

(ii) that submits an application in accordance with subparagraph (D);
"(B) other dietary changes, such as decreased consumption of less nutritious foods; and

(C) such other outcomes as are considered appropriate by the Secretary."

(2) REPORT.—Not later than September 30, 2011, the Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the evaluation under paragraph (1).

(3) ADMINISTRATION.—

(a) IN GENERAL.—Out of the funds made available under subsection (b)(2)(A) of section 14222 of the Food, Conservation, and Energy Act of 2008, the Secretary shall use the following amounts necessary to carry out this section:

(1) On October 1, 2008, $40,000,000.

(2) On July 1, 2009, $65,000,000.

(3) On July 1, 2010, $101,000,000.

(4) On July 1, 2011, $150,000,000.

(b) ADMINISTRATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Out of any funds transferred for that purpose, with or without the reservation of any funds transferred for that purpose, the Secretary shall be entitled to receive, shall accumulate, and shall use to carry out this section any funds made available for that purpose, without further appropriation.

(2) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other amounts made available under this section, the Secretary is authorized to appropriate such sums as are necessary to carry out the program established under this section.

(3) EVALUATION FUNDING.—On October 1, 2008, out of any funds made available under subsection (b)(2)(A) of section 14222 of the Food, Conservation, and Energy Act of 2008, the Secretary shall use to carry out the evaluation required under subsection (h), $3,000,000, to remain available for obligation until September 30, 2010.

(4) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section any funds made available under this section for that purpose, without further appropriation.

(5) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other amounts made available under this section, the Secretary is authorized to appropriate such sums as are necessary to carry out the program established under this section.

(6) ADMINISTRATIVE COSTS.—

(a) IN GENERAL.—Of funds made available to carry out this section for a fiscal year, the Secretary may use not more than $110,000,000 for the administrative costs of carrying out the program.

(b) RESERVATION OF FUNDS.—The Secretary shall reserve such sums as are necessary to administer the program in the State (with adjustments for the size of the State and the grant amount), but to not exceed the amount required to pay the costs of 1 full-time coordinator for the program in the State.

(7) REALLOCATION.—

(A) GENERAL.—The Secretary may reallocate any amounts made available to carry out this section that are not obligated or expended by a date determined by the Secretary.

(B) WITHIN STATES.—A State that receives a grant under this section may reallocate any amounts made available under the grant that are not obligated or expended by a date determined by the Secretary.

(2) TRANSITION OF EXISTING SCHOOLS.—

(a) EXISTING SECONDARY SCHOOLS.—Section 19(b)(1)(C) of the Richard B. Russell National School Lunch Act (as amended by paragraph (1)) may be waived by a State until July 1, 2011, if the State is the State that has been awarded funding under section 18(f) of that Act (42 U.S.C. 1769(f)) for the school year beginning July 1, 2008.

(b) SCHOOL BREAKFAST PROGRAM.—On July 1, 2008, to facilitate transition from the program authorized under section 18(f) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(f)) to the program established under section 19 of that Act (42 U.S.C. 1769(f)) for that school year to continue to participate under section 19 of that Act until the end of that school year; and

(ii) funds made available under that Act for fiscal year 2009 may be used to support the participation of any schools selected to participate in the program authorized under section 18(f) of that Act (42 U.S.C. 1769(f)) (as in effect on the day before the date of enactment of this Act) to the program established under section 19 of that Act (42 U.S.C. 1769(f)) for that school year to continue to participate under section 19 of that Act until the end of that school year; and

(iii) the school breakfast program established under order of the rule of the City of New York, the Secretary may use not more than $500,000 for administrative costs of carrying out this section that are not obligated or expended by a date determined by the Secretary.

(b) DEFINTION OF ELIGIBLE WHOLE GRAINS AND WHOLE GRAIN PRODUCTS.—In this section, the terms ‘‘whole grains’’ and ‘‘whole grain products’’ have the meaning given the terms by the Food and Nutrition Service in the HealthierUS School Challenge.

(c) PURCHASE OF WHOLE GRAINS AND WHOLE GRAIN PRODUCTS.—In addition to the commodities available under section 6 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1755), the Secretary shall purchase whole grains and whole grain products for use in—

(1) the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.); and

(2) the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773).

(d) EVALUATION.—Not later than September 30, 2011, the Secretary shall conduct an evaluation of the activities conducted under subsection (c) that includes—

(1) an evaluation of whether children participating in school lunch and breakfast programs increased their consumption of whole grains;

(2) an evaluation of which whole grains and whole grain products are most acceptable for use in the school lunch and breakfast programs;

(3) any recommendations of the Secretary regarding the integration of whole grain products in the school lunch and breakfast programs; and

(4) an evaluation of any other outcomes determined by the Secretary.

(e) REPORT.—As soon as practicable after the completion of the evaluation under subsection (d), the Secretary shall submit to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Education and Labor of the House of Representatives a report describing the results of the evaluation.

SEC. 4306. BUY AMERICAN REQUIREMENTS.

(a) FINDINGS.—The Congress finds the following:

(1) Federal law requires that commodities and products purchased with Federal funds be, to the extent practicable, of domestic origin.

(2) Federal Buy American statutory requirements seek to ensure that purchases made with Federal funds benefit domestic producers.

(3) The Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) requires the use of domestic food products for all meals served under this Act, including food products purchased with local funds.

(b) BUY AMERICAN STATUTORY REQUIREMENTS.—The Department of Agriculture shall undertake training, guidance, and enforcement of the various current Buy American statutory requirements and regulations, including those of the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

SEC. 4307. SURVEY OF FOODS PURCHASED BY SCHOOL FOOD AUTHORITIES.

(a) IN GENERAL.—For fiscal year 2009, the Secretary shall carry out a nationally representative survey of the foods purchased during the most recent school year for which data are available by schools participating in the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

(b) REPORT.—

(1) IN GENERAL.—On completion of the survey, the Secretary shall submit to the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the survey.

(2) REPORT REQUIRED.—The initial report required under paragraph (1) is not submitted to the Committee referred to in that paragraph by June 30, 2009, the Secretary shall submit to the Committees an interim report that describes the relevant survey data, or a sample of such data, available to the Secretary as of that date.

(3) FUNDING.—On the date of the Commodity Credit Corporation, the Secretary shall use to carry out this section not more than $3,000,000.

Title I—Miscellaneous

SEC. 4401. BILL EMERSON NATIONAL HUNGER FELLOWS AND MICKEY LELAND INTERNATIONAL HUNGER FELLOWS.

(a) Finding.—There is established the Bill Emerson National Hunger Fellows and Mickey Leland International Hunger Fellows.

(b) Definitions.—

(1) DIRECTOR.—The term ‘‘Director’’ means the head of the Congressional Hunger Center.

(2) FELLOW.—The term ‘‘fellow’’ means—

(A) a Bill Emerson Hunger Fellow; or

(B) Mickey Leland Hunger Fellow.

(c) FELLOWSHIP PROGRAMS.—The term ‘‘Fellowship Programs’’ means the Bill Emerson National Hunger Fellowship Program and the Mickey Leland International Hunger Fellowship Program established under section 2(c)(1).

(d) FELLOWSSHIP PROGRAMS.—

(1) IN GENERAL.—There is established the Bill Emerson National Hunger Fellowship Program and the Mickey Leland International Hunger Fellowship Program established under section 2(c)(1).
§ 4002. ASSISTANCE FOR COMMUNITY FOOD PROJECTS.

Section 25 of the Food and Nutrition Act of 2008 (7 U.S.C 2034) is amended—

(1) by striking subsection (a) and inserting—

(1) to meet the food needs of low-income individuals;
(II) to increase the self-reliance of communities in providing for the food needs of the community, and
(III) to promote comprehensive responses to local food, farm, and nutrition issues;

(2) by redesignating subsection (h) as subsection (i).
“(B) to develop market opportunities for small and mid-sized farm and ranch operations.

(6) REPORT.—For each fiscal year for which the Secretary of Agriculture makes grants under this section in any year, the Secretary shall submit to the Committee a report describing the activities carried out in the preceding fiscal year, including—

(A) a description of technical assistance provided by the Center;

(B) the total number and a description of the recipients provided under paragraph (4)(B);

(C) a complete listing of cases in which the activities of the Center have resulted in increased access to healthy, affordable foods, such as fresh fruit and vegetables, particularly for school-aged children and individuals in low-income communities; and

(D) a determination of whether the activities identified in subparagraph (C) are sustained during the years following the initial provision of technical assistance and subgrants under this section.

(7) COMPETITIVE AWARD PROCESS.—The Secretary shall use a competitive process to award funds to establish the Center.

(8) LIMITATION ON ADMINISTRATIVE EXPENSES.—Not more than 10 percent of the total amount allocated for this subsection in a given fiscal year may be used for administrative expenses.

(9) FUNDING.—

(A) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this subsection $1,000,000 for each of fiscal years 2009 through 2011.

(B) ADDITIONAL FUNDING.—There is authorized to be appropriated $2,000,000 to carry out this subsection for fiscal year 2012.

SEC. 4405. JOINT NUTRITION MONITORING AND RELATED RESEARCH ACTIVITIES.

The Secretary and the Senate of Health and Human Services shall continue to provide jointly for national nutrition monitoring and related research activities carried out as of the date of enactment of this Act—

(1) to collect continuous dietary, health, physical activity, and health knowledge data on a nationally representative sample;

(2) to periodically collect data on special at-risk populations, as identified by the Secretary;

(3) to distribute information on health, nutrition, the environment, and physical activity to the public in a timely fashion;

(4) to analyze new data that becomes available;

(5) to continuously update food composition tables; and

(6) to research and develop data collection methods and standards.

SEC. 4406. SECTION 32 FUNDS FOR PURCHASE OF FRUITS VEGETABLES AND NUTS TO SUPPORT DOMESTIC NUTRITION ASSISTANCE PROGRAMS.

(a) FUNDING FOR ADDITIONAL PURCHASES OF FRUITS, VEGETABLES, AND NUTS.—In addition to the purchases of fruits, vegetables, and nuts required by section 10603 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 71204), the Secretary of Agriculture shall purchase fruits, vegetables, and nuts for the purpose of providing nutritious foods for use in domestic nutrition assistance programs. The funds made available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), the following amounts:

1. $190,000,000 for fiscal year 2008.

2. $200,000,000 for fiscal year 2009.

3. $190,000,000 for fiscal year 2010.

4. $230,000,000 for fiscal year 2011.

(b) FORM OF PURCHASES.—Fruits, vegetables, and nuts may be purchased under this section in any form, including fresh, frozen, dried, or fresh fruits, vegetables, and nuts.

(c) PURCHASE OF FRESH FRUITS AND VEGETABLES FOR DISTRIBUTION TO SCHOOLS AND SERVICE INSTITUTIONS.—The Secretary of Agriculture shall purchase fresh fruits and vegetables for distribution to schools and service institutions in accordance with section 6(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1755(a)) using, of the amount specified in subsection (a), not less than $50,000,000 for each of fiscal years 2008 through 2012.

SEC. 4406A. HUNGER-FREE COMMUNITIES.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term ‘‘eligible entity’’ means a public food program service provider or nonprofit organization, including an emergency feeding organization, that has collaborated, or will collaborate, with 1 or more local partner organizations to achieve at least 1 hunger-free communities goal.

(2) EMERGENCY ORGANIZATION.—The term ‘‘emergency feeding organization’’ means the term ‘‘emergency organization’s’’ has the meaning given in the term in section 201A of the Emergency Food Assistance Act of 1983 (7 U.S.C. 3051).

(3) HUNGER-FREE COMMUNITIES GOAL.—The term ‘‘hunger-free communities goal’’ means any of the 14 goals described in the H. Con. Res. 302 (102nd Congress).

(b) HUNGER-FREE COMMUNITIES COLLABORATIVE GRANTS.—

(1) PROGRAM.—

(A) IN GENERAL.—The Secretary shall use not more than 50 percent of any funds made available under subsection (e) to make grants to eligible entities to pay the Federal share of the costs of an activity described in paragraph (2).

(B) FEDERAL SHARE.—The Federal share of the cost of carrying out an activity under this subsection shall not exceed 80 percent.

(2) APPLICATION.—

(A) IN GENERAL.—To receive a grant under this subsection, an eligible entity shall submit an application in such form, and containing such information as the Secretary may prescribe.

(B) CONTENTS.—Each application submitted under subparagraph (A) shall—

(i) identify any activity described in paragraph (3) that the grant will be used to fund; and

(ii) describe the means by which an activity identified under clause (i) will reduce hunger in the community of the eligible entity.

(C) PRIORITY.—In making grants under this subsection, the Secretary shall give priority to eligible entities that demonstrate 2 or more of the following:

(i) The eligible entity serves a community in which the rates of food insecurity, hunger, poverty, or unemployment are demonstrably higher than national average rates.

(ii) The eligible entity collaborates with one or more community-level entities that has successfully carried out long-term efforts to reduce hunger in the community.

(iii) The eligible entity serves a community that provides services to aid other eligible entities in the community.

(iv) The eligible entity is committed to achieving more than 1 hunger-free communities goal.

(3) USE OF FUNDS.—An eligible entity shall use a grant received under this subsection to construct, expand, or repair a facility or equipment to support hunger relief efforts in the community.

(d) REPORT.—If funds are made available under subsection (e) to carry out this section, not later than September 30, 2012, the Secretary shall submit to Congress a report that describes—

(1) each grant made under this section, including—

(A) a description of any activity funded; and

(B) the degree of success of each activity funded in achieving hunger-free communities goals; and

(2) the degree of success of all activities funded under this section in achieving domestic hunger goals.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.
SEC. 4406. REAUTHORIZATION OF FEDERAL FOOD ASSISTANCE PROGRAMS.

(a) SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Section 145(b)(1) of the Food and Nutrition Act of 2008 (7 U.S.C. 2020a(c)(1)) is amended in the first sentence by striking “for each of the fiscal years 2003 through 2007” and inserting “for each of fiscal years 2008 through 2012”.

(2) GRANTS FOR SIMPLE APPLICATION AND ELIGIBILITY DETERMINATION SYSTEMS AND IMPROVEMENTS.—Section 1111(a)(2) of the Food and Nutrition Act of 2008 (7 U.S.C. 20020a(a)(1)) is amended by striking “For each of fiscal years 2003 through 2007” and inserting “Subject to the availability of appropriations under section 18(a), for each fiscal year”.

(b) FUNDING OF EMPLOYMENT AND TRAINING PROGRAMS.—Section 16(b)(1) of the Food and Nutrition Act of 2008 (7 U.S.C. 2020b(b)(1)) is amended—

(A) in subparagraph (A), by striking “the amount of—” and all that follows through “$90,000,000 for each fiscal year.”; and

(B) in subparagraph (E)(i), by striking “for each of fiscal years 2003 through 2007” and inserting “for each of fiscal years 2008 through 2012.”.

(c) REDUCTIONS IN PAYMENTS FOR ADMINISTRATIVE COSTS.—Section 16(c)(3) of the Food and Nutrition Act of 2008 (7 U.S.C. 2020c(3)) is amended—

(A) in the first sentence of subparagraph (A), by striking “effective for each of fiscal years 1997 through 2007.”; and

(B) in subparagraph (B)(ii), by striking “through fiscal year 2007.”.

(d) CASH PAYMENT PILOT PROJECTS.—Section 17(b)(1)(B)(ii) of the Food and Nutrition Act of 2008 (7 U.S.C. 2020b(b)(1)(B)) is amended—

(A) by striking “Any pilot” and inserting “Subject to the availability of appropriations under section 18(a), any pilot”; and

(B) by striking “through October 1, 2007.”

(e) CONSOLIDATED BLOCK GRANTS FOR PUERTO RICO AND AMERICAN SAMOA.—Section 19(a)(2)(A)(ii) of the Food and Nutrition Act of 2008 (7 U.S.C. 2020a(a)(2)(A)) is amended by striking “for each of fiscal years 2004 through 2007” and inserting “subject to the availability of appropriations under section 18(a), for each fiscal year thereafter”.

(f) ASSISTANCE FOR COMMUNITY FOOD PROJECTS.—Section 25 of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(a)) is amended—

(A) in subsection (b)(2)(B), by striking “for each of fiscal years 1997 through 2007” and inserting “for fiscal year 2008 and each fiscal year thereafter”; and

(B) in subsection (c)(4) (as redesignated by section 4022), by striking “of fiscal years 2003 through 2007” and inserting “fiscal year thereafter”.

(g) COMMODITY DISTRIBUTION.—

(1) EMERGENCY FOOD ASSISTANCE.—Section 202(a)(1) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7565a(a)(1)) is amended by striking “for each of the fiscal years 2003 through 2007 and inserting “for fiscal year 2008 and each fiscal year thereafter”.

(2) COMMODITY DISTRIBUTION PROGRAM.—Section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note; Public Law 93-86) is amended in the first sentence by striking “for each of the fiscal years 1991 through 2007” and inserting “years 2008 through 2012”.

(h) COMMODITY SUPPLEMENTAL FOOD PROGRAM.—Section 5 of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note; Public Law 93-86) is amended—

(A) in subsection (a)—

(1) in paragraph (1), by striking “each of fiscal years 2003 through 2007” and inserting “each of fiscal years 2008 through 2012”; and

(2) in paragraph (2)(B), by striking the subparagraph described and heading and all that follows through “2007” and inserting the following:

(1) SUBSEQUENT FISCAL YEARS.—For each of fiscal years 2008 through 2012.

(2) DISTRIBUTION OF SURPLUS COMMODITIES TO SPECIAL NUTRITION PROJECTS.—Section 1114(a)(2)(A) of the Agriculture and Food Act of 1985 and section 181 of the Food Security Act of 1988 as added in the first sentence by striking “Effective through September 30, 2007” and inserting “For each of fiscal years 2008 through 2012.”.

(c) FARM SECURITY AND RURAL INVESTMENT.—

(1) SENIORS FARMERS’ MARKET NUTRITION PROGRAM.—Section 482 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 2007) is amended by striking by striking subsection (a) and inserting the following:

The Secretary may make or guarantee loans to farmers or ranchers in the United States, farm cooperatives, private domestic corporations, partnerships, joint operations, trusts, or limited liability companies that are controlled by farmers or ranchers and engaged primarily and directly in agricultural production in the United States.

(2) NUTRITION INFORMATION AND AWARENESS PILOT PROGRAM.—Section 483(b) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3171 note; Public Law 107-171) is amended by striking “2007” and inserting “2012.”

SEC. 4407. EFFECTIVE AND IMPLEMENTATION DATES.

Except as otherwise provided in this title, this title and the amendments made by this title take effect on October 1, 2007.

TITLE V—CREDIT

Subtitle A—Farm Ownership Loans

SEC. 5001. DIRECT LOANS.

Section 302 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1925(a)(2)) is amended—

(1) by striking the section designation and heading and all that follows through “(a) The Secretary is authorized to” and inserting the following:

SEC. 302. PERSONS ELIGIBLE FOR REAL ESTATE LOANS.

(1) IN GENERAL.—The Secretary may;

(A) in subsection (a)(2), by inserting “, taking into consideration all farming experience of the applicant, without regard to any lapsed between farming experiences” after “farming operations”;

(2) REQUIREMENTS.

SEC. 5002. CONSERVATION LOAN AND LOAN GUARANTEE PROGRAM.

Section 304 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1925(a)) is amended to read as follows:

SEC. 304. CONSERVATION LOAN AND LOAN GUARANTEE PROGRAM.

SEC. 5004. DOWN PAYMENT LOAN PROGRAM.

SEC. 5005. DIRECT LOANS.

Section 305 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1925(a)) is amended by striking “$200,000” and inserting “$300,000.”

SEC. 5006. LIMITATIONS ON AMOUNT OF FARM OWNERSHIP LOANS.

Section 306 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1925(a)) is amended—

(1) in subsection (a)(1), by striking “and ranchers” and inserting “or ranchers and socially disadvantaged farmers or ranchers”;

(2) in subsection (a)(2), by inserting “, taking into consideration all farming experience of the applicant, without regard to any lapsed between farming experiences” after “farming operations”;

(3) CONSERVATION PLAN.—The term ‘conservation plan’ means a plan, approved by the Secretary, that, for a farming or ranching operation, identifies the conservation activities that will be addressed with loan funds provided under this section, including—

(A) the installation of conservation structures to address soil, water, and related resources;

(B) the establishment of forest cover for sustained yield timber management, erosion control, or shelter belt purposes;

(C) the installation of water conservation measures;

(D) the establishment of waste management systems;

(E) the establishment or improvement of permanent pasture;

(F) compliance with section 1212 of the Food Security Act of 1985; and

(3) other purposes consistent with the plan, including the adoption of any other emerging or existing conservation practices, techniques, or technologies approved by the Secretary.

(4) ELIGIBILITY.—

(1) IN GENERAL.—The Secretary may make or guarantee loans to farmers or ranchers in the United States, farm cooperatives, private domestic corporations, partnerships, joint operations, trusts, or limited liability companies that are controlled by farmers or ranchers and engaged primarily and directly in agricultural production in the United States.

(2) REQUIREMENTS.—To be eligible for a loan under this section, applicants shall meet the requirements in paragraphs (1) and (2) of section 302(a).

(4) Priority.—In making or guaranteeing loans under this section, the Secretary shall give priority to—

(a) qualified beginning farmers or ranchers and socially disadvantaged farmers or ranchers;

(b) owners or tenants who use the loans to convert to sustainable or organic agricultural production systems; and

(c) producers who use the loans to build conservation structures or establish conservation practices to comply with section 1212 of the Food Security Act of 1985.

(e) LIMITATIONS APPLICABLE TO LOAN GUARANTEES.—The portion of a loan that the Secretary may guarantee under this section shall be 75 percent of the principal amount of the loan.

(f) ADMINISTRATIVE PROVISIONS.—The Secretary shall ensure, to the maximum extent practicable, that loans made or guaranteed under this section are distributed across demographic regions.

(g) CREDIT ELIGIBILITY.—The provisions of paragraphs (1) and (3) of section 333 shall not apply to loans made or guaranteed under this section.

(h) AUTHORIZATION OF APPROPRIATIONS.—For each of fiscal years 2008 through 2012, there are authorized to be appropriated to the Secretary such funds as are necessary to carry out this section.

SEC. 5007. LIMITATIONS ON AMOUNT OF FARM OWNERSHIP LOANS.

Section 306 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1925(a)) is amended by striking “$200,000” and inserting “$300,000.”

SEC. 5008. DOWN PAYMENT LOAN PROGRAM.

Section 306 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1925(a)) is amended—

(1) in subsection (a)(1), by striking “and ranchers” and inserting “or ranchers and socially disadvantaged farmers or ranchers”;

(2) in subsection (b)—

(A) by striking paragraph (1) and inserting the following:

(1) PRINCIPAL.—Each loan made under this section shall be in an amount that does not exceed 45 percent of the least of—
“(A) the purchase price of the farm or ranch to be acquired; 
“(B) the appraised value of the farm or ranch to be acquired; or 
“(C) $50,000.”

“(2) INTEREST RATE.—The interest rate on any loan made by the Secretary under this section shall be a rate equal to the greater of—

“(A) the difference obtained by subtracting 4 percent from the interest rate for farm ownership loans under this subtitle; or 
“(B) 7 percent.”

“(B) by striking ‘‘15’’ and inserting ‘‘20’’; and 
“(3) in subsection (c)—

“(A) in paragraph (1), by striking ‘‘10’’ and inserting ‘‘5’’; 
“(B) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2); and 
“(C) in paragraph (2)(B) as so redesignated, by striking ‘‘15-year’’ and inserting ‘‘20-year’’.

“(4) in subsection (d)—

“(A) in paragraph (3)—

“(i) by inserting ‘‘and socially disadvantaged farmers or ranchers’’ after ‘‘ranchers’’; and 
“(ii) by striking ‘‘and’’ at the end; 
“(B) in paragraph (4), by striking ‘‘and ranchers,’’ and inserting ‘‘ or ranchers or socially disadvantaged farmers or ranchers;’’ and 
“(C) by adding at the end the following—

“(5) establish annual performance goals to promote the use of the down payment loan program and other joint financing arrangements as the preferred choice for direct real estate loans made by any lender to a qualified beginning farmer or rancher or socially disadvantaged farmer or rancher; and 

“(5) by adding at the end the following:

“(e) SOCIALLY DISADVANTAGED FARMER OR RANCHER.—In this section, the term ‘‘socially disadvantaged farmer or rancher’’ has the meaning given that term in section 355(e)(2).”

SEC. 5005. BEGINNING FARMER OR RANCHER AND SOCIALLY DISADVANTAGED FARMER OR RANCHER CONTRACT LAND SALES PROGRAM.

Section 310F of the Consolidated Farm and Rural Development Act (7 U.S.C. 1943) is amended to read as follows:

“SEC. 310F. BEGINNING FARMER OR RANCHER AND SOCIALLY DISADVANTAGED FARMER OR RANCHER CONTRACT LAND SALES PROGRAM.

“(a) IN GENERAL.—The Secretary shall, in accordance with this section, guarantee a loan made by a private seller of a farm or ranch to a qualified beginning farmer or rancher or socially disadvantaged farmer or rancher (as defined in section 355(e)(2)) on a contract land sales basis.

“(b) ELIGIBILITY.—In order to be eligible for a loan guarantee under subsection (a)—

“(1) the qualified beginning farmer or rancher or socially disadvantaged farmer or rancher shall—

“(A) on the date the contract land sale that is subject of the loan is complete, own and operate the farm or ranch that is the subject of the contract land sale; 

“(B) have a credit history that—

“(i) includes a record of satisfactory debt repayment, as determined by the Secretary; and 

“(ii) is acceptable to the Secretary; and 

“(C) demonstrate to the Secretary that the farmer or rancher, as the case may be, is unable to obtain sufficient credit without a guarantee to finance any actual need of the farmer or rancher, as the case may be, at a reasonable rate or term; and 

“(2) from applicable underwriting criteria, as determined by the Secretary.

“(c) LIMITATIONS.—

“(1) DOWN PAYMENT.—The Secretary shall not provide a loan guarantee under subsection (a) if the contribution of the qualified beginning farmer or rancher or socially disadvantaged farmer or rancher to the down payment for the farm or ranch that is the subject of the contract land sale would be less than 5 percent of the purchase price of the farm or ranch.

“(2) MAXIMUM PURCHASE PRICE.—The Secretary shall not provide a loan guarantee under subsection (a) if the purchase price or the appraised value of the farm or ranch that is the subject of the contract land sale is greater than $500,000.

“(d) PROMPT GUARANTEE.—The period during which a loan guarantee under this section is in effect shall be the 10-year period beginning with the date the guarantee is provided.

“(e) GUARANTEE PLAN.—

“(1) SELECTION OF PLAN.—A private seller of a farm or ranch who makes a loan that is guaranteed by the Secretary under subsection (a) may select—

“(A) a prompt payment guarantee plan, which shall cover—

“(i) 3 amortized annual installments; or 

“(ii) an amount equal to 3 annual installments (including an amount equal to the total cost of all deficiency payments incurred during the period covered by the annual installments); or 

“(B) a standard guarantee plan, which shall cover an amount equal to 90 percent of the outstanding principal of the loan.

“(2) ELIGIBILITY FOR STANDARD GUARANTEE PLAN.—In order for a private seller to be eligible for a standard guarantee plan referred to in paragraph (1)(B), the private seller shall—

“(A) secure a commercial lending institution or similar entity, as determined by the Secretary, to serve as an escrow agent; or 

“(B) in cooperation with the farmer or rancher, use an appropriate alternate arrangement, as determined by the Secretary.

“(f) TRANSITION FROM PILOT PROGRAM.—

“(1) IN GENERAL.—The Secretary may phase-in the implementation of the changes to the Beginning Farmer and Rancher and Socially Disadvantaged Farmer or Rancher Contract Land Sales Program provided for in this section.

“(2) LIMITATION.—All changes to the Beginning Farmer and Rancher and Socially Disadvantaged Farmer or Rancher Contract Land Sales Program shall be implemented for the 2011 Fiscal Year.”

Subtitle B—Operating Loans

SEC. 5010. LIMITATIONS ON AMOUNT OF OPERATING LOANS.

Section 5103(h) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1943a(h)) is amended by striking “$200,000” and inserting “$300,000.”

SEC. 5103. SUBSECTION ON LIMITATION ON PERIOD FOR WHICH BORROWERS ARE ELIGIBLE FOR GUARANTEED ASSISTANCE.


Subtitle C—Emergency Loans

SEC. 5201. ELIGIBILITY OF EQUINE FARMERS AND RANCHERS FOR EMERGENCY LOANS.

Section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)) is amended—

“(1) by striking ‘‘farmers, ranchers’’ and inserting ‘‘farmers or ranchers (including equine farmers or ranchers);’’ and 

“(2) in paragraph (2)(A), by striking ‘‘farming, ranching,’’ and inserting ‘‘farming or ranching (including equine farming or ranching)’’.

Subtitle D—Administrative Provisions

SEC. 5301. BEGINNING FARMER AND RANCHER INDIVIDUAL DEVELOPMENT ACCOUNTS PILOT PROGRAM.

Subtitle D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961–2008r) is amended by inserting after section 333A the following:

“SEC. 333B. BEGINNING FARMER AND RANCHER INDIVIDUAL DEVELOPMENT ACCOUNTS PILOT PROGRAM.

“(a) DEFINITIONS.—In this section—

“(1) DEMONSTRATION PROGRAM.—The term ‘‘demonstration program’’ means a demonstration program carried out by a qualified entity under the pilot program established in subsection (b)(1).

“(2) ELIGIBLE PARTICIPANT.—The term ‘‘eligible participant’’ means a qualified beginning farmer or rancher that—

“(A) lacks significant financial resources or assets; and 

“(B) has an income that is less than—

“(i) 50 percent of the median income of the State in which the farmer or rancher resides; or 

“(ii) 200 percent of the most recent annual Federal Poverty Income Guidelines published by the Department of Health and Human Services for the State.

“(3) INDIVIDUAL DEVELOPMENT ACCOUNT.—The term ‘‘individual development account’’ means a savings account described in subsection (b)(4)(A).

“(4) QUALIFIED ENTITY.—

“(A) IN GENERAL.—The term ‘‘qualified entity’’ means—

“(i) for-profit organizations—

“(I) described in section 501(c)(3) of the Internal Revenue Code of 1986; and 

“(II) exempt from taxation under section 501(a)(19) of such Code; or 

“(ii) a State, local, or tribal government submitting an application jointly with an organization described in clause (i).”

“(B) NO PROHIBITION ON COLLABORATION.—An organization described in subparagraph (A)(i) may collaborate with a financial institution or for-profit community development corporation to carry out the purposes of this section.

“(C) PILOT PROGRAM.—

“(1) IN GENERAL.—The Secretary shall establish a pilot program to be known as the ‘New Farmer Individual Development Accounts Pilot Program’ under which the Secretary shall work through qualified entities to establish demonstration programs—

“(A) at least 5 years in duration; and 

“(B) in at least 15 States.

“(2) COORDINATION.—The Secretary shall operate the pilot program, and in coordination with the farm loan programs of the Farm Service Agency.

“(3) RESERVE FUNDS.—In general, a qualified entity carrying out a demonstration program under this section shall establish a reserve fund
consisting of a non-Federal match of 50 percent of the total amount of the grant awarded to the demonstration program under this section.

(B) FEDERAL FUNDS.—After the qualified entity has deposited the non-Federal matching funds described in subparagraph (A) in the reserve fund, the Secretary shall provide the qualified entity with the grant awarded under this section to the demonstration program for deposit in the reserve fund.

(C) USE OF FUNDS.—Of the funds deposited under paragraph (B) in the reserve fund established for a demonstration program, the qualified entity carrying out the demonstration program—

(i) may use up to 10 percent for administrative expenses; and

(ii) shall use the remainder in making matching awards described in paragraph (4)(B)(ii)(I).

(D) INTEREST.—Any interest earned on amounts in a reserve fund established under subparagraph (B) may be used by the qualified entity as additional matching funds for, or to administer, the demonstration program.

(E) GUIDANCE.—The Secretary shall issue guidance regarding the investment requirements of reserve funds established under this paragraph.

(F) REVISION.—On the date on which all funds remaining in any individual development account established by a qualified entity have been deposited under paragraph (4)(B)(ii) to the reserve fund established by the qualified entity, there shall revert to the Treasury of the United States a percentage of the amount (if any) in the reserve fund equal to—

(i) the amount of Federal funds deposited in the reserve fund under subparagraph (B) that were used for administrative expenses; divided by

(ii) the total amount of funds deposited in the reserve fund.

(4) INDIVIDUAL DEVELOPMENT ACCOUNTS.—

(A) IN GENERAL.—A qualified entity receiving a grant under this section shall establish and administer individual development accounts for eligible participants.

(B) CONTRACT REQUIREMENTS.—To be eligible to receive funds under this section from a qualified entity, an eligible participant shall enter into a contract with only 1 qualified entity under which—

(i) the eligible participant agrees—

(I) to deposit, not later than 1 month after an amount is deposited pursuant to clause (i) to (iii), an amount equal to 100 percent, and not less than a 200 percent, match of that amount into the individual development account established for the eligible participant; and

(ii) with uses of funds proposed by the eligible participant.

(C) LIMITATION.—

(i) IN GENERAL.—A qualified entity administering a demonstration program under this section may provide not more than $6,000 for each fiscal year in matching funds to the individual development account established by the qualified entity for an eligible participant.

(ii) TREATMENT OF AMOUNT.—An amount provided under clause (i) shall not be considered to be a gift or loan for mortgage purposes.

(5) ELIGIBLE EXPENDITURES.—

(A) IN GENERAL.—An eligible expenditure described in this subparagraph is an expenditure—

(i) to purchase farmland or make a down payment on an accepted purchase offer for farmland;

(ii) to make mortgage payments on farmland purchased pursuant to clause (i), for up to 180 days from the date of the purchase;

(iii) to purchase breeding stock, fruit or nut trees, or trees to harvest for timber; and

(iv) for other similar expenditures, as determined by the Secretary.

(B) TIMING.—

(i) IN GENERAL.—An eligible participant may make an eligible expenditure at any time during the 2-year period beginning on the date on which the last matching funds are provided under paragraph (4)(B)(ii)(I) to the individual development account established for the eligible participant.

(ii) UNEXPENDED FUNDS.—At the end of the period described in clause (i), any funds remaining in an individual development account established for an eligible participant shall revert to the reserve fund of the demonstration program under which the account was established.

(C) APPLICATIONS.—

(1) IN GENERAL.—A qualified entity that seeks to carry out a demonstration program under this section may be permitted to submit to the Secretary an application at such time, in such form, and containing such information as the Secretary shall require.

(2) CRITERIA.—In considering whether to approve an application to carry out a demonstration program under this section, the Secretary shall assess—

(A) the degree to which the demonstration program described in the application is likely to aid eligible participants in successfully pursuing new farming opportunities;

(B) the experience and ability of the qualified entity to responsibly administer the demonstration program;

(C) the experience and ability of the qualified entity in recruiting, educating, and assisting eligible participants to increase economic independence and pursue or advance farming opportunities;

(D) the aggregate amount of direct funds from non-Federal public sector and private sources that are formally committed to the demonstration program as matching contributions;

(E) the adequacy of the plan of the qualified entity to provide information relevant to an evaluation of the demonstration program; and

(F) such other factors as the Secretary considers appropriate.

(D) PREFERENCES.—In considering an application to conduct a demonstration program under this section, the Secretary shall give preference to an application from a qualified entity that demonstrates—

(A) a track record of serving clients targeted by the program, including, as appropriate, socially disadvantaged farmers or ranchers (as defined in section 355(e)(2));

(B) expertise in dealing with financial management aspects of farming;

(C) an agreement to avoid the use of Federal funds described in subparagraph (A) in the reserve fund established by the qualified entity; and

(D) no policies or procedures that exclude or have the effect of excluding, directly or indirectly, eligible participants.

(6) MAXIMUM AMOUNT OF GRANTS.—The aggregate amount of grant funds provided to a demonstration program carried out under this section shall not exceed $250,000.

(7) MAXIMUM AMOUNT OF GRANT PAYMENTS.—The Secretary shall pay the amounts awarded under a grant made under this section—

(A) on the awarding of the grant; or

(B) pursuant to such payment plan as the qualified entity may specify.

(e) REPORTS.—

(1) ANNUAL PROGRESS REPORTS.—

(A) IN GENERAL.—Not later than 60 days after the end of the calendar year in which the Secretary authorizes a qualified entity to carry out a demonstration program under this section, the qualified entity shall prepare an annual report that includes, for the period covered by the report—

(i) an evaluation of the progress of the demonstration program;

(ii) information about the demonstration programs, including the eligible participants and the individual development accounts that have been established; and

(iii) such other information as the Secretary may require.

(B) SUBMISSION OF REPORTS.—A qualified entity shall submit each report required under subparagraph (A) to the Secretary.

(2) ANNUAL REVIEW.—The Secretary may conduct an annual review of the financial records of a qualified entity that—

(i) to assess the financial soundness of the qualified entity; and

(ii) to determine the use of grant funds made available to the qualified entity under this section.

(g) REGULATIONS.—In carrying out this section, the Secretary may promulgate regulations to ensure that the program includes provisions for—

(1) the termination of demonstration programs;

(2) control of the reserve funds in the case of such a termination;

(3) transfer of demonstration programs to other qualified entities; and

(4) remissions from a reserve fund to the Secretary in a case in which a demonstration program is terminated without transfer to a new qualified entity.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2008 through 2012.

SEC. 3502. INVENTORY SALES PREFERENCES.—

Agricultural Income Special Sales Preferences.

(a) INVENTORY SALES PREFERENCES.—Section 3502(c) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1985(c)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), in the subparagraph heading, by inserting “or ranchers” after “ranchers’”;

(ii) in clause (i), by inserting “or socially disadvantaged farmer or rancher” after “rancher’”;

(b) LOAN FUNDS.—

INVENTORY SALES PREFERENCES.

(a) INVENTORY SALES PREFERENCES.—Section 3502(c) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1985(c)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), in the subparagraph heading, by inserting “or socially disadvantaged farmer or rancher” after “rancher’”;

(ii) in clause (i), by inserting “or socially disadvantaged farmer or rancher” after “rancher’”;

""
(iv) in clause (i), by inserting ‘‘or a socially disadvantaged farmer or rancher’’ after ‘‘or rancher’’; and
(v) in clause (iv), by striking ‘‘and ranchers’’ and inserting ‘‘or ranchers and socially disadvantaged farmers or ranchers’’; and
(B) in subparagraph (C), by inserting ‘‘or a socially disadvantaged farmer or rancher after ‘‘or rancher’’.
(2) in paragraph (5)(B)—
(A) in clause (i)—
(i) in the clause heading, by inserting ‘‘socially disadvantaged farmer or rancher’’; and
(ii) by inserting ‘‘or a socially disadvantaged farmer or rancher’’ after ‘‘the beginning farmer or rancher’’;
(B) in clause (ii)—
(i) in the matter preceding subclause (I), by inserting ‘‘or a socially disadvantaged farmer or rancher’’ after ‘‘or rancher’’; and
(ii) in subclause (II), by inserting ‘‘or the socially disadvantaged farmer or rancher’’ after ‘‘or rancher’’;
(3) in paragraph (6)—
(A) in subparagraph (A), by inserting ‘‘or a socially disadvantaged farmer or rancher’’ after ‘‘or rancher’’; and
(B) in subparagraph (C)—
(i) in clause (i)(I), by striking ‘‘and ranchers’’ and inserting ‘‘or ranchers and socially disadvantaged farmers or ranchers’’; and
(ii) in clause (ii), by inserting ‘‘or socially disadvantaged farmers or ranchers’’ after ‘‘or ranchers’’;
(b) LOAN FUND SET-ASIDES.—Section 346(b)(2) of such Act (7 U.S.C. 1996(b)(2)) is amended—
(1) in subparagraph (A)—
(A) in clause (i)—
(I) in subclause (I), by striking ‘‘70 percent’’ and inserting ‘‘an amount that is not less than 75 percent of the total amount’’; and
(II) in subclause (II)—
(i) in the subclause heading, by inserting ‘‘JOINT FINANCING ARRANGEMENTS’’ after ‘‘PAYMENT LOANS’’;
(ii) by striking ‘‘60 percent’’ and inserting ‘‘an amount not less than 45 percent of the amount’’; and
(III) by inserting ‘‘and joint financing arrangements under section 307(a)(3)(D)’’ after ‘‘section 310E’’; and
(B) in clause (ii)(III), by striking ‘‘2003 through 2007, 35 percent’’ and inserting ‘‘2008 through 2012, an amount that is not less than 50 percent of the total amount’’; and
(2) in subparagraph (B)(i), by striking ‘‘25 percent’’ and inserting ‘‘an amount that is not less than 40 percent of the total amount’’.
SEC. 5303. LOAN AUTHORIZATION LEVELS.
Section 346(b)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1996(b)(1)) is amended—
(1) in the matter preceding subparagraph (A), by striking ‘‘$3,796,000,000 for each of fiscal years 2003 through 2007’’ and inserting ‘‘$4,236,000,000 for each of fiscal years 2008 through 2012’’; and
(2) in subparagraph (A)—
(A) in the matter preceding clause (i), by striking ‘‘$1,000,000,000’’ and inserting ‘‘$1,200,000,000’’;
(B) in clause (i), by striking ‘‘$305,000,000’’ and inserting ‘‘$350,000,000’’; and
(C) in clause (ii), by striking ‘‘$565,000,000’’ and inserting ‘‘$850,000,000’’.}

SEC. 5304. TRANSITION TO PRIVATE COMMERCIAL OR OTHER SOURCES OF CREDIT.

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amended by inserting ‘‘and’’ and inserting ‘‘(i) other categories of persons and entities described in sections 3.7 and 3.8 eligible to borrow from the bank, as determined by the bank’s board of directors’’; and
(b) CONFORMING AMENDMENTS.—Section 3.3(c)(1)(D) of such Act (12 U.S.C. 2124(c)(1)(D)) is amended—
(i) in clauses (ii) and (iii) as clauses (iii) and (iv), respectively, and inserting after clause (i) the following:
(ii) persons and entities eligible to borrow from the banks for cooperatives, as described in section 3.3(c)(ii)).

SEC. 5404. PREMIUMS.
(A) AMOUNT IN FUND NOT EXCEEDING SECURE BASE AMOUNT.—Section 5.5(a) of the Farm Credit Act of 1971 (12 U.S.C. 2277a-4(a)) is amended—
(1) in paragraph (1)—
(A) in the matter preceding subparagraph (A)—
(i) by striking ‘‘paragraph (2)’’ and inserting ‘‘paragraph (3)’’; and
(ii) by striking ‘‘annual’’; and
(B) by striking subparagraphs (A) through (D) and inserting the following:
‘‘(A) the average outstanding insured obligations issued by the bank for the calendar year, after deducting from the obligations the percentages of the obligations of loans and investments described in paragraph (2), multiplied by 0.0020; and
(‘‘B) the product obtained by multiplying—
(i) the sum of—
(I) the average principal outstanding for the calendar year on loans made by the bank that are in nonaccrual status; and
(II) the average amount outstanding for the calendar year of other-than-temporarily impaired investments made by the bank by (ii) 0.0020;’’
(2) by striking paragraph (4);
(3) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and
(4) in paragraph (1) the following:
‘‘(2) DEDUCTIONS FROM AVERAGE OUTSTANDING INSURED OBLIGATIONS.—The average outstanding insured obligations issued by the bank for the calendar year referred to in paragraph (1)(A) shall be reduced by deducting from the obligations the sum of (as determined by the Corporation)—
(A) 90 percent of each of—
(I) the average principal outstanding for the calendar year on the guaranteed portions of Federal government-guaranteed investments made by the bank that are in nonaccrual status; and
(II) the average amount outstanding for the calendar year of the guaranteed portions of Federal government-guaranteed investments made by the bank that are not permanently impaired; and
(B) 80 percent of each of—
(i) the average principal outstanding for the calendar year on the guaranteed portions of State government-guaranteed loans made by the bank that are nonaccrual; and
(ii) the average amount outstanding for the calendar year of the guaranteed portions of State government-guaranteed investments made by the bank that are not permanently impaired; ’’;
(5) in paragraph (3) (as so redesignated by paragraph (3) of this subsection), by striking ‘‘usual’’; and
(6) in paragraph (4) (as so redesignated by paragraph (3) of this subsection)—
(A) in the paragraph heading, by inserting ‘‘or investments’’ after ‘‘LOANS’’; and
(B) in the matter preceding subparagraph (A), by striking ‘‘As used’’ and all that follows through ‘‘guaranteed’’— and inserting “This section, the term ‘government-guaranteed’, when applied to a loan or an investment, means a loan, credit, or investment, or...
portion of a loan, credit, or investment, that is
guaranteed”;

(b) AMOUNT IN FUND EXCEEDING SECURE BASE
AMOUNT.—Section 5.55(b) of such Act (12 U.S.C. 2277a-4(b)) is amended by striking “annual”.

(c) SECURE BASE AMOUNT.—Section 5.55(c) of such Act (12 U.S.C. 2277a-4(c)) is amended—

(1) by striking “For purposes” and inserting the following:

“(1) in general.—For purposes”;

(2) by striking “(adjusted downward” and all that follows through “by the Corporation” and inserting “(as adjusted under paragraph (2))”;

(3) by adding at the end the following:

“(2) ADJUSTMENT.—The aggregate outstanding insured obligations of all insured
System banks under paragraph (1) shall be adjusted downward to exclude an amount
equal to the sum of (as determined by the Corporation)

“(A) 90 percent of each of—

(i) the guaranteed portions of principal outstanding on Federal government-guaran-
teed loans in accrual status made by the bank;

(ii) the guaranteed portions of the amount of Federal government-guaranteed
investments made by the banks that are not
permanently impaired; and

(B) 80 percent of each of—

(i) the guaranteed portions of principal outstanding on Federal government-guaran-
teed loans in accrual status made by the banks;

(ii) the guaranteed portions of the amount of Federal government-guaranteed
investments made by the banks that are not
permanently impaired.”;

(d) DETERMINATION OF LOAN AND INVEST-
MENT ACCUMULATION.—Section 5.55(d) of such Act (12 U.S.C. 2277a-4(d)) is amended—

(1) in the subsection heading, by striking “PRINCIPAL OUTSTANDING” and inserting “LOAN AND INVESTMENT AMOUNTS”;

(2) in the matter preceding paragraph (1), by striking “For purposes” and all that follows through “made—” and inserting “For the purpose of subsections (a) and (c), the principal outstanding on all loans made by an insured System bank, and the amount outstanding on all investments made by an insured System bank, shall be determined based on—”;

(3) in each of paragraphs (1), (2), and (3), by inserting “all loans or investments made before the beginning of the period it appears; and

(4) in each of paragraphs (1) and (2), by inserting “or investments” after “that is able
to make such loans” each place it appears.

(e) ALLOCATION TO SYSTEM INSTITUTIONS OF EXCESS RESERVES.—Section 5.55(e) of such Act (12 U.S.C. 2277a-4(e)) is amended—

(1) in paragraph (3), by striking “the average
secure base amount for the calendar year (as calculated on an average daily balance
basis) and inserting “the secure base amount”;

(2) in paragraph (4), by striking subpara-
graph (B) and inserting the following:

“(B) there shall be credited to the allo-
cated insurance reserves account of each ins-
sured system bank an amount that bears the
same ratio to the total amount (less any amount credited under subparagraph (A)) as

(i) the average principal outstanding for
the calendar year on insured obligations
issued by the bank (after deducting from the principal amounts of the guaranteed
portions of loans and investments described in subsection (a)(2)); bears to

(ii) the average principal outstanding for
the calendar year on insured obligations
issued by all insured System banks (after de-
ducting from the principal the percentages
of the guaranteed portions of loans and invest-
ments described in subsection (a)(2));”;

and

(3) in paragraph (6) (A) in renumbered paragraph (A)—

(i) in the matter preceding clause (i), by striking “beginning more” and all that follows through “January 1, 2005”;

(ii) by striking clause (i) and inserting the following:

“(i) subject to paragraph (D), pay to each insured System bank, in a manner de-
termined by the Corporation, an amount equal to the balance in the Associated Insur-
ance Reserves Account of the System bank; and

(iii) in clause (i) (B) (i) (by striking “(in addition to the amounts described in subparagraph (F)(ii))” and

(ii) by striking clause (ii) and inserting the following:

“(ii) TERMINATION OF ACCOUNT.—On dis-
bursement of an amount equal to $56,000,000, the Corporation shall

(A) close the account established under paragraph (1)(B); and

(B) transfer any remaining funds in the
Account to the remaining Associated Insurance
Reserves Accounts in accordance with paragraph (4)(B) for the calendar year in
which the transfer occurs.”; and

(f) by striking subparagraph (F);

SEC. 5405. CERTIFICATION OF PREMIUMS.

(a) FILING CERTIFIED STATEMENT.—Section
5.56 of the Farm Credit Act of 1971 (12 U.S.C. 2277a-5) is amended by striking subsection (a) and inserting the following:

“(a) FILING CERTIFIED STATEMENT.—On a date to be determined in the sole discretion of the Board of Directors of the Corporation, each insured System bank that became in-
sured before the beginning of the period for
which premiums are being assessed (referred to in this section as the ‘period’) shall file with the Corporation a certified statement showing—

(1) the average outstanding insured obliga-
tions for the period issued by the bank;

(2) the average principal outstanding for the period of Federal government-guaran-
teed investments that are not permanently impaired (as defined in section 5.55(a)(4));

(3)(A) the average principal outstanding for
the period on State government-guaran-
teed loans that are in accrual status; and

(B) the average principal outstanding for the period of Federal government-guaran-
teed investments that are not permanently impaired (as defined in section 5.55(a)(4));

(4)(A) the average principal outstanding for
the period on insured obligations that are in non-
accrual status; and

(5) the amount of the premium due from
the Corporation for the bank for the period.”;

(b) PREMIUM PAYMENTS.—Section 5.56 of such Act (12 U.S.C. 2277a-5) is amended by striking subsection (a) and inserting the following:

“(c) PREMIUM PAYMENTS.—

(1) in general.—Except as provided in
paragraph (2), each insured System bank shall pay to the Corporation the premium
subject to the amount of the premium, not
more frequently than once in each calendar
quarter, in such manner and at such 1 or
more times as the Board of Directors shall
prescribe.

(2) PREMIUM AMOUNT.—The amount of the
premium shall be established not later than
60 days after filing the certified statement specifying the amount of the premium.

(c) SUBSEQUENT PREMIUM PAYMENTS.—Sec-
tion 5.56 of such Act (12 U.S.C. 2277a-5) is amended—

(1) by striking subsection (d); and

(2) by redesignating subsection (e) as sub-
section (d).

SEC. 5406. RURAL UTILITY LOANS.

(a) DEFINITION OF QUALIFIED LOAN.—Sec-
tion 8.6(a)(9) of the Rural Electrification Act of 1936 (7 U.S.C. 931 et seq.) is amend-
ed—

(1) in paragraph (A), by striking “or” and inserting “or” at the end;

(2) in subparagraph (B)(ii), by striking the period at the end and inserting “; or”;

(3) by adding at the end the following:

“(C) a loan for agricultural credit by a co-
operative lender to a borrower that has re-
ceived, or is eligible to receive, a loan under
the Natural Electric Association, Inc., the
Natural Electric Cooperative, or the National Electric Cooperative Association;”;

(b) GUARANTEE OF QUALIFIED LOANS.—Sec-
tion 8.8(a)(1) of such Act (12 U.S.C. 2279a-
6(a)(1)) is amended by inserting “applicable” before “standards” each place it appears in subparagraphs (A) and (B)(i).

(c) STANDARDS FOR QUALIFIED LOANS.—Sec-
tion 8.8 of such Act (12 U.S.C. 2279a-6(a)) is amended—

(1) in subsection (a) (A) by striking the first sentence and inserting the following:

“(1) in general.—The Corporation shall estab-
lish underwriting, security appraisal, and
repayment standards for qualified loans tak-
ing into account the nature, risk profile, and
other differences between different categories of qualified loans.

(2) SUPERVISION, EXAMINATION, AND RE-
PORT OF CONDITION.—The standards shall be
subject to the authorities of the Farm Credit Administration under section 8.11.”; and

(B) in the last sentence, by striking “in es-
tablishing” and inserting the following: “(3) MORTGAGE LOANS.—In establishing:”;

(4) by striking subsection (d); and

(5) by redesigning subsection (e) as sub-
section (d).

(d) RISK-BASED CAPITAL LEVELS.—Section
8.32(a)(1) of such Act (12 U.S.C. 2279a-11a(a)(1)) is amended—

(1) by striking “With respect” and inserting the following:

“(A) in general.—With respect;”;

(2) by adding at the end the following:

“(B) RURAL UTILITY LOANS.—With respect to
loans described in section 8.09(b)(2) of such Act (12 U.S.C. 2279b-1(a)(1)) is amended—

(1) by striking subsection (d); and

(2) by redesigning subsection (e) as sub-
section (d).
at a rate of default and severity reasonably related to risks in electric and telephone facility loans (as applicable), as determined by the Director.

SEC. 5.17. EQUALIZATION OF LOAN-MAKING POWERS OF CERTAIN DISTRICT ASSOCIATIONS.

(a) In General.—The Farm Credit Act of 1971 is amended by inserting after section 7.6 (12 U.S.C. 2279b) the following:

"SEC. 7.7. EQUALIZATION OF LOAN-MAKING POWERS OF CERTAIN DISTRICT ASSOCIATIONS.

(a) Equalization of Loan-Making Powers.—

"(1) IN GENERAL.—

"(A) FEDERAL LAND BANK ASSOCIATIONS.—

Subject to paragraph (2), any association that is a Federal land bank association authorized as of January 1, 2007, to make long-term loans under title I in its chartered territory within the geographic area described in subsection (b) may make short- and intermediate-term loans and otherwise operate as a production credit association under title II within that same chartered territory.

"(B) PRODUCTION CREDIT ASSOCIATIONS.—

Subject to paragraph (2), any association that under its charter has title I lending authority and is a production credit association authorized as of January 1, 2007, to make short- and intermediate-term loans under title II in its chartered territory within the geographic area described in subsection (b) may make long-term loans and otherwise operate, directly or through a subsidiary association, as a Federal land bank association or Federal land credit association under title I in the geographic area.

"(C) FARM CREDIT BANK.—Notwithstanding section 5.17(a), the Farm Credit Bank with which any association had a written financing agreement as of January 1, 2007, may make loans and extend other comparable financial assistance with respect to, and may purchase, any loans made under the new authority provided under subparagraph (A) or (B) by an association exercising such authority.

"(2) REQUIRED APPROVALS.—An association may exercise the additional authority provided for in paragraph (1) only after the exercise of such authority is approved by—

"(A) the board of directors of the association; and

"(B) a majority of the voting stockholders of the association (or, if the association is a subsidiary of another association, the voting stockholders of the parent association) voting, in person or by proxy, at a duly authorized meeting of stockholders in accordance with the process described in section 7.11.

"(b) APPLICABILITY.—This section applies only to associations the chartered territory of which was within the geographic area served by the Federal intermediate credit bank immediately prior to its merger with a Farm Credit Bank under section 410(e)(1) of the Agricultural Credit Act of 1987 (12 U.S.C. 2011 note; Public Law 100–231).

(b) Amendments.—Section 5.17(a) of the Farm Credit Act of 1971 (12 U.S.C. 2252a(a)) is amended by adding at the end the following:

"(d) SPECIAL EVALUATION ASSISTANCE FOR RURAL COMMUNITIES AND HOUSEHOLD PROGRAM.

"(1) IN GENERAL.—The Secretary may establish the Special Evaluation Assistance for Rural Communities and Households Program, to make predetermination planning grants for feasibility studies, design assistance, and technical assistance, to financially distressed communities in rural areas with populations of 2,500 or fewer inhabitants for water and waste disposal projects described in paragraph (1), this paragraph, and paragraph (2).

"(2) FIRST PRELIMINARY PROGRAM.—

"(A) DOCUMENTATION.—With respect to grants made under this subparagraph, the Secretary shall require the lowest amount of documentation satisfactory to demonstrate the need for the grant.

"(B) MATCHING.—Notwithstanding any other provisions in this subsection, the Secretary may fund up to 100 percent of the eligible costs of grants provided under this subparagraph, as determined by the Secretary.

"(c) CONFORMING AMENDMENTS.—

"(1) Section 5.17(a)(2) of the Farm Credit Act of 1971 (12 U.S.C. 2252a(a)(2)) is amended—

"(A) by striking ""(2A)"" and inserting ""(2D)""; and

"(B) by striking subparagraphs (B) and (C).


"(3) Section 401 of the 1982 Act.—Section 401(b) of the Farm Credit Banks and Associations Safety and Soundness Act of 1992 (12 U.S.C. 2011 note; Public Law 102-552) is amended by—

"(A) by inserting ""except section 7.7 of the Farm Credit Act of 1971"" after ""provision of law""; and

"(B) by striking ""subject to such limitations and all that follows through the end of the paragraph and inserting a period.

"(d) EFFECTIVE DATE.—The amendments made by this section take effect on January 1, 2010.

Subtitle F—Miscellaneous

SEC. 5501. LOANS TO PURCHASERS OF HIGHLY FRACTIONATED LAND.

The first sentence of section 210(c) of Public Law 91-229 (25 U.S.C. 488) is amended—

"(1) by striking ""That the Secretary"" and inserting the following:

"(2) In general.—

"(B) high-yield, highly fractionated land.—

"(1) In general.—

"(B) by striking subparagraph (A) and inserting the following:

"(B) by striking ""section 210 of the Consolidated Farm and Rural Development Act of 1987 (Public Law 100-231);"" and

"(C) special evaluation assistance for rural communities and households program.—

"(D) by striking section 210 of the Consolidated Farm and Rural Development Act of 1987 (Public Law 100-231);"; and

"(C) special evaluation assistance for rural communities and households program.—

"(D) by inserting ""except section 7.7 of the Farm Credit Act of 1971"" after ""provision of law""; and

"(B) by striking ""subject to such limitations and all that follows through the end of the paragraph and inserting a period.

"(d) EFFECTIVE DATE.—The amendments made by this section take effect on January 1, 2010.

Subtitle G—Miscellaneous

SEC. 6001. WATER, WASTE DISPOSAL, AND WASTE-FACILITY GRANTS.

(a) In general.—

"(B) by striking paragraphs (B) and (C) and inserting the following:

"(B) by striking ""Federal Share"" and inserting ""Federal share;"" and

"(C) by striking paragraph (D) and inserting the following:

"(D) by striking paragraph (F) and inserting the following:

"(F) by striking paragraph (H) and inserting the following:

"(H) not less than 5 percent of the total amount of funds made available for a fiscal year for water, waste disposal, and essential community facility activities under this title to carry out this subparagraph.

"(B) by striking paragraphs (A) and (B) and inserting the following:

"(A) by inserting ""except section 7.7 of the Farm Credit Act of 1971"" after ""provision of law""; and

"(B) by striking ""subject to such limitations and all that follows through the end of the paragraph and inserting a period.

"(d) EFFECTIVE DATE.—The amendments made by this section take effect on January 1, 2010.
(b) RURAL COMMUNITIES ASSISTANCE.—Section 4011 of the Solid Waste Disposal Act (42 U.S.C. 6994) is amended by adding at the end the following:

"(5) the Secretary shall determine the maturity of the loan, adjusted to the nearest 1/8 of 1 percent, and (6) in the case of a loan that would be subject to the 7 percent limit under subparagraph (A), the Secretary shall determine the interest rate at a rate that is equal to 60 percent of the current market yield for outstanding municipal obligations with remaining periods to maturity comparable to the average maturity of the loan, adjusted to the nearest 1/8 of 1 percent; and (ii) in the case of a loan that would be subject to the 7 percent limit under subparagraph (A), the Secretary shall determine the interest rate at a rate that is equal to 80 percent of the current market yield for outstanding municipal obligations with remaining periods to maturity comparable to the average maturity of the loan, adjusted to the nearest 1/8 of 1 percent.

(ii) EXCEPTION.—Clause (i) does not apply to a loan for a specific project that is the subject of a loan that has been approved, but not closed, as of the date of enactment of this subparagraph.

SEC. 6012. COOPERATIVE EQUITY SECURITY GUARANTEES.—(a) ELIGIBILITY.—Section 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1927a(b)) is amended by striking clause (ii) and inserting the following:

"(ii) in General.—The Secretary shall determine the maturity of the loan, adjusted to the nearest 1/8 of 1 percent, and (b) by adding at the end the following:

"(iii) The Secretary may guarantee a loan made for the purchase of pre-forested stock or similar equity issued by a cooperative organization or a fund that invests primarily in cooperative organizations, if the guarantee significantly benefits 1 or more entities eligible for assistance for the purposes described in subsection (a)(1), as determined by the Secretary.; (c) in paragraph (1) by striking "a project" and inserting "a project and all that follows through the end of subclause (II) and inserting "a project that; (2) (I) is in a rural area; and (b) provides for the value-added processing of agricultural commodities; or (II) significantly benefits 1 or more entities eligible for assistance for the purposes described in subsection (a)(1), as determined by the Secretary.; (b) CONFORMING AMENDMENTS.—(1) Section 307(a)(4) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932a(a)(4)(A)) is amended by striking clause (i) and inserting the following:

"(ii) the sentence beginning "As used in this subsection, the" and inserting the following:

"(A) Aquaculture.—The; (C) in the sentence beginning “For the pur-poses of this subsection, the”, by striking “For the purposes of this subsection, the” and inserting the following:

"(B) rural communities assistance.—Section 4011 of the Solid Waste Disposal Act (42 U.S.C. 6994) is amended by adding at the end the following:

"(D) in the sentence beginning “The Sec- retary may also”—

"(i) by striking “The Secretary may also” and inserting the following:

"(e) AUTHORITY TO AWARD MULTIYEAR GRANTS.—Section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1923c(e)) is amended by striking paragraph (6) and inserting the following:

"(F) GRANT PERIOD.—(1) The Secretary may extend the grant period in accordance with paragraphs (2) and (3), as determined by the Secretary.

(b) AUTHORITY TO AWARD MULTIYEAR GRANTS.—Section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1923c(e)) is amended by striking paragraph (6) and inserting the following:

"(G) GRANT PERIOD.—(1) The Secretary may extend the grant period in accordance with paragraphs (2) and (3), as determined by the Secretary.

(2) by inserting after paragraph (6) the following:

"(7) AUTHORITY TO EXTEND GRANT.—The Secretary may extend for 1 additional 12-month period the period in which a grantee may use a grant made under this subsection.

(c) cooperative research program.—Section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1923c(e)) is amended by striking paragraph (8) and inserting the following:

"(10) COOPERATIVE RESEARCH PROGRAM.—The Secretary shall enter into a cooperative research program with 1 or more qualified academic institutions in each fiscal year to conduct research on the effects of all types of cooperatives on the national economy.

(2) by inserting after paragraph (10) the following:

"(11) ADDRESSING NEEDS OF MINORITY COMMUNITIES.—(A) DEFINITION OF SOCIAL DISADVANTAGED GROUP.—In this paragraph, the term
socially disadvantaged group" has the meaning given in the term in section 353(e).

(B) RESERVATION OF FUNDS.—(i) In general.—If the total amount appropriated under paragraph (12) for a fiscal year exceeds $75,000,000, the Secretary shall reserve an amount equal to 20 percent of the total amount appropriated for grants for cooperative conservation centers, individual cooperatives, or groups of cooperatives—

(ii) that serve socially disadvantaged groups; and

(iii) of the majority of the boards of directors or governing boards of which are comprised of individuals who are members of socially disadvantaged groups; and

(ii) INSUFFICIENT APPLICATIONS.—To the extent there are insufficient applications to carry out clause (i), the Secretary shall use the funds as otherwise authorized by this subsection.

(f) AUTHORIZATION OF APPROPRIATIONS.—(1) In general.—Paragraph (12) of section 310b(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(e)) (as redesignated by subsection (c)(1)) is amended by striking "2006 through 2007" and inserting "2008 through 2012".

SEC. 6014. GRANTS TO BROADCASTING SYSTEMS.

Section 3102(b)(3) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(b)(3)) (as redesignated by subsection (c)(1)) is amended by striking "2002 through 2007" and inserting "2008 through 2012".

SEC. 6015. LOCALLY OR REGIONALLY PRODUCED AGRICULTURAL FOOD PRODUCTS.

Section 3102(g) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(g)) is amended by adding at the end the following:

(9) LOCALLY OR REGIONALLY PRODUCED AGRICULTURAL FOOD PRODUCTS.—(A) DEFINITIONS.—In this paragraph:

(i) LOCALLY OR REGIONALLY PRODUCED AGRICULTURAL FOOD PRODUCT.—The term "locally or regionally produced agricultural food product" means any agricultural food product that is raised, produced, and distributed in—

(I) the locality or region in which the final product is marketed, so that the total distance that the product is transported is less than 400 miles from the origin of the product's income.

(II) the State in which the product is produced.

(ii) UNDERSERVED COMMUNITY.—The term "underserved community" means an area characterized by (I) a community (including an urban or rural community and an Indian tribal community) that has, as determined by the Secretary—

(I) no access to affordable, healthy foods, including fresh fruits and vegetables, in grocery retail stores or farmer-to-consumer direct markets; and

(II) a high rate of hunger or food insecurity or a high poverty rate.

(iii) LOAN AND LOAN GUARANTEE PROGRAM.

In general.—The Secretary shall make or guarantee loans to individuals, cooperatives, cooperative organizations, businesses, and other entities to establish and facilitate enterprises that process, distribute, aggregate, store, and market locally or regionally produced agricultural food products to support community development and farm and ranch income.

(ii) REQUIREMENT.—The recipient of a loan or loan guarantee under clause (i) shall include in an appropriate agreement with retail and institutional facilities to which the recipient sells locally or regionally produced agricultural food products a requirement to inform consumers of the retail or institutional facilities that the consumers are purchasing or consuming locally or regionally produced agricultural food products.

(iii) PRIORITY.—In making or guaranteeing a loan under clause (i), the Secretary shall give priority to projects that have components benefiting underserved communities.

(4) REPORTS.—Not later than 2 years after the date of enactment of this paragraph and annually thereafter, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes projects carried out using loans or loan guarantees made under clause (1), including—

(I) the characteristics of the communities served; and

(II) resulting benefits.

SEC. 6016. APPROPRIATE TECHNOLOGY TRANSFER FOR RURAL AREAS.

Section 3108 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(f)) is amended by adding at the end the following:

(1) APPROPRIATE TECHNOLOGY TRANSFER FOR RURAL AREAS PROGRAM.—(A) DEFINITION.—The term "appropriate technology assistance institution" means an institution that—

(i) is a nonprofit corporation, organization, or association;

(ii) has experience and expertise in operating national agriculture technical assistance programs;

(iii) supports expanded opportunities for transfer for rural areas program to assist agricultural producers to improve the quality and production of such crop; and

(iv) has staff and offices in multiple regions of the United States.

(B) GRANT AMOUNT.—(i) IN GENERAL.—For each fiscal year the Secretary shall reserve not less than 5 percent of the funds made available to carry out this subsection to carry out this subparagraph.

(ii) AVAILABILITY OF FUNDS.—Funds reserved under clause (i) for a fiscal year shall be reserved until April 1 of the fiscal year.

(C) IMPLEMENTATION.—(i) IN GENERAL.—The recipient of a grant to implement this subparagraph, if the Under Secretary finds that the recipient is capable of carrying out the program under this subsection by making a grant to, or entering into a cooperative agreement with, a national nonprofit agricultural assistance institution, shall—

(A) reduce input costs;

(B) conserve energy resources;

(C) diversify operations through new enterprises and by using practices that improve the environment, natural resource base, and quality of life; and

(D) improves the economic viability of agriculture operations.

(ii) ESTABLISHMENT.—The Secretary shall establish a national appropriate technology transfer for rural areas program to assist agricultural producers that are seeking information to—

(A) reduce input costs;

(B) conserve energy resources;

(C) diversify operations through new enterprises and by using practices that improve the environment, natural resource base, and quality of life; and

(D) expands markets for the agricultural commodities produced by producers through the use of practices that enhance the environment, natural resource base, and quality of life.

SEC. 6017. RURAL ECONOMIC AREA PARTNERSHIP PROGRAM.

Section 3108 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932) (as amended by section 6016) is amended by adding at the end the following:

(1) RURAL ECONOMIC AREA PARTNERSHIP PROGRAM.—(A) IN GENERAL.—Subject to subparagraphs (B) through (G), the term "rural economic area" means any area other than—

(i) a city or town that has a population of greater than 20,000 inhabitants; and

(ii) any urbanized area contiguous and adjacent to a city or town described in clause (i).

(B) WATER AND WASTE DISPOSAL GRANTS AND DIRECT AND GUARANTEED LOANS.—For the purpose of water and waste disposal grants and direct and guaranteed loans provided under paragraphs (1), (2), and (24) of section 3906A, the term "rural economic area" means any area other than a city, town, or unincorporated area that has a population of no more than 10,000 inhabitants.

(C) COMMUNITY FACILITY LOANS AND GRANTS.—For the purpose of community facility direct and guaranteed loans and grants under paragraphs (1), (19), (20), (21), and (24) of section 3906A, the term "rural economic area" means any area other than a city, town, or unincorporated area that has a population of greater than 20,000 inhabitants.

(D) AREAS RURAL IN CHARACTER.—(i) IN GENERAL.—The recipient of a grant described in subparagraphs (A)(ii) and (F) that—

(aa) has 2 points on its boundary that are at least 40 miles apart; and

(bb) is not contiguous or adjacent to a city or town that has a population of greater than 150,000 inhabitants or an urbanized area of such city or town; and

is an area described in subparagraphs (A)(ii) and (F) that is within 1 mile of a rural area described in subparagraph (A).

(ii) DETERMINATION.—Notwithstanding any other provision of this paragraph, on the petition of a unit of local government in an area described in clause (i) or on the initiative of the Under Secretary for Rural Development, the Under Secretary may determine that a part of an area described in clause (i) is a rural area for the purposes of this paragraph if the Under Secretary finds that the part is rural in character, as determined by the Under Secretary.

(iii) ADMINISTRATION.—In carrying out this program the Under Secretary for Rural Development shall—

(I) not delegate the authority to carry out this subparagraph to the applicable rural development State or regional director of the Department of Agriculture and the governor of the respective State; and

(II) provide to the petitioner an opportunity to appeal to the Under Secretary a determination made under this subparagraph.

(iv) RELEASE TO PUBLIC NOTICE OF PETITION.—If the Under Secretary receives a petition under this subparagraph not later than 30 days after receipt of the petition or
the commencement of the initiative, as appropriate:—

‘‘(V) make a determination under this subparagraph not less than 15 days, and not more than 60 days, after the release of the notice under subclause (V)’’;

‘‘(VI) submit to the Committee on Agriculture of the House of Representatives, the Committee on Agriculture, Nutrition, and Forestry of the Senate, an annual report on actions taken to carry out this subparagraph; and

‘‘(VII) terminate a determination under this subparagraph that part of an area is a rural area on the date that data is available for the next decennial census conducted under section H1(a) of title 13, United States Code.

‘‘(E) EXCLUSIONS.—Notwithstanding any other provision of this paragraph, in determining which census blocks in an urbanized area are not in a rural area (as defined in this paragraph), the Secretary shall exclude any cluster of census blocks that would otherwise be considered not in a rural area only because the cluster is adjacent to not more than 2 census blocks that are otherwise considered not in a rural area under this paragraph.

‘‘(F) URBAN AREA GROWTH.—

‘‘(i) APPLICATION.—This subparagraph applies to—

‘‘(AA) any area that—

‘‘(aa) is a collection of census blocks that are contiguous to each other;

‘‘(bb) has a housing density that the Secretary estimates is greater than 200 housing units per square mile; and

‘‘(cc) is contiguous or adjacent to an existing boundary of a rural area; and

‘‘(BB) any urbanized area contiguous and adjacent to a city or town described in subparagraph (A)(i).

‘‘(ii) ADJUSTMENTS.—The Secretary may, by regulation, consider—

‘‘(AA) an area described in clause (i)(I) not to be a rural area for purposes of subparagraphs (A) and (C); and

‘‘(BB) an area described in clause (i)(II) not to be a rural area for purposes of subparagraph (C).

‘‘(iii) APPEALS.—A program applicant may appeal a determination made under clause (i)(I) based on appropriate data for an area, as determined by the Secretary.

‘‘(G) HAWAII AND PUERTO RICO.—Notwithstanding any other provision of this paragraph, within the areas of the County of Honolulu, Hawaii, and the Commonwealth of Puerto Rico, the Secretary may designate any part of such an area as a rural area if the Secretary determines that the part is not urban in character, other than any area included in the Honolulu Census Designated Place or the San Juan Census Designated Place.

‘‘(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall prepare and submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that—

‘‘(1) assesses the various definitions of the term ‘rural’ and ‘rural area’ that are used with respect to programs administered by the Secretary;

‘‘(2) describes the effects that the variations in those definitions have on those programs;

‘‘(3) recommends for ways to better target fund programs through rural development programs; and

‘‘(4) determines the effect of the amendment made by subsection (b) on the level of rural development funding and participation in those programs in each State.

SEC. 6019. NATIONAL RURAL DEVELOPMENT PARTNERSHIP.

Section 378 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008m) is amended—

(1) in subsection (g)(1), by striking ‘‘2003 through 2007’’ and inserting ‘‘2008 through 2012’’; and

(2) in subsection (h), by striking ‘‘the date that is 5 years after the date of enactment of this section’’ and inserting ‘‘September 30, 2012’’.

SEC. 6290. HISTORIC BARN PRESERVATION.

(a) GRANT PRIORITY.—Section 378A(c) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008o(c)) is amended—

(1) in paragraph (2),

(A) in subparagraphs (A) and (B), by striking ‘‘a historic barn’’ each place it appears and inserting ‘‘historic barn’’; and

(B) in subparagraph (C), by striking ‘‘on a historic barn’’ and inserting ‘‘on historic barns (including surveys)’’;

(2) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(3) by inserting after paragraph (2) the following—

‘‘(3) PRIORITIZATION.—In making grants under this subparagraph, the Secretary shall give the highest priority to funding projects described in paragraph (2)(C).’’;

(b) AUTHORIZATION OF APPROPRIATIONS.

Section 379A(d) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008o(d)) (as redesignated by subsection (b)(2)) is amended by striking ‘‘2008 through 2007’’ and inserting ‘‘2008 through 2012’’.

SEC. 6021. GRANTS FOR NOAA WEATHER RADIO TRANSMITTERS.

Section 579(b)(4) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008m) is amended by striking ‘‘2008 through 2007’’ and inserting ‘‘2008 through 2012’’.

SEC. 6022. RURAL MICROENTERPRENEUR ASSISTANCE PROGRAM.

Subtitle D of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008m et seq.) is amended by adding at the end the following:

‘‘SEC. 379E. RURAL MICROENTERPRENEUR ASSISTANCE PROGRAM.

‘‘(a) DEFINITIONS.—In this section—

‘‘(1) INDIAN TRIBE.—The term ‘Indian tribe’ has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

‘‘(2) MICROENTERPRENEUR.—The term ‘microentreprise’ means an owner and operator, or prospective owner and operator, of a rural microenterprise who is unable to obtain sufficient training, technical assistance, or credit other than under this section, as determined by the Secretary.

‘‘(3) MICROENTERPRENEUR DEVELOPMENT ORGANIZATION.—The term ‘microentreprise development organization’ means an organization that—

‘‘(A) is—

‘‘(i) a nonprofit entity;

‘‘(ii) an Indian tribe, the tribal government of which certifies to the Secretary that—

‘‘(I) no microentreprise development organization serves the Indian tribe; and

‘‘(II) no rural microentreprise assistance program exists under the jurisdiction of the Indian tribe; and

‘‘(iii) a public institution of higher education;

‘‘(B) provides training and technical assistance to rural microentrepreneurs;

‘‘(C) facilitates access to capital or another service described in subsection (b) for rural microentrepreneurs; and

‘‘(D) maintains an accumulated record of delivering services to rural microentrepreneurs, or an effective plan to develop a program to deliver services to rural microentrepreneurs, as determined by the Secretary.

‘‘(4) MICROLOAN.—The term ‘microloan’ means a business loan of not more than $25,000 that is provided to a rural microenterprise.

‘‘(5) PROGRAM.—The term ‘program’ means the rural microentreprise assistance program established under subsection (b).

‘‘(6) RURAL MICROENTERPRENEUR ASSISTANCE PROGRAM.—The term ‘rural microentreprise’ means—

‘‘(A) a sole proprietorship located in a rural area or

‘‘(B) a business entity with not more than 10 full-time-equivalent employees located in a rural area.

‘‘(b) RURAL MICROENTERPRENEUR ASSISTANCE PROGRAM.

‘‘(1) ESTABLISHMENT.—The Secretary shall establish a rural microentreprise assistance program to provide loans and grants to support microentrepreneurs in the development and ongoing success of rural microenterprises.

‘‘(2) PURPOSE.—The purpose of the program is to provide microentrepreneurs with—

‘‘(A) the skills necessary to establish new rural microenterprises and

‘‘(B) continuing technical and financial assistance related to the successful operation of rural microenterprises.

‘‘(3) LOANS.—

‘‘(A) IN GENERAL.—The Secretary shall make loans to microentreprise development organizations for the purpose of providing fixed interest rate microloans to microentrepreneurs for startup and growing rural microenterprises.

‘‘(B) LOAN TERMS.—A loan made by the Secretary to a microentreprise development organization under this paragraph shall—

‘‘(i) be for a term not to exceed 20 years; and

‘‘(ii) bear an annual interest rate of at least 1 percent.

‘‘(c) GRANTS.—

‘‘(A) GRANTS TO SUPPORT RURAL MICROENTERPRISE DEVELOPMENT.—

‘‘(i) IN GENERAL.—The Secretary shall make grants to microentreprise development organizations to—

‘‘(I) provide training, operational support, business planning, and market development assistance, and other related services to rural microentrepreneurs; and

‘‘(II) carry out such other projects and activities as the Secretary determines appropriate to further the purposes of the program.

‘‘(ii) SELECTION.—In making grants under clause (i), the Secretary shall—

‘‘(I) place an emphasis on microentreprise development organizations that serve microentrepreneurs that are located in rural areas that have suffered significant outward migration, as determined by the Secretary; and

‘‘(II) ensure, to the maximum extent practicable, that grant recipients are rural microentreprise development organizations—

‘‘(aa) of varying sizes; and
(bb) that serve racially and ethnically diverse populations.

(B) GRANTS TO ASSIST MICROENTERPRISE DEVELOPMENT ORGANIZATIONS—

(1) IN GENERAL.—The Secretary shall make grants to microenterprise development organizations to provide marketing, management, and other technical assistance to microenterprise development organizations.

(2) MATCH.—The Secretary shall use the remaining balance of microloans made by the Commodity Credit Corporation, the Secretary shall use to carry out this section, to amounts made available under paragraph (3), or (C) ADMINISTRATION.—

(c) ADMINISTRATION.—Not more than 10 percent of a grant received by a microenterprise development organization for a fiscal year under this paragraph may be used to pay administrative expenses.

(d) ADMINISTRATION.—Not more than 10 percent of a grant received by a microenterprise development organization for a fiscal year under this paragraph may be used to pay administrative expenses.

(c) ADMINISTRATION.—Not more than 10 percent of a grant received by a microenterprise development organization for a fiscal year under this paragraph may be used to pay administrative expenses.

(b) MAXIMUM AMOUNT OF GRANT.—A microenterprise development organization shall be eligible to receive an annual grant under this subparagraph in an amount equal to not more than 25 percent of the total outstanding balance of microloans made by the microenterprise development organization under paragraph (3), as of the date the grant is awarded.

(2) MATCH.—The Secretary shall use the remaining balance of microloans made by the Commodity Credit Corporation, the Secretary shall use to carry out this section, to amounts made available under paragraph (3), or

(b) ADMINISTRATION.—Not more than 10 percent of a grant received by a microenterprise development organization for a fiscal year under this paragraph may be used to pay administrative expenses.

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(b) ADMINISTRATION.—Not more than 10 percent of a grant received by a microenterprise development organization for a fiscal year under this paragraph may be used to pay administrative expenses.
(3) in subsection (b)(2), by striking “the Federal cochairperson” and inserting “a cochairperson”;
(4) in subsection (g)(1), by striking subparagraph (A) through (C) and inserting the following:
“(A) for each of fiscal years 2008 and 2009, 100 percent;
“(B) for fiscal year 2010, 75 percent; and
“(C) for fiscal year 2011 and each fiscal year thereafter, 50 percent.”

(c) INTERSTATE COOPERATION FOR ECONOMIC OPPORTUNITY AND EFFICIENCY.—

(1) IN GENERAL.—Subtitle G of the Consolidated Farm and Rural Development Act is amended—

(A) redesignating sections 383C through 383N (7 U.S.C. 2009bb-2 through 2009bb-13) as sections 383D through 383Q, respectively; and

(B) by inserting after section 383P (7 U.S.C. 2009bb-1) the following:

“SEC. 383C. INTERSTATE COOPERATION FOR ECONOMIC OPPORTUNITY AND EFFICIENCY.—

“(a) IN GENERAL.—The Authority shall provide assistance to States in developing regional plans to address multistate economic issues, including plans—

“(1) designed to provide a regional transmission system for movement of renewable energy to markets outside the region;

“(2) to address regional transportation concerns concerning the establishment of a Northern Great Plains Regional Transportation Working Group;

“(3) to encourage and support interstate collaboration on federally-funded research that is in the national interest; and

“(4) to establish a Regional Working Group on Agriculture Development and Transportation;

“(b) ECONOMIC ISSUES.—The multistate economic issues referred to in subsection (a) shall include—

“(1) renewable energy development and transmission;

“(2) transportation planning and economic development;

“(3) information technology;

“(4) movement of freight and individuals within the region;

“(5) federally-funded research at institutions of higher education; and

“(6) conservation land management.”.

(2) CONFORMING AMENDMENTS.—

(A) Section 383B(c)(3)(B) of the Consolidated Farm and Rural Development Act (as redesignated by subsection (c)(3)(B)) is amended by striking “383I” and inserting “383J”.

(B) Section 383D(a) of the Consolidated Farm and Rural Development Act (as redesignated by paragraph (1)(A)) is amended by striking “383I” and inserting “383J”.

(C) Section 383E of the Consolidated Farm and Rural Development Act (as so redesignated) is amended—

(i) in subsection (b)(1), by striking “383F(b)” and inserting “383D(b)”; and

(ii) in subsection (c)(2)(A), by striking “383I” and inserting “383J”.

(D) Section 383G of the Consolidated Farm and Rural Development Act (as so redesignated) is amended—

(i) in subsection (b)—

(I) in paragraph (1), by striking “383M” and inserting “383N”; and

(II) in paragraph (2), by striking “383D(b)” and inserting “383E(b)”;

(ii) in subsection (c)(2)(A), by striking “383E(b)” and inserting “383F(b)”; and

(iii) in subsection (d)(2), by striking “383M” and inserting “383N”; and

(b) GRANTS TO MULTISTATE, LOCAL, AND REGIONAL DEVELOPMENT DISTRICTS ORGANIZATIONS.—

“(1) IN GENERAL.—The Authority may make grants for administrative expenses incurred by the Authority, local, and regional development districts and organizations.

“(2) CONDITIONS FOR GRANTS.—

“(A) MAXIMUM AMOUNT.—The amount of any grant awarded under paragraph (1) shall not exceed 80 percent of the administrative expenses incurred under the Authority, local, or regional development district or organization receiving the grant.

“(B) MAXIMUM PERIOD.—No grant described in paragraph (1) shall be awarded for a period greater than 3 years.

“(C) LOCAL SHARE.—The contributions of a multistate, local, or regional development district or organization for administrative expenses may be in cash or in kind, fairly evaluated, including space, equipment, and services.

“(D) DUTIES.—

“(1) IN GENERAL.—Except as provided in paragraph (2), a local development district shall operate as a lead organization serving multicounty areas in the region at the local level.

“(2) DESIGNATION.—The Federal cochairperson shall designate an Indian tribe or multimjurisdictional organization to serve as a lead organization in such cases as the Federal cochairperson or Secretary, as appropriate, determines appropriate.

(g) DISTRESSED COUNTIES AND AREAS AND NONDISTRESSED COUNTIES.—Section 383G of the Consolidated Farm and Rural Development Act (as redesignated by subsection (c)(1)(A)) is amended—

(i) in subsection (b)(1), by striking “75” and inserting “50”;

(ii) by striking subsection (c);

(iii) by redesigning subsection (d) as subsection (c); and

(iv) in subsection (c) (as so redesignated) by inserting “RENEWABLE ENERGY” before “TELECOMMUNICATION”.

(h) DEVELOPMENT PLANNING PROCESS.—Section 383H of the Consolidated Farm and Rural Development Act (as redesignated by subsection (c)(1)(A)) is amended—

(i) in subsection (c)(1), by striking subparagraph (A) and inserting the following:

“(A) multistate, regional, and local development districts and organizations; and

(ii) in subsection (d)(1), by striking “State and local development districts” and inserting “multistate, regional, and local development districts and organizations”.

(i) PROGRAM DEVELOPMENT CRITERIA.—Section 383K of the Consolidated Farm and Rural Development Act (as redesignated by subsection (c)(1)(A)) is amended by inserting “multistate or before ‘regional’.”.

(j) AUTHORIZATION OF APPROPRIATIONS.—

Section 383N(a) of the Consolidated Farm and Rural Development Act (as redesignated by subsection (c)(1)(A)) is amended by striking “2002 through 2007” and inserting “2008 through 2012”.

(k) TERMINATION OF AUTHORITY.—Section 383O of the Consolidated Farm and Rural Development Act (as redesignated by subsection (c)(1)(A)) is amended by striking “2007” and inserting “2012”.

SEC. 6027. RURAL BUSINESS INVESTMENT PROGRAM.—

(a) ISSUANCE AND GUARANTEE OF TRUST CERTIFICATES.—Section 384F(b)(3)(A) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009cc-5(b)(3)(A)) is amended by striking “In the event” and inserting the following:

“(i) AUTHORITY TO PREPAY.—A debarment may be prepaid at any time without penalty.

(ii) REDUCTION OF GUARANTEE.—Subject to clause (i),”.

(b) GRANTS TO MULTISTATE, LOCAL, AND REGIONAL DEVELOPMENT DISTRICTS AND ORGANIZATIONS.—

“(1) IN GENERAL.—The Authority may make grants for administrative expenses incurred by the Authority, local, and regional development districts and organizations.
in subsection (a), by striking "such fees as the Secretary considers appropriate" and inserting "a fee that does not exceed $500"; and
(2) in subsection (b), by striking "approved by the Secretary" and inserting "that does not exceed $500"; and
(3) in subsection (c)—
(A) in paragraph (1), by striking "The" and inserting "Except as provided in paragraph (3), the";
(B) in paragraph (2)—
(i) in subparagraph (A), by striking "and" at the end and inserting "with respect to any fee collected under this subsection."; and
(ii) in subparagraph (B), by striking the period at the end and inserting "; and"; and
(iii) by adding at the end the following:
"(C) by adding at the end the following:
""(3) PROHIBITION ON COLLECTION OF CERTAIN FEES.—In the case of a license described in paragraph (1) that was approved before July 1, 2007, the Secretary shall not collect any fees due on or after the date of enactment of this paragraph.
""(c) RURAL BUSINESS INVESTMENT COMPANIES.—Section 384(c) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009cc-8(c)) is amended—
(1) by redesignating paragraph (3) as paragraph (4); and
(2) by inserting after paragraph (2) the following:
""(3) TIME FRAME.—Each rural business investment company shall have a period of 2 years after the date of enactment of this title during which the capital requirements of this subsection.
""(d) FINANCIAL INSTITUTION INVESTMENTS.—Section 384J of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009cc-9) is amended—
(1) in subsection (a)(1), by striking "including an investment pool created entirely by such bank or savings association before the period at the end; and
(2) in subsection (c), by striking "15" and inserting "25."
""(e) CONTRACTING OF FUNCTIONS.—Section 384Q of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009cc-16) is amended—
(1) in subsection (a) and (b), by striking the period at the end and inserting "with respect to grants made by the Secretary to a certified Regional Board under section 385F.
""(f) FUNDING.—The Consolidated Farm and Rural Development Act is amended by striking section 384S (7 U.S.C. 2009cc-18) and inserting the following:
""(g) SEC. 384S. AUTHORIZATION OF APPROPRIATIONS—
""There is authorized to be appropriated to carry out this title $50,000,000 for the period of fiscal years 2008 and 2012.
""SEC. 5028. RURAL COLLABORATIVE INVESTMENT PROGRAM.
Subtitle I of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009dd and seq.) is amended to read as follows:
""Subtitle I—Rural Collaborative Investment Program
""SEC. 385A. PURPOSE.
""The purpose of this subtitle is to establish a regional rural collaborative investment program—
(1) to provide rural regions with a flexible investment vehicle, allowing for local control over Federal oversight, assistance, and accountability;
(2) to provide rural regions with incentives and resources to develop and implement rural development strategies for achieving regional competitiveness, innovation, and prosperity;
(3) to foster multisector public and economic development collaborations that will optimize the asset-based competitive advantages of rural regions with particular emphasis on innovation, entrepreneurship, and the creation of good jobs;
(4) to foster collaborations necessary to provide the professional technical expertise, institutional capacity, and economies of scale that are essential for the long-term competitiveness of rural regions; and
(5) to better use Department of Agriculture, State and local government, and governmental resources, and to leverage those resources with private, nonprofit, and philanthropic investments, in order to achieve job creation, economic prosperity, growth, and sustainability.
""SEC. 385B. DEFINITIONS.—In this subtitle:
(1) "BENCHMARK.—The term ‘benchmark’ means an annual set of goals and performance measures established for the purpose of assessing achievement in meeting a regional investment strategy of a Regional Board.
(2) "INDIAN TRIBE.—The term ‘Indian tribe’ has the meaning given by the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).
(3) "NATIONAL BOARD.—The term ‘National Board’ means the National Rural Investment Board established under section 385C(c).
(4) "NATIONAL INSTITUTE.—The term National Institute means the National Institute on Regional Rural Competitiveness and Entrepreneurship established under section 385C(b)(2).
(5) "REGIONAL BOARD.—The term Regional Board means a Regional Rural Investment Board described in section 385D(a).
(6) "REGIONAL INNOVATION GRANT.—The term 'regional innovation grant' means a grant made by the Secretary to a certified Regional Board under section 385F.
(7) "REGIONAL INVESTMENT STRATEGY GRANT.—The term ‘regional investment strategy grant’ means a grant made by the National Rural Investment Board to a Regional Rural Investment Board under section 385D(a).
(8) "RURAL HERITAGE.—"(A) IN GENERAL.—The term ‘rural heritage’ means historic rural sites, structures, and districts.
""(B) INCLUSIONS.—The term ‘rural heritage’ includes historic rural downtown areas and main streets, neighborhoods, farmsteads, scenic and historic trails, heritage areas, and historic landscapes.
""SEC. 385C. ESTABLISHMENT AND ADMINISTRATION OF RURAL COLLABORATIVE INVESTMENT PROGRAM.
""(a) ESTABLISHMENT.—The Secretary shall establish a Rural Collaborative Investment Program to support comprehensive regional investment strategies for achieving rural competitiveness.
""(b) DUTIES OF SECRETARY.—In carrying out this subtitle, the Secretary shall—
""(1) appoint and provide administrative and program support to the National Rural Investment Board; and
""(2) establish a national institute, to be known as the ‘National Institute on Regional Rural Competitiveness and Entrepreneurship’, to provide technical assistance to the Secretary and Regional Boards regarding regional competitiveness and rural entrepreneurship, including technical assistance for—
""(A) the development of rigorous analytic programs to assist Regional Boards in determining the challenges and opportunities that need to be addressed to receive the greatest return on measurable community and economic development; and
""(B) the provision of support for best practices developed by the Regional Boards;
""(C) the establishment of programs to support the development of appropriate governance and leadership skills in the applicable regions; and
""(D) the evaluation of the progress and performance of the Regional Boards in achieving benchmarks established in a regional investment strategy;
""(2) work with the National Board to develop a national rural investment plan that shall—
""(A) create a framework to encourage and support the more collaborative and targeted rural investment portfolio in the United States;
""(B) establish a Rural Philanthropic Initiative to work with rural communities to create and enhance the pool of permanent philanthropic resources committed to rural community and economic development; and
""(C) provide technical assistance to Regional Boards; and
""(3) certify the eligibility of Regional Boards to receive regional investment strategy grants and related innovation grants;
""(4) provide grants for Regional Boards to develop and implement regional investment strategies;
""(5) provide technical assistance to Regional Boards on issues, best practices, and economic development collaborations that are developed that that take into consideration existing rural assets; and
""(D) encourage the organization of Regional Boards;
""(E) provide grants to Regional Boards to implement and regional investment strategies;
""(6) provide technical assistance to Regional Boards on issues, best practices, and economic development collaborations that are developed that that take into consideration existing rural assets; and
""(7) certify the eligibility of Regional Boards to receive regional investment strategy grants and related innovation grants;
""(8) provide grants for Regional Boards to develop and implement regional investment strategies;
""(9) provide technical assistance to Regional Boards on issues, best practices, and economic development collaborations that are developed that that take into consideration existing rural assets; and
""(10) certify the eligibility of Regional Boards to receive regional investment strategy grants and related innovation grants;
""(ii) the Committee on Agriculture, Nutrition, and Forestry of the Senate;
""(c) NATIONAL RURAL INVESTMENT BOARD.—The Secretary shall establish within the Department of Agriculture a board to be known as the National Rural Investment Board.
""(d) DUTIES OF NATIONAL BOARD.—The National Board shall—
""(1) not later than 180 days after the date of commencement of this program, the Secretary not later than 180 days after the date of enactment of the Food, Conservation, and Energy Act of 2008.
""(e) SUPERVISION.—The National Board shall be subject to the general supervision and direction of the Secretary.
""(f) SECTORS REPRESENTED.—The National Board shall consist of representatives from each of—
""(A) nationally recognized entrepreneurship organizations;
""(B) rural development strategy and development organizations;
""(C) community-based organizations;
(D) elected members of local governments;
(E) members of State legislatures;
(F) primary, secondary, and higher education institutions, the basis from which—
(G) the rural philanthropic community;
(H) financial, lending, venture capital, entrepreneurship, and other related institutions;
(I) private sector business organizations, including chambers of commerce and other for-profit business interest groups;
(J) Indian tribes; and
(K) cooperative organizations.

(4) SELECTION OF MEMBERS.
(A) In selecting members of the National Board, the Secretary shall consider recommendations made by—
(i) the chairman and ranking member of each of the Committees on Agriculture of the House of Representatives and the Committee on Agriculture of the Senate;
(ii) the Majority Leader and Minority Leader of the House of Representatives; and
(iii) the Speaker and Minority Leader of the House of Representatives.
(B) EX-OFFICIO MEMBERS—In consultation with the chairman and ranking member of each of the Committee on Agriculture of the House of Representatives and the Committee on Agriculture of the Senate, the Secretary may appoint not more than 3 other officers or employees of the Executive Branch to serve as ex-officio, nonvoting members of the National Board.

(5) TERM OF OFFICE.—
(A) IN GENERAL.—Subject to subparagraph (B), the term of office of a member of the National Board, as determined in that latest available decennial census conducted under section 141(a) of title 13, United States Code, or
(B) in the case of a region with a population density of less than 2 individuals per square mile, at least 10,000 individuals, as determined in that latest available decennial census,

(6) INITIAL APPOINTMENTS.—Not later than 1 year after the date of enactment of the Food, Conservation, and Energy Act of 2008, the Secretary shall appoint the initial members of the National Board.

(7) VACANCIES.—A vacancy on the National Board shall be filled in the same manner as the original appointment.

(8) COMPENSATION.—A member of the National Board shall be reimbursed for travel and other expenses incurred in carrying out the duties of the member of the National Board in accordance with section 5026 and 5028 of title 5, United States Code.

(9) CHAIRPERSON.—The National Board shall select a chairperson from among the members of the National Board.

(10) FEDERAL STATUS.—For purposes of Federal law, a member of the National Board shall be considered a special Government employee (as defined in section 202(a) of title 5, United States Code).

(1) ADMINISTRATIVE SUPPORT.—The Secretary shall, to the maximum extent practicable, provide such administrative support to the National Board as the Secretary determines is necessary.

SEC. 385E. REGIONAL INVESTMENT STRATEGY.

(a) IN GENERAL.—The Secretary shall make regional investment strategy grants available to Regional Boards for use in developing, implementing, and maintaining regional investment strategies.

(b) REGIONAL INVESTMENT STRATEGY.—A regional investment strategy shall provide—
(1) an assessment of the competitive advantage of a region, including—
(A) an analysis of the economic conditions of the region;
(B) an assessment of the current economic performance of the region;
(C) an overview of the population, geography, workforce, transportation system, resources, environment, and infrastructure needs of the region; and
(D) such other pertinent information as the Secretary may request;
(2) an analysis of regional economic and community development challenges and opportunities, including—
(A) incorporation of relevant material from other government-supported plans and consistency with applicable State, regional, and local workforce investment strategies or comprehensive economic development plans;
(B) an identification of past, present, and projected Federal and State economic and community development investments in the region;
(C) a section describing goals and objectives necessary to solve regional competitiveness challenges and meet the potential of the region;
(D) an overview of resources available in the region for use in—
(A) establishing regional goals and objectives;
(B) developing and implementing a regional action strategy;
(C) identifying investment priorities and funding sources; and
(D) identifying lead organizations to execute portions of the strategy;
(3) an analysis of the current state of collaborative public, private, and nonprofit participation and investment, and of the strategic roles of public, private, and nonprofit entities in the development and implementation of the regional investment strategy;
(4) a section identifying and prioritizing vital projects, programs, and activities for consideration by the Secretary, including—
(A) other potential funding sources; and
(B) recommendations for leveraging past and potential investments;
(7) a plan of action to implement the goals and objectives of the regional investment strategy;
(8) a list of performance measures to be used in the implementation of the regional investment strategy, including—
(A) the number and quality of jobs, including self-employment, created during implementation of the regional rural investment strategy;
(B) the number and types of investments made in the region;
(C) the growth in public, private, and nonprofit investment in the human, community, and economic assets of the region;
(D) changes in per capita income and the rate of self-employment; and
(E) other changes in the economic environment of the region;
(9) a section outlining the methodology for use in integrating the regional investment strategy with the economic priorities of the State; and
(10) such other information as the Secretary determines to be appropriate.

(c) Maximum Amount of Grant.—A regional investment strategy grant shall not exceed $150,000.

(d) Cost-Sharing.—
(1) In General.—Subject to paragraph (2), the share of the costs of developing, maintaining, evaluating, implementing, and reporting with respect to a regional investment strategy funded by a grant under this section—
(A) not more than 40 percent may be paid using funds from the grant; and
(B) the remaining share shall be provided by the applicable Regional Board or other eligible grantee.

(2) Determination of Amount.—
(A) A Regional Board or other eligible grantee shall pay the share described in paragraph (1)(B) in the form of cash, services, materials, or other in-kind contributions, on the condition that not more than 50 percent of that share is provided in the form of services, materials, and other in-kind contributions.

SEC. 385F. REGIONAL INNOVATION GRANTS PROGRAM.

(a) Grants.—
(1) In General.—The Secretary shall provide, under section 385E, regional innovation grants to Regional Boards for use in implementing projects and initiatives that are identified in a regional rural investment strategy, provided under section 385E.

(2) Timing.—After October 1, 2008, the Secretary shall provide awards under this section on a quarterly funding cycle.

(b) Use of Funds.—A Regional Board or other eligible grantee may use the funds provided under this section to—
(1) take such actions as are necessary to obtain reimbursement of unused grant funds;
(2) reprogram the recaptured funds for other purposes;
(3) leverage a regional investment strategy consistent with the purpose described in subsection (f)(2); and
(4) determine the size of the geographical area of the region.

(c) Geographic Diversity.—The Secretary shall ensure that not more than 10 percent of funding made available under this section is provided to Regional Boards in any State.

(d) Cost-Sharing.—
(1) Limitation.—Subject to paragraph (2), the amount of funding made available under this section shall not exceed 50 percent of the cost of the project.

(2) Waiver of Grantee Share.—The Secretary may grant a waiver under paragraph (1) under special circumstances, as determined by the Secretary, including—
(A) a sudden or severe economic dislocation;
(B) significant chronic unemployment or poverty;
(C) a natural disaster; or
(D) other severe economic, social, or cultural duress.

(3) Other Federal Assistance.—For the purpose of determining cost-share limitations for any other Federal program, funds provided under this section shall be considered to be non-Federal funds.

(e) Preference.—In providing regional innovation grants under this section, the Secretary shall give—
(1) a high priority to strategies that demonstrate significant leverage of capital and quality job creation; and
(2) a preference to an application proposing projects and initiatives that would—
(A) advance the overall regional competitiveness of a region;
(B) address gaps in existing basic services, including education, tribally controlled colleges or universities, or other quality of life services; or
(C) establish or expand existing and innovative activities to strengthen the economic competitiveness of a region; and

(f) Uses.—
(1) Leverage.—A Regional Board shall prioritize projects and initiatives carried out using funds from a regional innovation grant provided under this section, based in part on the extent to which the Regional Board is able to leverage additional funds for the implementation of the projects.

(2) Purpose.—A Regional Board may use a regional innovation grant to—
(A) support the development of critical infrastructure (including technology deployment and services) necessary to facilitate the competitiveness of the region;
(B) provide assistance to entities within the region that provide essential public and community services;
(C) enhance the value-added production, marketing, and use of agricultural and natural resources within the region, including activities relating to renewable and alternative energy production and usage; and
(D) assist with entrepreneurial, job training, workforce development, housing, educational, or other quality of life services or needs, related to the development and maintenance of strong local and regional economies.

(3) Availability of Funds.—The funds made available to a Regional Board or any other eligible grantee through a regional innovation grant shall remain available for the 7-year period beginning on the date on which the award is provided, on the condition that the Regional Board or other grantee continues to be certified by the Secretary as making adequate progress toward achieving established benchmarks.

(4) Cost Sharing.—
(A) Waiver of Grantee Share.—The Secretary may waive the share of a grantee of the Regional Board or other eligible grantee under this section if the Secretary determines that such a waiver is appropriate, including with respect to special circumstances within tribal regions, in the event of an area experience—

(i) a sudden or severe economic dislocation;

(ii) significant chronic unemployment or poverty;

(iii) other severe economic, social, or cultural duress.

(B) Other Federal Programs.—For the purpose of determining cost-sharing requirements for any other Federal program, funds provided as a regional innovation grant under this section shall be considered to be non-Federal funds.

(C) Noncompliance.—If a Regional Board or other eligible grantee fails to comply with any requirement relating to the use of funds provided under this section, the Secretary may—

(i) take such actions as are necessary to obtain reimbursement of unused grant funds; and

(ii) reprogram the recaptured funds for purposes relating to implementation of this title.
SEC. 6104. RURAL ELECTRIFICATION ASSISTANCE.
Section 13 of the Rural Electrification Act of 1936 (7 U.S.C. 913) is amended to read as follows:

"SEC. 13. DEFINITIONS.

"(1) FARM.—The term ‘farm’ means a farm, as defined by the Bureau of the Census.

"(2) INDIAN TRIBE.—The term ‘Indian tribe’ has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

"(3) RURAL AREA.—Except as provided otherwise in this Act, the term ‘rural area’ means the farm and nonfarm population of—

"(A) any area described in section 334(a)(13)(C) of the Consolidated and Rural Development Act (7 U.S.C. 1928(a)(13)); and

"(B) any area within a service area of a borrower for which a borrower has an outstanding loan made under titles I through V as of the date of enactment of this paragraph.

"(4) TERRITORY.—The term ‘territory’ includes any insular possession of the United States.

"(5) SECRETARY.—The term ‘Secretary’ means the Secretary of Agriculture.”

SEC. 6105. SUBSTANTIALLY UNDERSERVED TRUST AREAS.

The Rural Electrification Act of 1936 is amended by inserting after section 306E (7 U.S.C. 936e) the following:

"SEC. 306F. SUBSTANTIALLY UNDERSERVED TRUST AREAS.

"(a) DEFINITIONS.—In this section:

"(1) ELIGIBLE PROGRAM.—The term ‘eligible program’ means a program administered by the Rural Utilities Service and authorized in—

"(A) this Act; or

"(B) paragraph (1), (2), (14), (22), or (24) of section 306(a) or section 306C, 306D, or 306E of the Consolidated and Rural Development Act (7 U.S.C. 1928(a), 1928c, 1926c, 1926d).

"(2) SUBSTANTIALLY UNDERSERVED TRUST AREA.—The term ‘substantially underserved trust area’ means a community in ‘trust land’ (as defined in section 375 of title 38, United States Code) with respect to which the Secretary determines has a high need for the benefits of an eligible program.

"(b) INITIATIVE.—The Secretary, in consultation with local governments and Federal agencies, may implement an initiative to develop and implement eligibility of eligible programs in communities in substantially underserved trust areas.

"(c) AUTHORITY OF SECRETARY.—In carrying out subsection (b), the Secretary—

"(1) may make available from loan or loan guarantee programs administered by the Rural Utilities Service to qualified utilities or applicants financing with an interest rate as low as 2 percent, and with extended repayment terms;

"(2) may waive nonduplication restrictions, matching fund requirements, or credit support requirements from any loan or grant program administered by the Rural Utilities Service to facilitate the construction, acquisition, or improvement of infrastructure;

"(3) may give the highest funding priority to designated projects in substantially underserved trust areas;

"(4) shall only make loans or loan guarantees that are found to be financially feasible and that provide eligible program benefits to substantially underserved trust areas; and

"(d) REPORT.—Not later than 1 year after the date of enactment of this section and annually thereafter, the Secretary shall submit to Congress a report that describes—

"(i) the progress of the initiative implemented under subsection (b); and

"(ii) the progress of the initiative implemented under subsection (c).
SEC. 6109. BONDING REQUIREMENTS.

(a) IN GENERAL.—The Secretary shall review the bonding requirements for all programs administered by the Rural Utilities Service under this Act to ensure that bonds are not required if—

(1) the interests of the Secretary are adequately protected by product warranties; or

(2) the costs or conditions associated with a bond exceed the benefit of the bond.

(b) ADMINISTRATION.—The Secretary shall continue to carry out section 313A of the Rural Electrification Act of 1936 (7 U.S.C. 950bb-1) in the same manner as on the date of enactment of this Act, except without regard to the limitations prescribed in subsection (b)(1) of that section, until such time as regulations necessary to carry out the amendments made by this section are fully implemented.

SEC. 6110. EXPANSION OF 911 ACCESS.

Section 315 of the Rural Electrification Act of 1936 (7 U.S.C. 950bb) is amended to read as follows:

“(a) IN GENERAL.—Subject to subsection (c) and such terms and conditions as the Secretary may prescribe, the Secretary may make loans under this title to entities eligible to borrow from the Rural Utilities Service, area electric Cooperatives, or local governments or tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 650j)), or other public entities for facilities and equipment to expand or improve in rural areas.

“(1) 911 access;

“(2) integrated interoperable emergency communications systems, including multilink networks that provide commercial or transport communications services in addition to emergency communications services;

“(3) improved or enhanced security communications; or

“(4) transportation safety communications; or

“(5) location technologies used outside an urban area.

“(b) LOAN SECURITY.—Government-imposed fees related to emergency communications (including State or local 911 fees) may be considered to be security for a loan under this section.

“(c) EMERGENCY COMMUNICATIONS EQUIPMENT.—The Secretary may make a loan under this section to an emergency communication equipment provider to expand or improve 911 access or other communications regulations necessary to an area described in section 343(a)(13)(A) if the local government has jurisdiction over the project is not allowed to acquire the debt resulting from the loan.

“(d) AUTOPROVISION.—The Secretary shall use to make loans under this section any funds otherwise made available for telephones for loans made for fiscal years 2008 through 2012 and such terms and conditions as the Secretary may prescribe, the Secretary may make loans under this section.

SEC. 6108. ELECTRIC LOANS FOR RENEWABLE ENERGY.

Title III of the Rural Electrification Act of 1936 is amended by inserting after section 316 (7 U.S.C. 950f) the following:

“SEC. 317. ELECTRIC LOANS FOR RENEWABLE ENERGY.

“(a) DEFINITION OF RENEWABLE ENERGY SOURCE.—In this section, the term ‘renewable energy source’ means an energy conversion system fueled by solar, wind, hydro, geothermal, and biomass, or biomass.

“(b) LOANS.—In addition to any other fees or charges otherwise made available under this Act, the Secretary may make electric loans under this title for electric generation from renewable energy resources for resales to rural and nonrural residents.

“(c) RATE.—The rate of a loan under this section shall be equal to the average tax-exempt municipal bond rate of similar maturity.

SEC. 6109. BONDING REQUIREMENTS.

Title III of the Rural Electrification Act of 1936 is amended by inserting after section 316 (7 U.S.C. 950f) the following:

“SEC. 318. BONDING REQUIREMENTS.

“The Secretary shall review the bonding requirements for all programs administered by the Rural Utilities Service under this Act to ensure that bonds are not required if—

“(i) the interests of the Secretary are adequately protected by product warranties; or

“(ii) the costs or conditions associated with a bond exceed the benefit of the bond.

SEC. 6110. EXPANSION OF 911 ACCESS.

Section 315 of the Rural Electrification Act of 1936 (7 U.S.C. 950bb) is amended to read as follows:

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“(1) 911 access;

“(2) integrated interoperable emergency communications systems, including multilink networks that provide commercial or transport communications services in addition to emergency communications services;

“(3) improved or enhanced security communications; or

“(4) transportation safety communications; or

“(5) location technologies used outside an urban area.

“(b) LOAN SECURITY.—Government-imposed fees related to emergency communications (including State or local 911 fees) may be considered to be security for a loan under this section.

“(c) EMERGENCY COMMUNICATIONS EQUIPMENT.—The Secretary may make a loan under this section to an emergency communication equipment provider to expand or improve 911 access or other communications regulations necessary to an area described in section 343(a)(13)(A) if the local government has jurisdiction over the project is not allowed to acquire the debt resulting from the loan.

“(d) AUTOPROVISION.—The Secretary shall use to make loans under this section any funds otherwise made available for telephones for loans made for fiscal years 2008 through 2012 and such terms and conditions as the Secretary may prescribe, the Secretary may make loans under this section.

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“(b) LOAN SECURITY.—Government-imposed fees related to emergency communications (including State or local 911 fees) may be considered to be security for a loan under this section.

“(c) EMERGENCY COMMUNICATIONS EQUIPMENT.—The Secretary may make a loan under this section to an emergency communication equipment provider to expand or improve 911 access or other communications regulations necessary to an area described in section 343(a)(13)(A) if the local government has jurisdiction over the project is not allowed to acquire the debt resulting from the loan.

“(d) AUTOPROVISION.—The Secretary shall use to make loans under this section any funds otherwise made available for telephones for loans made for fiscal years 2008 through 2012 and such terms and conditions as the Secretary may prescribe, the Secretary may make loans under this section.

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“(c) EMERGENCY COMMUNICATIONS EQUIPMENT.—The Secretary may make a loan under this section to an emergency communication equipment provider to expand or improve 911 access or other communications regulations necessary to an area described in section 343(a)(13)(A) if the local government has jurisdiction over the project is not allowed to acquire the debt resulting from the loan.

“(d) AUTOPROVISION.—The Secretary shall use to make loans under this section any funds otherwise made available for telephones for loans made for fiscal years 2008 through 2012 and such terms and conditions as the Secretary may prescribe, the Secretary may make loans under this section.
(A) IN GENERAL.—The Secretary may require an entity to provide a cost share in an amount not to exceed 10 percent of the amount of the loan or loan guarantee requested. The application of the provisions of this section, unless the Secretary determines that a higher percentage is required for financial feasibility.

(B) MARKET SURVEY.—

(1) IN GENERAL.—The Secretary may require an entity that proposes to have a subscriber projection of more than 20 percent of the broadband service market in a rural area to submit to the Secretary a market survey.

(2) LESS THAN 20 PERCENT.—The Secretary may not require an entity that proposes to have a subscriber projection of less than 20 percent of the broadband service market in a rural area to submit to the Secretary a market survey.

(3) STATE AND LOCAL GOVERNMENTS AND INDIAN TRIBES.—Subject to paragraph (1), a State or local government (including any agency, subdivision, or instrumentality thereof (including consortia thereof)) and an Indian tribe shall be eligible for a loan or loan guarantee under this section to provide broadband services to a rural area.

(4) BROADBAND SERVICE.—The Secretary shall publish a notice of each application for a loan or loan guarantee under this section describing the application, including—

(A) the applicant;

(B) each area proposed to be served by the applicant; and

(C) the estimated number of households without terrestrial-based broadband service in those areas.

(5) PAPERWORK REDUCTION.—The Secretary shall take steps to reduce, to the maximum extent practicable, the cost and paperwork associated with applying for a loan or loan guarantee under this section by first-time applicants (particularly first-time applicants for small and start-up broadband service providers), including by providing for a new application that maintains the ability of the Secretary to make an analysis of the risk associated with the loan involved.

(6) PREAPPLICATION PROCESS.—The Secretary shall establish a process under which a prospect, if the Secretary determines that a higher loan or loan guarantee is issued to a financially strong and stable entity, as determined by the Secretary.

(7) DETERMINATION OF AMOUNT AND METHOD OF SECURITY.—In determining the amount of, and method of security used to secure, a loan or loan guarantee under this section, the Secretary shall consider reducing the insecurity in a rural area that does not have broadband service.

(8) USE OF LOAN PROCEEDS TO REFINANCE LOANS.—In determining the amount, and method of security used to secure, a loan or loan guarantee under this section, the Secretary shall consider reducing the insecurity in a rural area that does not have broadband service.

(9) REPORTS.—Not later than 1 year after the date of enactment of the Act, the Secretary shall submit to the Congress a report that describes the extent of participation in the loan and loan guarantee program and the Secretary's expectations for the preceding fiscal year, including a description of—

(A) the number of loans applied for and provided under this section;

(B) the communities served by projects funded by loans and loan guarantees provided under this section;

(C) the percentage of time required to approve each loan application under this section;

(D) any outreach activities carried out by the Secretary to encourage entities in rural areas without broadband service to submit applications under this section;

(E) the method by which the Secretary determines that a service enables a subscriber to originate and receive high-speed voice, data, graphics, and video for purposes of subsection (b)(1); and

(F) each broadband service, including the type and speed of broadband service, for which assistance was sought, and each broadband service for which assistance was provided, under this section.

(10) ALLOCATION OF FUNDS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Secretary to carry out this section $25,000,000 for each of fiscal years 2013 through 2017, to remain available until expended.

(2) REALLOCATION.—

(A) IN GENERAL.—From amounts made available for each fiscal year under this subsection, the Secretary shall—

(i) establish a national reserve for loans and loan guarantees to eligible entities in States under this section; and

(ii) allocate amounts in the reserve to each State for each fiscal year for loans and loan guarantees to eligible entities in the State.

(B) AMOUNT.—The amount of an allocation made to a State for a fiscal year under subparagraph (A) shall bear the same ratio to the amount of allocations made for all States for the fiscal year as—

(i) the number of communities with a population of 2,500 inhabitants or less in the State; bears to

(ii) the number of communities with a population of 2,500 inhabitants or less in all States.

(2) UNOBLIGATED AMOUNTS.—Any amounts in the reserve established for a State for a fiscal year under subparagraph (A) that are not obligated by April 1 of the following fiscal year shall be available for each fiscal year under this section to make loans and loan guarantees under this section to eligible entities in any State, as determined by the Secretary.

(3) TERMINATION OF AUTHORITY.—No loan or loan guarantee may be made under this section after September 30, 2017.

(4) BROADBAND FUNDING.—The Secretary may implement the amendment made by subsection (a) through the promulgation of an interim regulation.

(G) APPLICATION.—The amendment made by subsection (a) shall not apply to—

(1) an application submitted under section 601 of the Rural Electrification Act of 1996 (7 U.S.C. 950bb) (as it existed before the amendment made by subsection (a)); or

(2) a petition for reconsideration of a decision made by subsection (a).

(H) EFFECTIVE DATE.—The amendments made by this section apply to—

(1) any petition for reconsideration of a decision made by subsection (a); and

(2) any application submitted after September 30, 2012.

(2) TERRITORIES.—Notwithstanding any other provision of law, a loan or loan guarantee under this section may be used by the recipient of the loan for the purpose of refinancing an outstanding obligation of the recipient on another telecommunication loan made under this Act if the use of the loan proceeds will support the construction, improvement, or acquisition of facilities and equipment for the provision of broadband service in rural areas.

(3) USE OF LOAN PROCEEDS TO REFINANCE LOANS.—Notwithstanding any other provision of law, the proceeds of any loan made or guaranteed by the Secretary under this Act may be used by the recipient of the loan for the purpose of refinancing an outstanding obligation of the recipient on another telecommunications loan made under this Act if the use of the loan proceeds will support the construction, improvement, or acquisition of facilities and equipment for the provision of broadband service in rural areas.

(J) REPORTS.—Not later than 1 year after the date of the enactment of the Rural Telecommunications Assessment (referred to in this section as the ‘‘Center’’), the Secretary shall submit to the Congress a report that describes the extent of participation in the loan and loan guarantee program and the Secretary’s expectations for the preceding fiscal year, including a description of—

(A) the number of loans applied for and provided under this section;

(B) the communities served by projects funded by loans and loan guarantees provided under this section;

(C) the percentage of time required to approve each loan application under this section;

(D) any outreach activities carried out by the Secretary to encourage entities in rural areas without broadband service to submit applications under this section;

(E) the method by which the Secretary determines that a service enables a subscriber to originate and receive high-speed voice, data, graphics, and video for purposes of subsection (b)(1); and

(F) each broadband service, including the type and speed of broadband service, for which assistance was sought, and each broadband service for which assistance was provided, under this section.

(K) FUNDS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $25,000,000 for each of fiscal years 2013 through 2017, to remain available until expended.

(2) ALLOCATION OF FUNDS.—
broadband penetration and purchase in rural areas, especially in rural communities identified by the Secretary as having no broadband service before the provision of a loan or grant is made under this title; and

(2) work with existing rural development centers selected by the Center to identify policies and initiatives at the Federal, State, and local levels that have impeded broadband penetration and purchase in rural areas and provide recommendations to Federal, State, and local policymakers on effective strategies to bring affordable broadband services to residents of rural areas, particularly residents located outside of the municipal boundaries of a rural city or town; and

(3) develop and conduct needs assessments and solutions for a rapid broadband or rural initiatives.

SEC. 6112. COMPREHENSIVE RURAL BROADBAND DEVELOPMENT STRATEGY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Chairman of the Federal Communications Commission, in coordination with the Secretary, shall submit to Congress a report describing the activities carried out by the Center during the preceding fiscal year and the results of any research conducted by the Center during that fiscal year, including—

(1) an assessment of each program carried out under this title; and

(2) an assessment of the effects of the policy initiatives identified under subsection (d)(2).

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary for each of fiscal years 2008 through 2012 $1,000,000.

(c) REPORTING REQUIREMENTS.—Not later than 60 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture, Nutrition, and Forestry of the Senate a report containing the findings of the study under this section.

Subtitle C—Miscellaneous

SEC. 6201. DISTANCE LEARNING AND TELEMEDICINE.

(a) IN GENERAL.—Section 2333(c)(1) of the Food, Agriculture, Conservation and Trade Act of 1990 (7 U.S.C. 9561a-2(a)(1)) is amended—

(1) in subparagraph (A), by striking “and” and inserting “and;

(2) in subparagraph (B), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(C) libraries.”

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 2335A of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 9565a-5) is amended by striking “2007” and inserting “2012.”

(c) CONFORMING AMENDMENT.—Section 1(b) of Public Law 102–551 (7 U.S.C. 9561a note; Public Law 102–551) is amended by striking “2007” and inserting “2012.”

SEC. 6202. VALUE-ADDED AGRICULTURAL MARKET DEVELOPMENT PROGRAM.

(a) DEFINITIONS.—Section 231 of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1621 note; Public Law 106–224) is amended by striking subsection (a) and inserting the following:

“(a) DEFINITIONS.—In this section:

(1) BEGINNING FARMER OR RANCHER.—The term ‘beginning farmer or rancher’ has the meaning given the term in section 343(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)).

(2) FAMILY FARM.—The term ‘family farm’ has the meaning given the term in section 761.2 of title 7, Code of Federal Regulations (as in effect on December 30, 2007).

(3) MID-TERM VALUE CHAIN.—The term ‘mid-term value chain’ means local and regional supply networks that link independent producers with businesses and cooperatives that market value-added agricultural products in a manner that—

(A) targets and strengthens the profitability and competitiveness of small and medium-sized farms and ranches that are structured as a family farm; and

(B) obtains agreement from an eligible agricultural producer group, farmer or rancher, or major processor, or a processor-based business venture that is engaged in the value chain on a marketing strategy.

(4) SOCIALLY DISADVANTAGED FARMER OR RANCHER.—The term ‘socially disadvantaged farmer or rancher’ has the meaning given the term in section 355(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2003(e)).

(5) VALUE-ADDED AGRICULTURAL PRODUCT.—The term ‘value-added agricultural product’ means any agricultural commodity or product that—

(A)(i) has undergone a change in physical state;

(B)(i) was produced in a manner that enhances the value of the agricultural commodity or product, as demonstrated through a business plan that shows the enhanced value, as determined by the Secretary;

(5) SEC. 6203. AGRICULTURE INNOVATION CENTER DEMONSTRATION PROGRAM.

Section 6102 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1621 note) is amended by striking subsection (i) and inserting the following:

(i) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance grants under this subsection to eligible entities in any State, as determined by the Secretary.”.

May 22, 2008
“(1) AUTHORIZATION OF APPROPRIATIONS.—

There is authorized to be appropriated to the Secretary to carry out this section $6,000,000 for each of fiscal years 2008 through 2012.

SEC. 6104. RURAL FIREFIGHTERS AND EMERGENCY MEDICAL SERVICE ASSISTANCE PROGRAM.

Section 4460 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 2655) is amended to read as follows:

SEC. 6405. RURAL FIREFIGHTERS AND EMERGENCY MEDICAL SERVICE ASSISTANCE PROGRAM.

(a) DEFINITION OF EMERGENCY MEDICAL SERVICE.—In this section—

"(1) In general.—The term ‘emergency medical services’ means resources used by a public or nonprofit entity to deliver medical care and other medical facilities under emergency conditions that occur as a result of—

(A) the condition of a patient; or

(B) a natural disaster or related condition.

"(2) INCLUSION.—The term ‘emergency medical services’ includes services (whether commissioned or volunteered) delivered by an emergency medical services provider or other provider recognized by the Secretary as—

(A) an emergency medical technician or the equivalent (as determined by the Secretary);

(B) a registered nurse;

(C) a physician assistant; or

(D) a physician that provides services similar to services provided by such an emergency medical services provider:

(b) GRANTS.—The Secretary shall award grants to eligible entities—

"(1) to enable the entities to provide for improved emergency medical services in rural areas; and

"(2) to pay the cost of training firefighters and emergency medical personnel in emergency medical services, firefighting, emergency medical practices, and responding to hazardous materials and biological agents in rural areas.

"(c) ELIGIBILITY.—To be eligible to receive a grant under this section, an entity shall—

"(1) be—

(A) a State emergency medical services office;

(B) a State emergency medical services association;

(C) a State office of rural health or an equivalent agency;

(D) a local government entity;

(E) an Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b));

(F) a State or local ambulance provider; or

(G) any other public or nonprofit entity determined appropriate 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, that includes—

(A) a description of the activities to be carried out under the grant; and

(B) an assurance that the applicant will comply with the matching requirement of subsection (f).

"(d) USE OF FUNDS.—An entity shall use amounts received under a grant made under subsection (b) only in a rural area—

"(1) to hire or retaining emergency medical service personnel;

"(2) to recruit or retain volunteer emergency medical service personnel;

"(3) to purchase emergency medical service personnel in emergency response, injury prevention, safety awareness, or other topics relevant to the delivery of emergency medical services;

"(4) to fund training to meet State or Federal certification requirements; and

"(5) to provide training for firefighters or emergency medical personnel for improvements to the training facility, equipment, curricula, or personnel.

"(6) to develop new ways to educate emergency health care providers through the use of technology-enhanced educational methods (such as distance learning);

"(7) to acquire ambulances or other emergency medical service vehicles, including ambulances;

"(8) to acquire emergency medical service equipment, including cardiac defibrillators;

"(9) to acquire personal protective equipment for emergency medical services personnel as required by the Occupational Safety and Health Administration; or

"(10) to educate the public concerning cardiopulmonary resuscitation (CPR), first aid, injury prevention, safety awareness, illness prevention, or other related emergency preparedness topics.

"(e) PREFERENCE.—In awarding grants under this section, the Secretary shall give priority to—

"(1) applications that reflect a collaborative effort by 2 or more of the entities described in subparagraphs (A) through (G) of subsection (d) of this section;

"(2) applications submitted by entities that intend to use amounts provided under the grant for activities described in any of paragraphs (1) through (5) of subsection (d).

"(f) MATCHING REQUIREMENT.—The Secretary may not make a grant under this section to an entity unless the entity makes available (directly or through contributions from other public or private entities) non-Federal contributions toward the activities to be carried out under the grant in an amount equal to at least 5 percent of the amount requested.

"(g) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated to the Secretary to carry out this section not more than $30,000,000 for each of fiscal years 2008 through 2012.

"(2) ADMINISTRATIVE COSTS.—Not more than 5 percent of the amount appropriated under paragraph (1) for a fiscal year may be used for administrative expenses incurred in carrying out this section.

SEC. 6205. INSURANCE OF LOANS FOR HOUSING AND RELATED FACILITIES FOR DOMESTIC FARM LABOR.

Section 514(f)(3) of the Housing Act of 1949 (42 U.S.C. 1484(g)(3)) is amended by striking the last sentence and inserting the following:

"The handling of agricultural commodities in the unprocessed stage, or the processing of agricultural or aquacultural commodities."

SEC. 6206. STUDY OF RURAL TRANSPORTATION ISSUES.

(a) IN GENERAL.—The Secretary of Agriculture and the Secretary of Transportation shall jointly conduct a study of transportation issues regarding the movement of agricultural products, domestically produced renewable fuels, and domestically produced ethanol and other renewable fuels; the delivery of electricity for rural areas of the United States; and economic development in those areas.

(b) INVESTIGATIONS.—The study shall include an examination of—

"(1) the importance of freight transportation, including rail, truck, and barge, to—

(A) the movement of equipment, seed, fertilizer, and other such products important to the development of agricultural commodities and products;

(B) the movement of agricultural commodities and products to market;

(C) the delivery of ethanol and other renewable fuels;

(D) the delivery of domestically produced resources for use in the generation of electricity for rural areas; and

(E) the location of grain elevators, ethanol plants, and other facilities; and

(F) the development of manufacturing facilities in rural areas; and

(G) the revitalization and economic development of rural communities;

"(2) the sufficiency of rural areas of transportation capacity, the sufficiency of competition in the transportation industry, the reliability of transportation services, and the reasonableness of transportation rates;

"(3) the sufficiency of facility investment in rural areas; the reasonableness of cost-effective transportation; and

"(4) the accessibility to shippers in rural areas and the Federal processes for the resolution of grievances arising within various transportation modes.

(c) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Secretary and the Secretary of Transportation shall submit a report to Congress that contains the results of the study required by subsection (a).

Subtitle D—Housing Assistance Council

SEC. 6301. SHORT TITLE.

This subtitle may be cited as the “Housing Assistance Council Authorization Act of 2008”.

SEC. 6302. ASSISTANCE TO HOUSING ASSISTANCE COUNCIL.

(a) USE.—The Secretary of Housing and Urban Development may provide financial assistance to the Housing Assistance Council for the use by the Council to develop the ability and capacity of community development organizations to undertake community development and affordable housing projects and programs in rural areas. Assistance provided by the Secretary under this section may be used by the Housing Assistance Council for—

"(1) technical assistance, training, support, research, and advice to develop the business and administrative capabilities of rural community-based housing development organizations;

"(2) loans, grants, or other financial assistance to rural community-based housing development organizations to carry out community development and affordable housing activities for low- and moderate-income families; and

"(3) such other activities as may be determined by the Secretary of Housing and Urban Development and the Housing Assistance Council.

(b) AUTHORIZATION OF APPROPRIATIONS.—

There is authorized to be appropriated for financial assistance under this section for the Housing Assistance Council $10,000,000 for each of fiscal years 2009 through 2011.

SEC. 6303. AUDITS AND REPORTS.

(a) AUDIT.—

"(1) IN GENERAL.—The financial transactions and activities of the Housing Assistance Council shall be audited annually by an independent certified public accountant or an independent licensed public accountant certified or licensed by the regulatory authority of a State or other political subdivision of the United States.

"(2) REQUIREMENTS OF AUDITS.—The Comptroller General of the United States may rely on any audit completed under paragraph (1), if the audit complies with—

(A) the annual programmatic and financial examination requirements established in OMB Circular A-133; and

(B) generally accepted government auditing standards.

(c) REPORT TO CONGRESS.—The Comptroller General shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report detailing each audit completed under paragraph (1).
(b) GAO REPORT.—The Comptroller General of the United States shall conduct a study and submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate on the activities of the Committee on Financial Services of the House of Representatives on the use of any funds appropriated to the Housing Assistance Council over the past 7 years.

SEC. 6204. PERSONS NOT LAWFULLY PRESENT IN THE UNITED STATES.

Aliens who are not lawfully present in the United States shall be ineligible for financial assistance under this subtitle, as provided and defined by section 214 of the Housing and Community Development Act of 1980 (42 U.S.C. 1486a).

Nothing in this subtitle shall be construed to alter the restrictions or definitions in such section 214.

SEC. 6205. LIMITATION ON USE OF AUTHORIZED AMOUNTS.

None of the amounts authorized by this subtitle may be used to lobby or retain a lobbyist, Federal, State, or local governmental entity or officer.

TITLE VII—RESEARCH AND RELATED MATTERS


SEC. 7101. DEFINITIONS.

(a) IN GENERAL.—Section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103) is amended—

(1) in paragraph (4)—

(4) by redesignating subparagraphs (A) through (E) as clauses (1) through (v), respectively;

(B) by striking “(v) The terms” and inserting the following—

“(v) COLLEGE AND UNIVERSITY.—

“(A) IN GENERAL.—The terms ‘Hispanic-serving agricultural colleges and universities’ means colleges or universities described in subparagraph (A);”,

(2) by redesignating paragraphs (5) through (8), (9) through (11), (12) through (14), (15), (16), (17), and (18) as paragraphs (6) through (9), (10) through (13), (15) through (17), (20), (25), (26), and (29), respectively, and moving the paragraphs so as to appear in alphabetical and numerical order;

(3) in paragraph (9) (as redesignated by paragraph (3)), (4) by inserting after paragraph (9) (as so redesignated) the following:

“(F) 1 member representing a national animal health association.

(G) 1 member representing a national crop, soil, agronomy, horticulture, plant pathology, or weed science society.

(H) 1 member representing a national food science organization.

(I) 1 member representing a national human health association.

(J) 1 member representing a national nutritional science society.

(K) 1 member representing the land-grant colleges and universities eligible to receive funds under the Act of July 2, 1862 (7 U.S.C. 301 et seq.),

(L) 1 member representing the land-grant colleges and universities eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321 et seq.), including Tuskegee University.

(M) 1 member representing the 1994 Institutions (as defined in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–362).

(N) 1 member representing NLGCA Institutions.

(O) 1 member representing Hispanic-serving institutions.

(P) 1 member representing the American Colleges of Veterinary Medicine.

(Q) 1 member engaged in the transportation of food and agricultural products to domestic and foreign markets.

(R) 1 member representing food retailing and marketing interests.

(S) 1 member representing food and fiber processors.

(T) 1 member actively engaged in rural economic development.

(U) 1 member representing a national consumer interest group.

(V) 1 member representing a national forestry group.

(W) 1 member representing a national conservation or natural resource group.

(X) 1 member representing private sector organizations involved in international development.

(Y) 1 member representing a national social science association.”;

(5) by striking paragraph (11) (as so redesignated) and inserting the following:

“(11) HISpanic-SERVing INSTITUTION.—The term ‘Hispanic-serving institution’ has the meaning given the term in section 502 of the Higher Education Act of 1965 (30 U.S.C. 1101a); and

(6) by inserting after paragraph (13) (as so redesignated) the following:

“(14) NON-LAND-GRANT COLLEGE OF AGRICULTURE.—

“(A) IN GENERAL.—The terms ‘NLGCA Institution’ and ‘non-land-grant college of agriculture’ do not include—

(i) Hispanic-serving agricultural colleges and universities; or

(ii) any institution designated under—

(I) the Act of July 2, 1862 (commonly known as the ‘First Morrill Act’; 7 U.S.C. 301 et seq.);

(II) the Act of August 30, 1890 (commonly known as the ‘Second Morrill Act’) (7 U.S.C. 321 et seq.);

(III) the Equity in Educational Land-Grant Status Act of 1994 (Public Law 103–362; 7 U.S.C. 301 note); or

(IV) Public Law 87–788 (commonly known as the ‘McIntire-Stennis Cooperative Forrstry Act’) (16 U.S.C. 2801 et seq.).

(b) CONFORMING AMENDMENTS.—


(4) Section 1473 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310) is amended by striking “section 1404(16)” of the title and inserting “section 1404(13)”.

(5) Section 161(b)(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5801b) is amended—


(B) in paragraph (5), by striking “section 1401(7)” of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103); and


SEC. 7102. NATIONAL AGRICULTURAL RESEARCH, EXTENSION, EDUCATION, AND ECONOMICS ADVISORY BOARD.

(a) IN GENERAL.—Section 1418 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking “31” and inserting “25”; and

(B) by striking paragraph (3) and inserting the following:

“(3) MEMBERSHIP CATEGORIES.—The Advisory Board shall consist of members from each of the following categories:

(A) 1 member representing a national farm organization.

(B) 1 member representing farm cooperatives.

(C) 1 member actively engaged in the production of a food animal commodity, recommended by a coalition of national livestock organizations.

(D) 1 member actively engaged in the production of a plant commodity, recommended by a coalition of national crop organizations.

(E) 1 member representing a national organization in aquaculture, recommended by a coalition of national aquacultural organizations.

(F) 1 member representing a national food science organization.

(G) 1 member representing a national crop, soil, agronomy, horticulture, plant pathology, or weed science society.

(H) 1 member representing a national food science organization.

(I) 1 member representing a national human health association.

(J) 1 member representing a national nutritional science society.

(K) 1 member representing the land-grant colleges and universities eligible to receive funds under the Act of July 2, 1862 (7 U.S.C. 301 et seq.).

(L) 1 member representing the land-grant colleges and universities eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321 et seq.), including Tuskegee University.

(M) 1 member representing the 1994 Institutions (as defined in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–362).

(N) 1 member representing NLGCA Institutions.

(O) 1 member representing Hispanic-serving institutions.

(P) 1 member representing the American Colleges of Veterinary Medicine.

(Q) 1 member engaged in the transportation of food and agricultural products to domestic and foreign markets.

(R) 1 member representing food retailing and marketing interests.

(S) 1 member representing food and fiber processors.

(T) 1 member actively engaged in rural economic development.

(U) 1 member representing a national consumer interest group.

(V) 1 member representing a national forestry group.

(W) 1 member representing a national conservation or natural resource group.

(X) 1 member representing private sector organizations involved in international development.

(Y) 1 member representing a national social science association.”;
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(2) in subsection (g)(1), by striking "$350,000" and inserting "$500,000"; and
(3) in subsection (h), by striking "2007" and inserting "2012";
(b) EFFECT ON TRAMS.—Nothing in this section or any amendment made by this section affects the term of any member of the National Agricultural Research, Extension, Education, and Economics Advisory Committee serving as of the date of enactment of this Act.

SEC. 7103. SPECIALTY CROP COMMITTEE REPORT.
Section 1408A(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123a(c)) is amended as follows:

SEC. 1409B. RENEWABLE ENERGY COMMITTEE.
(a) INITIAL MEMBERS.—Not later than 90 days after the date of enactment of this section, the executive committee of the Advisory Board shall establish and appoint the initial members of a permanent renewable energy committee.

(b) DUTIES.—The permanent renewable energy committee shall study the scope and effectiveness of research, extension, and economic programs affecting the renewable energy industry.

(c) NONADVISORY BOARD MEMBERS.—
(1) IN GENERAL.—An individual who is not a member of the Advisory Board may be appointed as a member of the renewable energy committee.

(2) SERVICE.—A member of the renewable energy committee shall serve at the discretion of the Committee.

(d) REPORT BY RENEWABLE ENERGY COMMITTEE.—Not later than 180 days after the date of enactment of this Act, the renewable energy committee shall submit to the Committee a report that contains any recommendations of the renewable energy committee with respect to the study conducted under subsection (b).

(e) CONSULTATION.—In carrying out the duties described in subsection (b), the renewable energy committee shall consult with the Biomass Research and Development Technical Advisory Committees established under section 9006(d) of the Biomass Research and Development Act of 2000 (7 U.S.C. 8086).

(f) MATTERS TO BE CONSIDERED IN BUDGET RECOMMENDATION.—In preparing the annual budget recommendations for the Department, the Secretary shall take into consideration the findings and recommendations contained in the most recent report of the renewable energy committee under subsection (d) that are developed by the Advisory Committee.

(g) REPORT BY THE SECRETARY.—In the budget material submitted to Congress by the Secretary in connection with the budget submitted under section 1231 of title 31, United States Code, for a fiscal year, the Secretary shall include a report that describes the ways in which the Secretary addressed each recommendation of the renewable energy committee described in subsection (f).

SEC. 7105. VETERINARY MEDICINE LOAN REPAYMENT.
(a) IN GENERAL.—Section 1415A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3151a) is amended—
(1) by striking subsection (b) and inserting the following:

(b) DETERMINATION OF VETERINARIAN SHORTAGE SITUATIONS.—In determining ‘‘veterinarian shortage situations’’, the Secretary may consider—
(1) geographical areas that the Secretary determines have a shortage of veterinarians; and
(2) areas of veterinary practice that the Secretary determines have a shortage of veterinarians, such as food animal medicine, public health, epidemiology, and food safety; . . .
(2) in subsection (c), by adding at the end the following:

(8) PRIORITY.—In administering the program, the Secretary shall give priority to agreements with veterinarians for the practice of food animal medicine in veterinarian shortage situations.

(b) REFORMULATION.—Section 1417(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152) is amended by striking subsection (b) and inserting the following:
(1) ESTABLISHMENT.—The Secretary shall establish a National Food and Agricultural Sciences Teaching, Extension, and Research Awards program to recognize and promote excellence in teaching, extension, and research in the food and agricultural sciences at a college or university.

(2) MINIMUM REQUIREMENT.—The Secretary shall make at least 1 cash award in each fiscal year to a nominee selected by the Secretary for excellence in each of the areas of teaching, extension, and research of food and agricultural science at a college or university.

SEC. 7109. GRANTS AND FELLOWSHIPS FOR FOOD AND AGRICULTURAL SCIENCES EDUCATION.
(a) EDUCATION TEACHING PROGRAMS.—Section 1417(m) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152(i)) is amended—
(1) in the subsection heading, by striking ‘‘secondary education programs’’ and inserting ‘‘secondary education programs and postsecondary education programs’’;

(2) by inserting after paragraph (3)—

(3) EXPANSION OF FOOD AND AGRICULTURAL SCIENCES EDUCATION IN THE K-12 CLASSROOM.

(b) REPORT.—Section 1417 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152) is amended—
(1) by redesignating subsection (i) as subsection (m); and
(2) by inserting after subsection (k) the following:

(3) EXPANSION OF FOOD AND AGRICULTURAL SCIENCES EDUCATION.

(c) AUTHORIZATION OF APPROPRIATIONS.—
Section 1417(m) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152) is amended by striking subsection (i) and inserting the following:
(1) IN GENERAL.—The Secretary shall establish a National Food and Agricultural Sciences Teaching, Extension, and Research Awards program to recognize and promote excellence in teaching, extension, and research in the food and agricultural sciences at a college or university.

(2) MINIMUM REQUIREMENT.—The Secretary shall make at least 1 cash award in each fiscal year to a nominee selected by the Secretary for excellence in each of the areas of teaching, extension, and research of food and agricultural science at a college or university.

SEC. 7110. GRANTS FOR RESEARCH ON PRODUCTION AND MARKETING OF ALCOHOLIC AND HORTICULTURAL COMMODITIES AND FRESH AND PROCESSED FOODS.
(a) GENERAL.—Section 1419 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3154) is amended—
(1) by striking ‘‘Teaching’’ and inserting ‘‘Teaching, Extension, and Research’’; and
(2) by striking paragraph (1) and inserting the following:

(1) ESTABLISHMENT.—The Secretary shall establish a National Food and Agricultural Sciences Teaching, Extension, and Research Awards program to recognize and promote excellence in teaching, extension, and research in the food and agricultural sciences at a college or university.

(2) MINIMUM REQUIREMENT.—The Secretary shall make at least 1 cash award in each fiscal year to a nominee selected by the Secretary for excellence in each of the areas of teaching, extension, and research of food and agricultural science at a college or university.

(3) EXPANSION OF FOOD AND AGRICULTURAL SCIENCES EDUCATION.

SEC. 7111. GRANTS FOR RESEARCH ON PRODUCTION AND MARKETING OF ALCOHOLIC AND HORTICULTURAL COMMODITIES AND FRESH AND PROCESSED FOODS.
(a) GENERAL.—Section 1419 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3154) is amended—
(1) by striking ‘‘Teaching’’ and inserting ‘‘Teaching, Extension, and Research’’; and
(2) by striking paragraph (1) and inserting the following:

(1) ESTABLISHMENT.—The Secretary shall establish a National Food and Agricultural Sciences Teaching, Extension, and Research Awards program to recognize and promote excellence in teaching, extension, and research in the food and agricultural sciences at a college or university.

(2) MINIMUM REQUIREMENT.—The Secretary shall make at least 1 cash award in each fiscal year to a nominee selected by the Secretary for excellence in each of the areas of teaching, extension, and research of food and agricultural science at a college or university.

(3) EXPANSION OF FOOD AND AGRICULTURAL SCIENCES EDUCATION.

SEC. 7112. GRANTS FOR RESEARCH ON PRODUCTION AND MARKETING OF ALCOHOLIC AND HORTICULTURAL COMMODITIES AND FRESH AND PROCESSED FOODS.
(a) GENERAL.—Section 1419 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3154) is amended—
(1) by striking ‘‘Teaching’’ and inserting ‘‘Teaching, Extension, and Research’’; and
(2) by striking paragraph (1) and inserting the following:

(1) ESTABLISHMENT.—The Secretary shall establish a National Food and Agricultural Sciences Teaching, Extension, and Research Awards program to recognize and promote excellence in teaching, extension, and research in the food and agricultural sciences at a college or university.

(2) MINIMUM REQUIREMENT.—The Secretary shall make at least 1 cash award in each fiscal year to a nominee selected by the Secretary for excellence in each of the areas of teaching, extension, and research of food and agricultural science at a college or university.
of 1977 (7 U.S.C. 3311(a)) is amended by striking "1419.".

SEC. 7111. POLICY RESEARCH CENTERS.
Section 1419A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3159) is amended—

(1) in subsection (a)(1), by inserting "(including commodities, livestock, dairy, and specialty crops)" after "agricultural sectors;"

(2) in subsection (b), by inserting "(including the Food Agricultural Policy Research Institute, the Agricultural and Food Policy Center, the Rural Policy Research Institute, and the National Drought Mitigation Center)" after "research institutions and organizations;" and

(3) in subsection (d), by striking "2007" and inserting "2012".

SEC. 7112. EDUCATION GRANTS TO ALASKA NATIVE SERVING INSTITUTIONS AND NATIVE HAWAIIAN-SERVING INSTITUTIONS.
Section 739 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2000 (7 U.S.C. 3242)—

(1) is amended—

(A) in subsection (a)(3), by striking "2006" and inserting "2012"; and

(B) in subsection (b)—

(i) in paragraph (2)(A), by striking before the semicolon the following: "..., including permitting consortia to designate fiscal agents for the members of the consortia to allocate among the members funds made available under this section;" and

(ii) in paragraph (3), by striking "2006" and inserting "2012";

(2) is redesignated as section 1419B of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, and

(3) takes effect as to appear after section 1419A of that Act (7 U.S.C. 3156).

SEC. 7113. EMPHASIS OF HUMAN NUTRITION INITIATIVE.
Section 1424(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3174(b)) is amended—

(1) in paragraph (1), by striking "and;";

(2) in paragraph (2), by striking the comma at the end and inserting ";", and;

(3) by adding at the end the following:

"(3) proposals that examine the efficacy of current policies in promoting the health and welfare of economically disadvantaged populations;"

SEC. 7114. HUMAN NUTRITION INTERVENTION AND FOOD PROMOTION RESEARCH PROGRAM.
Section 1424(d) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3174(d)) is amended by striking "2007" and inserting "2012".

SEC. 7115. PILOT RESEARCH PROGRAM TO COMBINE MEDICAL AND AGRICULTURAL RESEARCH.
Section 1424A(d) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3174a(d)) is amended by striking "2007" and inserting "2012".

SEC. 7116. NUTRITION EDUCATION PROGRAM.
(a) Section 1425 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3175) is amended—

(1) by redesignating subsections (a) through (c) as subsections (b) through (d), respectively;

(2) by striking the section heading and designating the following:

"SEC. 1425. NUTRITION EDUCATION PROGRAM."

"(a) DEFINITION OF 1862 INSTITUTION AND 1890 INSTITUTION.—In this section, the terms '1862 Institution' and '1890 Institution' have the meaning given those terms in section 2 of the Agricultural Research, Extension, and Education Reform Act of 1988 (7 U.S.C. 7681).

(3) in subsection (b) (as redesignated by paragraph (1)), by striking "(b) The Secretary" and inserting the following:

"(b) The Secretary;"

(4) in subsection (c) (as so redesignated), by striking "(c) In order to enable" and inserting the following:

"(c) EMPLOYMENT AND TRAINING.—To enable;"

(5) in subsection (d) (as redesignated by paragraph (1)), by striking "(d) Beginning" and inserting the following:

"(d) ALLOCATION OF FUNDING.—Beginning;"

(6) in paragraph (2)(A), by striking subparagraph (B) and inserting the following:

"(B) Notwithstanding section 3(d) of the Act of May 8, 1914 (7 U.S.C. 343(d)), the remainder shall be allocated among the States as follows:

(i) $100,000 shall be distributed to each 1862 Institution and 1890 Institution.

(ii) Subject to (iii), the remainder shall be allocated to each in an amount that bears the same ratio to the total amount to be allocated under this clause as—

(I) the population living at or below 125 percent of the income poverty guidelines (as prescribed by the Office of Management and Budget, and as adjusted pursuant to section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) in the State; and

(II) the total population living at or below 125 percent of those income poverty guidelines in all States, as determined by the most recent decennial census at the time at which such additional amount is first appropriated.

(iii)(I) Before any allocation of funds under clause (ii), for any fiscal year for which the amount of funds appropriated for the conduct of the expanded food and nutrition education program exceeds the amount provided in such subclause (ii), for any fiscal year for which the amount of funds provided for the conduct of the expanded food and nutrition education program exceeds the amount of funds appropriated for the program for fiscal year 2007, the following percentage of such excess funds for the fiscal year shall be allocated to the 1890 Institutions in accordance with subclause (II):

(aa) 10 percent for fiscal year 2009.

(bb) 11 percent for fiscal year 2010.

(cc) 12 percent for fiscal year 2011.

(dd) 13 percent for fiscal year 2012.

(ee) 14 percent for fiscal year 2013.

(ff) 15 percent for fiscal year 2014 and for each fiscal year thereafter.

(ii) Funds made available under subclause (I) shall be allocated to each 1890 Institution in an amount that bears the same ratio to the total amount to be allocated under this clause as—

(gg) the population living at or below 125 percent of the income poverty guidelines with respect to which such additional amount is first appropriated.

(hh) the total population living at or below 125 percent of those income poverty guidelines in all States in which 1890 Institutions are located; as determined by the most recent decennial census at the time at which such additional amount is first appropriated.

(iv) Nothing in this subparagraph precludes the Secretary from developing additional evaluation materials for instructional programs for persons in income ranges above the level designated in this subparagraph.

(C) by striking paragraph (3); and

(D) by adding at the end the following:

"(e) COMPLEMENTARY ADMINISTRATION.—The Secretary shall ensure the complementarity and coordination of research, extension, and teaching activities with the expanded food and nutrition education program by 1862 Institutions and 1890 Institutions in a State.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the expanded food and nutrition education program established under section 3(d) of the Act of May 8, 1914 (7 U.S.C. 343(d)), and this section $90,000,000 for each of fiscal years 2009 through 2012.

(g) COMFORMING AMENDMENT.—Section 158(b) of the Food Security Act of 1985 (7 U.S.C. 3175(e)(b)) is amended by striking "section 1425(c)(2)" and inserting "section 1425(d)(2)";

(h) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2008.

SEC. 7117. CONTINUING ANIMAL HEALTH AND DISEASE RESEARCH PROGRAMS.
Section 1438(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3196(a)) is amended by adding at the end the following:

"(g) COOPERATION AMONG ELIGIBLE INSTITUTIONS.—The Secretary, to the maximum extent practicable, shall encourage eligible institutions to cooperate in setting research priorities under this section through the conduct of regular regional and national meetings."

SEC. 7118. APPROPRIATIONS FOR RESEARCH ON NATIONAL OR REGIONAL PROBLEMS.
Section 1434(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3195(a)) is amended by striking "2007" and inserting "2012".

SEC. 7119. AUTHORIZATION LEVEL FOR EXTENSION AT 1890 LAND-GRANT COLLEGES.
Section 1442(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3221(a)(2)) is amended by striking "15 percent" and inserting "20 percent".

SEC. 7120. AUTHORIZATION LEVEL FOR AGRICULTURAL RESEARCH AT 1890 LAND-GRANT COLLEGES.
Section 1443(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222(a)(2)) is amended by striking "15 percent" and inserting "20 percent".

SEC. 7121. AUTHORIZATION LEVEL FOR EXTENSION AT 1890 LAND-GRANT COLLEGES.
Section 1444(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3223(a)(2)) is amended by striking "15 percent" and inserting "20 percent".

SEC. 7122. AUTHORIZATION LEVEL FOR AGRICULTURAL RESEARCH AT 1890 LAND-GRANT COLLEGES.
Section 1445(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3224(a)(2)) is amended by striking "25 percent" and inserting "30 percent".

SEC. 7123. GRANTS TO UPGRADE AGRICULTURAL AND FOOD SCIENCES FACILITIES AT 1890 LAND-GRANT COLLEGES, INCLUDINg TUSKEGEE UNIVERSITY.
Section 1447(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3226(b)) is amended by striking "25 percent" and inserting "30 percent".

SEC. 7124. GRANTS TO UPGRADE AGRICULTURAL AND FOOD SCIENCES FACILITIES AT THE DISTRICT OF COLUMBIA LAND-GRANT COLLEGES.
Section 1448(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3227(b)) is amended by striking "2007" and inserting "2012".

The National Agricultural Research, Extension, and Teaching Policy Act of 1977 is
amended by inserting after section 1447 (7 U.S.C. 3222b) the following:

SEC. 1447A. GRANTS TO UPGRADE AGRICULTURE AND FOOD SCIENCES FACILITIES AND EQUIPMENT AT INSULAR AREA LAND-GRAIN UNIVERSITIES.

(a) PURPOSE.—It is the intent of Congress to assist land-grant universities in the District of Columbia established under section 208 of the District of Columbia Public Postsecondary Education Reorganization Act (Public Law 93–471; 86 Stat. 1429) in efforts to acquire, alter, or repair facilities or relevant equipment necessary for conducting agricultural research.

(b) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated to carry out this section $750,000 for each of fiscal years 2008 through 2012.

SEC. 1725. GRANTS TO UPGRADE AGRICULTURE AND FOOD SCIENCES FACILITIES AND EQUIPMENT AT INSULAR AREA LAND-GRAIN UNIVERSITIES.

The National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3210 et seq.) is amended by inserting after section 1447A (as added by section 7124) the following:

SEC. 1447B. GRANTS TO UPGRADE AGRICULTURE AND FOOD SCIENCES FACILITIES AND EQUIPMENT AT INSULAR AREA LAND-GRAIN UNIVERSITIES.

(a) PURPOSE.—It is the intent of Congress to assist the land-grant institutions in the insular areas in efforts to acquire, alter, or repair facilities or relevant equipment necessary for conducting agricultural research.

(b) AUTHORIZATION OF APPROPRIATIONS.—

Grants awarded pursuant to this section shall be made in such amounts and under such terms and conditions as the Secretary determines necessary to carry out the purposes of this section.

(c) REGULATIONS.—The Secretary may promulgate such rules and regulations as the Secretary considers necessary to carry out this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—

There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2008 through 2012.

SEC. 7126. NATIONAL RESEARCH AND TRAINING VIRTUAL CENTERS.

Section 1448 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222c) is amended—

(1) in the first sentence—

(A) by striking—"for each of fiscal years 2003 through 2007.") after "not later than";

(B) by inserting "and" before "and";

(C) by striking the second sentence and all that follows through paragraph (5). (2) in subsection (b), by striking "2007" each place it appears in subsections (a)(1) and (f) and inserting "2012".

SEC. 7127. MATCHING FUNDS REQUIREMENT FOR RESEARCH AND EXTENSION ACTIVITIES OF 1890 INSTITUTIONS.

Section 1449(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222c(c)) is amended—

(1) in the first sentence—

(A) by striking "for each of fiscal years 2003 through 2007."); and

(B) by inserting "equal" before "match-"; and

(A) striking the second sentence and all that follows through paragraph (5).

SEC. 7128. HISPANIC-SERVING INSTITUTIONS.

Section 1455 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3241) is amended—

(1) in subsection (a) by striking —"or grants without regard to any requirement for competition—"; and

(2) in subsection (b), by striking "and"; and

(3) in subsection (c)—

(A) by striking "$20,000,000" and inserting "$40,000,000"; and

(B) by striking "2007" and inserting "2012".

SEC. 7129. HISPANIC-SERVING AGRICULTURAL COLLEGES AND UNIVERSITIES.

(a) IN GENERAL.—The National Agricultural Research, Extension, and Teaching Policy Act of 1977 is amended by inserting after section 1455 (7 U.S.C. 3241) the following:

SEC. 1456. HISPANIC-SERVING AGRICULTURAL COLLEGES AND UNIVERSITIES.

(a) DEFINITION OF ENDOWMENT FUND.—

In this section, the term ‘endowment fund’ means the Hispanic-Serving Agricultural Colleges and Universities Fund established under subsection (b).

(b) ENDOWMENT—

(1) IN GENERAL.—The Secretary of the Treasury shall establish in accordance with this subsection a Hispanic-Serving Agricultural Colleges and Universities Fund.

(2) AGREEMENT.—The Secretary of the Treasury may enter into such agreements as are necessary to carry out this subsection.

(c) DEPOSIT TO THE ENDOWMENT FUND.—

The Secretary of the Treasury shall deposit in the endowment fund any—

(A) amounts made available through Acts of appropriation, which shall be the endowment fund corpus; and

(B) interest earned on the endowment fund corpus.

(d) INVESTMENTS.—

The Secretary of the Treasury shall invest the endowment fund corpus and income in interest-bearing obligations of the United States.

(e) WITHDRAWALS.

(1) CORPUS.—The Secretary of the Treasury may not make a withdrawal or expenditure from the endowment fund corpus.

(2) ENDOWMENT—

(a) IN GENERAL.—The Secretary of the Treasury shall withdraw the amount of the income from the endowment fund for the fiscal year and warrant the funds to the Secretary of Agriculture who, after making adjustments for the cost of administering the endowment fund, shall distribute the following:

(1) 60 percent shall be distributed among the Hispanic-serving agricultural colleges and universities on a pro rata basis based on the Hispanic enrollment count of each institution.

(2) 40 percent shall be distributed in equal shares to the Hispanic-serving agricultural colleges and universities.

(f) ENDOWMENTS.—

Amounts made available under this subsection shall be used as otherwise provided in this subsection a Hispanic-Serving Agricultural Colleges and Universities Fund.

(g) USE OF FUNDS—

(A) IN GENERAL.—The Secretary shall make grants under this subsection on the basis of a competitive application process under which this subsection. The Secretary shall make grants to Hispanic-serving agricultural colleges and universities in institutional capacity building (not including alteration, repair, renovation, or construction of buildings).

(2) CRITERIA FOR INSTITUTIONAL CAPACITY-BUILDING GRANTS—

(A) REQUIREMENTS FOR GRANTS.—The Secretary shall make grants under this subsection only to an applicant that demonstrates a failure to obtain funding for a project after making a reasonable effort to otherwise obtain the funding.

(B) PAYMENT OF NON-FEDERAL SHARE.—A grant awarded under this subsection shall be made only if the recipient of the grant pays a non-Federal share in an amount that is specified by the Secretary and based on assessed institutional needs.

(C) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this subsection for fiscal year 2008 and each fiscal year thereafter.

(D) COMPETITIVE GRANTS PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish a competitive grants program to fund fundamental and applied research at Hispanic-serving agricultural colleges and universities in agriculture, veterinary medicine, food science, bioenergy, and environmental sciences.

(E) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this subsection for fiscal year 2008 and each fiscal year thereafter.

(F) PAYMENT OF NON-FEDERAL SHARE.—A grant awarded under this subsection shall be made only if the recipient of the grant pays a non-Federal share in an amount that is specified by the Secretary and based on assessed institutional needs.

(G) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this subsection for fiscal year 2008 and each fiscal year thereafter.

(H) PAYMENT OF NON-FEDERAL SHARE.—A grant awarded under this subsection shall be made only if the recipient of the grant pays a non-Federal share in an amount that is specified by the Secretary and based on assessed institutional needs.

(I) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this subsection for fiscal year 2008 and each fiscal year thereafter.

(J) PAYMENT OF NON-FEDERAL SHARE.—A grant awarded under this subsection shall be made only if the recipient of the grant pays a non-Federal share in an amount that is specified by the Secretary and based on assessed institutional needs.

(K) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this subsection for fiscal year 2008 and each fiscal year thereafter.

(L) PAYMENT OF NON-FEDERAL SHARE.—A grant awarded under this subsection shall be made only if the recipient of the grant pays a non-Federal share in an amount that is specified by the Secretary and based on assessed institutional needs.

(M) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this subsection for fiscal year 2008 and each fiscal year thereafter.

(N) PAYMENT OF NON-FEDERAL SHARE.—A grant awarded under this subsection shall be made only if the recipient of the grant pays a non-Federal share in an amount that is specified by the Secretary and based on assessed institutional needs.

(O) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this subsection for fiscal year 2008 and each fiscal year thereafter.

(P) PAYMENT OF NON-FEDERAL SHARE.—A grant awarded under this subsection shall be made only if the recipient of the grant pays a non-Federal share in an amount that is specified by the Secretary and based on assessed institutional needs.
“(i) distributed on the basis of a competitive application process to be developed and implemented by the Secretary; 
(ii) paid by the Secretary to the State institutions established in accordance with the Act of July 2, 1862 (commonly known as the ‘First Morrill Act’) (7 U.S.C. 301 et seq.); and 
(iii) administered by State institutions through compacts or other formal agreements with the Hispanic-serving agricultural colleges and universities in the State in accordance with regulations promulgated by the Secretary.”; and

(2) in subsection (f)—

(A) in the subsection heading, by inserting “AND HISPANIC-SERVING AGRICULTURAL COLLEGES AND UNIVERSITIES” after “1994 INSTITUTIONS”; and

(B) by striking “pursuant to subsection (b)(3)” and inserting “or Hispanic-serving agricultural colleges and universities in accordance with paragraphs (3) and (4) of subsection (b)”.

(c) CONFORMING AMENDMENTS.—

(1) Section 2 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601) is amended by—

(A) by redesignating paragraph (6) as paragraph (7); and

(B) by inserting after paragraph (5) the following:

“(6) HISPANIC-SERVING AGRICULTURAL COLLEGES AND UNIVERSITIES.—The term ‘Hispanic-serving agricultural colleges and universities’ means the term ‘Hispanic-serving agricultural colleges and universities’ as defined in section 1866 of the National Agricultural Research, Extension, and Education Reform Act of 1977 (7 U.S.C. 3131).”.

(2) Section 102(c) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7612(c)) is amended—

(A) in the subsection heading, by inserting “AND HISPANIC-SERVING AGRICULTURAL COLLEGES AND UNIVERSITIES after ‘INSTITUTIONS’; and

(B) in paragraph (1), by striking “and 1994 Institution” and inserting “1994 Institution, and Hispanic-serving agricultural college and university.”.

(3) Section 103(e) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7613(e)) is amended by adding at the end the following:

“(3) HISPANIC-SERVING AGRICULTURAL COLLEGES AND UNIVERSITIES.—To be eligible to obtain agricultural extension funds from the Secretary, each Hispanic-serving agricultural college and university shall—

(A) establish a process for merit review of the activity; and

(B) review the activity in accordance with such process.”.

(4) Section 406(b) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626(b)) is amended by striking “and 1994 Institutions” and inserting “1994 Institutions, and Hispanic-serving agricultural colleges and universities.”.

SEC. 7130. INTERNATIONAL AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION PROGRAMS.

Section 1458(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319(a)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking “and” after the semicolon;

(B) in subparagraph (B), by adding “and” at the end;

(C) by adding at the end the following:

“(C) giving priority to those institutions with existing memoranda of understanding, agreements, or other formal ties to United States institutions, or Federal or State agencies;”;

(2) by striking paragraph (3) and inserting the following:

“(3) enter into agreements with land-grant colleges and universities, Hispanic-serving agricultural colleges and universities, the Agency for International Development, and international organizations (such as the United Nations, the World Bank, regional development banks, international agricultural research centers), or other organizations, institutions, or individuals with comparable goals, to promote and support—

(A) the development of a viable and sustainable global agricultural system; 

(B) antihunger and improved international nutrition efforts; and 

(C) increased quantity, quality, and availability of food; and

(3) in paragraph (7)(A), by striking “and land-grant colleges and universities and” and inserting “land-grant colleges and universities, and Hispanic-serving agricultural colleges and universities”; and

(4) in paragraph (8)—

(A) in subparagraph (A), by striking “or other colleges and universities and” and inserting “, Hispanic-serving agricultural colleges and universities, or other colleges and universities”; and

(B) in subparagraph (D), by striking “and” at the end;

(5) in paragraph (10), by striking the period at the end and inserting “; and”; and

(6) by adding at the end the following:

“(11) establish a program for the purpose of providing fellowships to United States or foreign students to study at foreign agricultural colleges and universities working under agreements provided for under paragraph (3).”.

SEC. 7131. COMPETITIVE GRANTS FOR INTERNATIONAL AGRICULTURAL SCIENCE AND EDUCATION PROGRAMS.

Section 1458(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3322(b)) is amended by striking “2007” and inserting “2012”.

SEC. 7132. ADMINISTRATION.

(a) LIMITATION ON INDIRECT COSTS FOR AGRICULTURAL RESEARCH, EDUCATION, AND EXTENSION PROGRAMS.—Section 1462(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3321(a)) is amended—

(1) by striking “a competitive” and inserting “any”;

(2) by striking “19 percent” and inserting “22 percent”;

(b) AUDITING, REPORTING, BOOKKEEPING, AND ADMINISTRATIVE REQUIREMENTS.—Section 1469(a)(3) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319(a)(3)) is amended by striking “appropriated” and inserting “made available”.

SEC. 7133. RESEARCH EQUIPMENT GRANTS.

Section 1462(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319(a)) is amended by striking “2007” and inserting “2012”.

SEC. 7134. UNIVERSITY RESEARCH.

Section 1463 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3321) is amended by striking “2007” and inserting “2012”.

SEC. 7135. SUPPLEMENTAL AND ALTERNATIVE FUNDING.

Section 1473D(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319(d)(a)) is amended by striking “2007” and inserting “2012”.

SEC. 7137. NEW ERA RURAL TECHNOLOGY PROGRAM.

Subtitle K of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310 et seq.) is amended by adding the following:

“SEC. 1473E. NEW ERA RURAL TECHNOLOGY PROGRAM.

“(a) DEFINITION OF COMMUNITY COLLEGE.—In this section, the term ‘community college’ means an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001))—

“(1) that admits as regular students individuals who—

“A. are beyond the age of compulsory school attendance in the State in which the institution is located; and

“(B) have the ability to benefit from the training offered by the institution;

“(2) that does not provide an educational program for which the institution awards a bachelor’s degree or an equivalent degree; and

“(3) that—

“(A) provides an educational program of not less than 2 years that is acceptable for full credit toward such a degree; or

“(B) offers a 2-year program in engineering technology, mathematics, or the physical, chemical, or biological sciences, designed to prepare a student to work as a technician or at the semiprofessional level in engineering, scientific, or other technological fields requiring the understanding and application of basic engineering, scientific, or mathematical principles of knowledge; and

“(b) FUNCTIONS.—

“(1) ESTABLISHMENT.—

“(A) IN GENERAL.—The Secretary shall establish a program to be known as the ‘New Era Rural Technology Program’, to make grants available for technology development, applied research, and training to aid in the development of an agriculture-based renewable energy workforce.

“(B) SUPPORT.—The initiative under this section shall support the fields of—

“(i) bioenergy; 

“(ii) pulp and paper manufacturing; and

“(iii) agriculture-based renewable energy resources.

“(2) REQUIREMENTS FOR FUNDING.—To receive funding under this section, an entity shall—

“(A) be a community college or advanced technical center, located in a rural area and in existence on the date of enactment of this section, that participates in agriculture or bioenergy research and applied research;

“(B) have a proven record of development and implementation of programs to meet the needs of students, educators, and business and industry to supply the agriculture-based, renewable energy or pulp and paper manufacturing fields with certified technicians, as determined by the Secretary; and

“(C) have the ability to leverage existing partnerships and occupational outreach and training programs for secondary schools, 4-year institutions, and relevant nonprofit organizations.

“(C) GRANT PRIORITY.—In granting funds under this section, the Secretary shall give preference to eligible entities working in partnership with—

“(1) to improve information-sharing capacity; and

“(2) to maximize the benefits of programs under this section; 

“(d) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated to
carry out this section such sums as are necessary for each of fiscal years 2008 through 2012.’’

SEC. 713A. CAPACITY BUILDING GRANTS FOR NLGCA INSTITUTIONS.

Subtitle K of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3331 et seq.) (as amended by section 7137) is amended by adding at the end the following:

‘‘SEC. 1473F. CAPACITY BUILDING GRANTS FOR NLGCA INSTITUTIONS.

‘‘(a) GRANT PROGRAM.—

‘‘(1) IN GENERAL.—The Secretary shall make competitive grants to NLGCA Institutions in maintaining and expanding the capacity of the NLGCA Institutions to conduct education, research, and outreach activities relating to—

‘‘(A) agriculture;

‘‘(B) renewable resources; and

‘‘(C) other similar disciplines.

‘‘(2) USE OF FUNDS.—An NLGCA Institution that receives a grant under paragraph (1) may use the funds made available through the grant to maintain and expand the capacity of the NLGCA Institution.

‘‘(B) a Borlaug agricultural policy executive leadership course to assist senior agricultural policy makers from eligible countries, with an initial focus on individuals from sub-Saharan Africa and the independent states of the former Soviet Union.

‘‘(C) an eligible country is a developing country, as determined by the Secretary using a gross national income per capita test selected by the Secretary.

‘‘(D) PURPOSE OF FELLOWSHIPS.—A fellowship provided under this section shall—

‘‘(E) promote food security and economic growth in eligible countries by—

‘‘(F) educating a new generation of agricultural scientists;

‘‘(G) increasing scientific knowledge and collaborative research to improve agricultural productivity; and

‘‘(H) extending that knowledge to users and intermediaries in their marketplace; and

‘‘(I) shall support—

‘‘(J) training and collaborative research opportunities through exchanges for entry level international research scientists, faculty, and policymakers from eligible countries;

‘‘(K) collaborative research to improve agricultural productivity;

‘‘(L) the transfer of new science and agricultural technologies to strengthen agricultural practices; and

‘‘(M) the reduction of barriers to technology adoption.

‘‘(K) FELLOWSHIP RECIPIENTS.—

‘‘(1) ELIGIBILITY.—The Secretary may provide fellowships under this section to individuals from eligible countries who specialize or have experience in agricultural education, research, extension, or related fields, including—

‘‘(A) individuals from the public and private sectors;

‘‘(B) private agricultural producers.

‘‘(2) CANDIDATE IDENTIFICATION.—The Secretary shall use the expertise of United States land-grant colleges and universities and similar universities, international organizations working in agricultural research and outreach, and national agricultural researchers or organizational leaders to identify program candidates for fellowships under this section from the public and private sectors of eligible countries.

‘‘(L) USE OF FELLOWSHIPS.—A fellowship provided under this section shall be used—

‘‘(M) to promote collaborative programs among agricultural professionals of eligible countries and agricultural professionals of the United States, the international agricultural research system, and, as appropriate, United States entities conducting research; and

‘‘(N) to support fellowship recipients through programs described in subsection (a)(2).

‘‘(M) PROGRAM IMPLEMENTATION.—The Secretary shall provide for the management, coordination, evaluation, and monitoring of the Borlaug International Agricultural Science and Technology Fellowship Program and for the individual programs described in subsection (a)(2), except that the Secretary may contract out to 1 or more collaborating universities the management and development of the fellowship programs.

‘‘(N) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section, to remain available until expended.’’

SEC. 7140. AQUACULTURE ASSISTANCE PROGRAM.

Section 7177 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3324) is amended by striking ‘‘2007’’ and inserting ‘‘2012’’.

SEC. 7141. RANGELAND RESEARCH GRANTS.

Section 1460(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3336(a)) is amended by striking ‘‘2007’’ and inserting ‘‘2012’’.

SEC. 7142. SPECIAL AUTHORIZATION FOR BIO-SECURITY PLANNING AND RESPONSE.

Section 148(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3351(a)) is amended by striking ‘‘2007’’ and inserting ‘‘2012’’.

SEC. 7143. RESIDENT INSTRUCTION AND DIS- TANCE EDUCATION GRANTS PROGRAM FOR INSULAR AREA INSTITUTIONS OF HIGHER EDUCATION.

(a) DISTANCE EDUCATION GRANTS FOR INSULAR AREA INSTITUTIONS OF HIGHER EDUCATION.—

The Anacostia Institute for Rural Affairs, United States land-grant colleges and universities, and States land-grant colleges and universities shall—

‘‘(A) use the funds provided under this section for the construction and maintenance of life science research facilities to enhance the recruitment, education, and retention of a critical mass of minority students in the field of agriculture; and

‘‘(B) use the funds provided under this section to provide an alternative for students who cannot afford to attend an institution of higher education in the United States, but who are qualified to attend such institution.

‘‘(C) carry out this section such sums as are necessary for each of fiscal years 2008 through 2012.’’

Subtitle B—Food, Agriculture, Conservation, and Trade Act of 1990

SEC. 7201. NATIONAL GENETICS RESOURCES PROGRAM.

Section 1635(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1963(f)) is amended by striking ‘‘2007’’ and inserting ‘‘2012’’.

SEC. 7202. NATIONAL AGRICULTURAL WEATHER INFORMATION SYSTEM.

Section 1641(c) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1967(c)) is amended by striking ‘‘1991 through 1997’’ and inserting ‘‘2008 through 2012’’.

SEC. 7203. PARTNERSHIPS.

Section 1672(d) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1952(d)) is amended by striking ‘‘may’’ and inserting ‘‘shall’’.

SEC. 7204. HIGH-PRIORITY RESEARCH AND EXTENSION AREAS.

(a) IN GENERAL.—Section 1672 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1952) is amended by adding—

‘‘(1) in subsection (e)—

‘‘(A) in paragraph (3), by striking ‘‘and controlling aflatoxin in the food and feed crops,’’ and inserting ‘‘, improving, and eventually commercializing, aflatoxin controls in corn and other affected agricultural products and crops,’’;

‘‘(B) by striking paragraphs (1), (4), (7), (8), (15), (17), (21), (23), (26), (27), (32), (34), (41), (42), (43), and (45); and

‘‘(C) by redesigning paragraphs (2), (3), (5), (6), (9) through (14), (16), (18) through (20), (22), (24), (25), (28) through (31), (33), (35) through (40), and (44) as paragraphs (1) through (29), respectively; and

‘‘(D) by adding at the end the following—

‘‘(30) AERIAL EMISIONS FROM LIVESTOCK OPERATIONS.—Research and extension grants may be made under this section for the purpose of conducting field verification studies and developing mitigation options for air emissions from animal feeding operations.

‘‘(31) SWINE GENOME PROJECT.—Research grants may be made under this section to conduct swine genome research, including the mapping of the swine genome.’’

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(32) **CATTLE FEVER TICK PROGRAM.**—Research and extension grants may be made under this section to carry out this paragraph.

(33) **SYNTHETIC GYPSUM.**—Research and extension grants may be made under this section to study the uses of synthetic gypsum from electric power plants to remediate soil and nutrient losses.

(34) **CRANBERRY RESEARCH PROGRAM.**—Research and extension grants may be made under this section to assist cranberry growers in complying with Federal and State environmental regulations, increase production, develop new growing techniques, establish more efficient growing methodologies, and educate cranberry producers about sustainable growth practices.

(35) **SORGHUM RESEARCH INITIATIVE.**—Research and extension grants may be made under this section to study the use of sorghum as a bioenergy feedstock, promote diversification of the environment and benefits of sorghum production, and promote water conservation through the use of sorghum.

(36) **MARINE SHRIMP FARMING PROGRAM.**—Research and extension grants may be made under this section to establish a research and extension program to study the use of marine shrimp farming in the United States.

(37) **TURFGRASS RESEARCH INITIATIVE.**—Research and extension grants may be made under this section to study the production of turfgrass (including the use of water, fertilizers, pesticides, fossil fuels, and machinery for turf establishment and maintenance) and environmental protection and enhancement relating to turfgrass production.

(38) **AGRICULTURAL WORKER SAFETY RESEARCH INITIATIVE.**—Research and extension grants may be made under this section—

(A) to study and demonstrate methods to minimize exposure of farm and ranch owners and other pipeline handlers, and agricultural workers to pesticides, including research addressing the unique concerns of farm workers resulting from long-term exposure to glyphosate; and

(B) to develop rapid tests for on-farm use to better inform and educate farmers, ranchers, and farm and ranch workers regarding safe farm practices.

(39) **HIGH PLAINS AQUIFER REGION.**—Research and extension grants may be made under this section to carry out interdisciplinary research relating to diminishing water levels and increased demand for water in the High Plains aquifer region.

(40) **DEER INITIATIVE.**—Research and extension grants may be made under this section to support collaborative research focusing on the development of viable strategies for the prevention, diagnosis, and treatment of infectious, parasitic, and toxic diseases of farmed deer and the mapping of the deer genome.

(41) **PASTURE-BASED SHEEP SYSTEMS RESEARCH INITIATIVE.**—Research and extension grants may be made under this section to study the development of forage sequences and combinations for cow-calf, feeder development, and finishing systems and to deliver optimal nutritive value for efficient production of cattle for pasture finishing, to optimize forage systems to improve marketability and profitability of the beef, and the effect of forage quality on reproductive fitness.

(42) **AGRICULTURAL PRACTICES RELATING TO CLIMATE CHANGE.**—Research and extension grants may be made under this section for field and laboratory studies that examine the impacts of climate change and adaptation to those changes, and for projects that explore the relationship of agricultural practices to climate change.

(43) **BRUCKELLIOSIS CONTROL AND ERADICATION.**—Research and extension grants may be made under this section to carry out research relating to the development of vaccines and vaccine delivery systems to effectively vaccinate brucellosis in wildlife, and to assist with the controlling of the spread of brucellosis from wildlife to domestic animals.

(44) **BIGHORN AND DOMESTIC SHEEP DISEASE MECHANISMS.**—Research and extension grants may be made under this section to conduct research relating to the health status of (including the presence of infectious diseases in) bighorn and domestic sheep under range conditions.

(45) **AGRICULTURAL DEVELOPMENT IN THE AMERICAN-PACIFIC REGION.**—Research and extension grants may be made under this section to support food and agricultural science at a consortium of institutions in the American-Pacific region.

(46) **TROPICAL AND SUBTROPICAL AGRICULTURAL RESEARCH.**—Research grants may be made under this section to equitably disburse dollars to the Caribbean and Pacific Basins, to support tropical and subtropical agricultural research, including pest and disease research, at land-grant institutions in the Caribbean and Pacific regions.

(47) **VIRAL HEMORRHAGIC SEPTICEMIA.**—Research and extension grants may be made under this section to—

(A) the effects of viral hemorrhagic septicemia referred to in this paragraph as "VHS" on forage throughout the natural and expanding range of VHS; and

(B) methods for transmission and human-mediated transport of VHS among waterbodies.

(48) **FARM AND RANCH SAFETY.**—Research and extension grants may be made under this section to carry out projects to decrease the incidence of injury and death on farms and ranches, including—

(A) on-site farm or ranch safety reviews;

(B) outreach and dissemination of farm safety resources to agricultural employees, employers, youth, farm and ranch families, seasonal workers, or other individuals; and

(C) farming and ranching safety education and training.

(49) **WOMEN AND MINORITIES IN STEM PEDIATRICS RESEARCH INITIATIVE.**—Research and extension grants may be made under this section to increase participation by women and underrepresented minorities from rural areas in the fields of science, technology, engineering, and mathematics, with priority given to eligible institutions that carry out continuing programs funded by the Secretary.

(50) **ALLIANCE FOR AGRICULTURAL RESEARCH PROGRAM.**—Research and extension grants may be made under this section for the purpose of studying improvements in alfalfa and forage yields, biomass and persistence, pest pressures, the bioenergy potential of alfalfa and other forages, and systems to reduce losses during harvest and storage.

(51) **FOOD SYSTEMS VETERINARY MEDICINE.**—Research grants may be made under this section to address health issues that affect food-producing animals, food safety, and the biosecurity of food systems and sources of human coliform bacteria, and to provide information, education, and scientific research in support of food animal veterinary medicine and food safety.

(52) **BIOCHAR RESEARCH.**—Research grants may be made under this section for the purpose of studying improvements in alfalfa and forage yields, biomass and persistence, pest pressures, the bioenergy potential of alfalfa and other forages, and systems to reduce losses during harvest and storage.

(53) **Honey Bee Pest and Pathogen Surveillance.**—There is authorized to be appropriated to carry out this paragraph $7,250,000 for each of fiscal years 2008 through 2012.

(54) **ANNUAL REPORT ON RESPONSE TO HONEY BEE COLONY COLLAPSE DISORDER.**—The Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate an annual report describing the progress made by the Department of Agriculture in reducing the causes of collapse of honey bee colonies.

(A) There is authorized to be appropriated to carry out this paragraph $7,250,000 for each of fiscal years 2008 through 2012.

(B) **REGIONAL CENTERS OF EXCELLENCE.**—The Secretary shall prioritize regional centers of excellence established for specific agricultural-related commodities for the receipt of funding under this section.

(55) **COMPOSITION.**—A regional center of excellence shall be composed of 1 or more colleges and universities (including land-grant institutions, schools of forestry, schools of veterinary medicine, or NLGCA Institutions (as defined in section 484 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 318))
that provide financial support to the regional center of excellence.

“(3) CRITERIA FOR REGIONAL CENTERS OF EXCELLENCE.—The criteria for consideration to be a regional center of excellence shall include efforts—

“(A) to ensure coordination and cost-effectiveness by reducing unnecessarily duplicative efforts of research, teaching, and extension;

“(B) to leverage available resources by using public/private partnerships among agricultural industry groups, institutions of higher education, and the Federal Government;

“(C) to implement teaching initiatives to increase awareness and effectively disseminate solutions to target audiences through extension activities;

“(D) to increase the economic returns to rural communities by identifying, attracting, and directing funds to high-priority agricultural issues; and

“(E) to improve teaching capacity and infrastructure at colleges and universities (including land-grant institutions, schools of forestry, and schools of veterinary medicine),”; and

“(4) in subsection (j) (as redesignated by paragraph (2), by striking “2007” and inserting “2012”:

“SEC. 7206. ORGANIC AGRICULTURE RESEARCH AND EXTENSION INITIATIVE.

(a) In General.—Section 1672B of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925b) (commonly known as the “Organic Agriculture Research and Extension Initiative”) is amended—

“(1) in subsection (c), by striking (A) in paragraph (5), by striking “and” after the semicolon;

“(B) in paragraph (6), by striking the period at the end and inserting a semicolon; and

“(C) by adding at the end the following:

“(7) examining optimal conservation and environmental outcomes relating to organically produced products; and

“(8) developing new and improved seed varieties that are particularly suited for organic agriculture.”; and

“(2) by adding at the end the following:

“(f) FUNDING.—

“(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this section—

“(A) $18,000,000 for fiscal year 2009; and

“(B) $20,000,000 for each of fiscal years 2010 through 2012.

“(2) ADDITIONAL FUNDING.—In addition to amounts made available under paragraph (1), there is appropriated to carry out this section $25,000,000 for each of fiscal years 2009 through 2012.”.

“SEC. 7207. AGRICULTURAL BIOENERGY FEEDSTOCK, CONSERVATION, AND ENERGY EFFICIENCY RESEARCH AND EXTENSION INITIATIVE.

(a) Establishment and Purpose.—There is established within the Department of Agriculture an agricultural bioenergy feedstock and energy efficiency research and extension initiative (referred to in this section as the ‘Initiative’) for the purpose of enhancing bioenergy potential and the energy efficiency of agricultural operations.

(b) Competitive Research and Extension Grants Authorized.—In carrying out this section, the Secretary shall make competitive grants to support research and extension activities specified in subsections (c) and (d)

“SEC. 7208. AGRICULTURAL BIOENERGY FEEDSTOCK AND ENERGY EFFICIENCY RESEARCH AND EXTENSION INITIATIVE.

(a) Establishment and Purpose.—There is established within the Department of Agriculture an agricultural bioenergy feedstock and energy efficiency research and extension initiative (referred to in this section as the ‘Initiative’) for the purpose of enhancing the production of biomass energy crops and the energy efficiency of agricultural operations.

(b) Competitive Research and Extension Grants Authorized.—In carrying out this section, the Secretary shall make competitive grants to support research and extension activities specified in subsections (c) and (d).

(c) Agricultural Bioenergy Feedstock and Extension Research Areas.—

“(1) IN GENERAL.—Agricultural bioenergy feedstock research and extension activities funded under the Initiative shall focus on improving agricultural biomass production, biomass conversion in biofuel refineries, and bioenergy use by the following:

“(A) supporting on-farm research on crop species, nutrient requirements, management practices, environmental impacts, and economics;

“(B) supporting the development and operation of on-farm, integrated biomass feedstock production systems;

“(C) leveraging and scientific capabilities of the Department of Agriculture and other entities in—

“(i) plant genetics and breeding;

“(ii) crop production;

“(iii) soil and water science;

“(iv) use of agricultural waste; and

“(v) carbohydrate, lipid, protein, and lignin chemistry, enzyme development, and biochemistry; and

“(D) supporting the dissemination of any of the results of this research under this subsection that will assist in achieving the goals of this section.

“SEC. 7208A. SELECTION CRITERIA.—In selecting grant recipients for projects under paragraph (1), the Secretary shall consider—

“(A) the capabilities and experiences of the applicable public, private, or academic entity, including—

“(i) research in actual field conditions; and

“(ii) engineering and research knowledge relating to biofuels or the production of inputs for biofuel production;

“(B) the range of species types and cropping practices proposed for study (including species types and practices studied using side-by-side comparisons of those types and practices); and

“(C) the need for regional diversity among feedstocks;

“(D) the importance of developing multyear data relevant to the production of biomass feedstock crops;

“(E) the extent to which the project involves direct participation of agricultural producers; and

“(F) the extent to which the project proposal includes a plan or commitment to use biomass produced as part of the project in commercial channels; and

“(G) such other factors as the Secretary may determine.

“SEC. 7208B. ENERGY-EFFICIENCY RESEARCH AND EXTENSION AREAS.—On-farm energy-efficiency research and extension activities funded under the Initiative shall focus on developing and demonstrating technologies and production practices relating to—

“(1) improving on-farm renewable energy production;

“(2) encouraging efficient on-farm energy use;

“(3) promoting on-farm energy conservation;

“(4) making a farm or ranch energy-neutral; and

“(5) enhancing on-farm usage of advanced technologies to promote energy efficiency.

“(b) Best Practices Database.—The Secretary shall establish a best-practices database to include information, to be available to the public, containing—

“(i) the production potential of a variety of biomass crops; and

“(ii) best practices for production, collection, harvesting, storage, and transportation of biomass crops to be used as a source of bioenergy.

“(c) Administration.—

“(1) IN GENERAL.— Paragraphs (4), (7), (8), and (11) of subsection (b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450g) shall apply with respect to this section.

“(ii) the respective strengths of the Department of Agriculture and the Department of Energy are appropriately used.}
“(3) GRANT PRIORITY.—The Secretary shall give priority to grants applications that integrate research and extension activities established under subsections (c) and (d), respectively.

“(4) MATCHING FUNDS REQUIRED.—As a condition of receiving a grant under this section, the Secretary shall require the recipient of a grant to provide funds or in-kind support from non-Federal sources in an amount that is at least equal to the amount provided by the Federal Government.

“(5) PARTNERSHIPS ENCOURAGED.—Following the completion of a peer review process for grant proposals received under this section, the Secretary may provide a priority to grants applications established under paragraphs (1) and (2) shall not take the offer or availability of matching funds into consideration.”

SEC. 7302. PARTNERSHIPS FOR HIGH-VALUE AGRICULTURAL PRODUCT QUALITY RESEARCH.

Section 402 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7622) is repealed.

SEC. 7303. PRECISION AGRICULTURE.

Section 403 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7623) is repealed.

SEC. 7304. BIOMASS PRODUCTS.

(a) Pilot Program.—Section 404(e)(2) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7624(e)(2)) is amended by striking “2007” and inserting “2012”.

(b) Authorization of Appropriations.—

(1) In General.—There is authorized to be appropriated to carry out this section such sums as are necessary to carry out this section.

(2) Amount.—There is authorized to be appropriated to carry out this section $50,000,000 for each of fiscal years 2008 through 2012.

SEC. 7208. FARM BUSINESS MANAGEMENT AND BENCHMARKING.

The Food, Agriculture, Conservation and Trade Act of 1990 is amended by inserting after section 1672C (as added by section 7207) the following:

“SEC. 1672O. FARM BUSINESS MANAGEMENT.

“(a) IN GENERAL.—The Secretary shall carry out a program of research, extension, and education to provide assistance to economic units, including family farm operations, and to agricultural producers; and to workshops and seminars for agricultural producers to educate and build the knowledge and skills of agricultural producers; and (ii) with agricultural producers.

“(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $50,000,000 for each of fiscal years 2008 through 2012.”

SEC. 7209. AGRICULTURAL, TELECOMMUNICATIONS PROGRAM.

Section 1673 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5926) is repealed.

SEC. 7210. ADVANCED TECHNOLOGY PROGRAM FOR FARMERS WITH DISABILITIES.

Section 1680A(c)(1) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5923) is amended by striking “2007” and inserting “2012”.

SEC. 7211. RESEARCH ON HONEY BEE DISEASES.

Section 1681 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5924) is repealed.

SEC. 7212. NATIONAL RURAL INFORMATION CENTER CLEARINGHOUSE.

Section 2381(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 3125b(e)) is amended by striking “2007” and inserting “2012”.

Subtitle C—Agricultural Research, Extension, and Education Reform Act of 1998

SEC. 7301. PEER AND MERIT REVIEW.

Section 1003(a) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7631a(a)) is amended by adding at the end the following:

“(3) CONSIDERATION.—Peer and merit review procedures established under paragraphs (1) and (2) shall not take the offer or availability of matching funds into consideration.”

SEC. 7302. PARTNERSHIPS FOR HIGH-VALUE AGRICULTURAL PRODUCT QUALITY RESEARCH.

Section 402 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7622) is repealed.

SEC. 7303. PRECISION AGRICULTURE.

Section 403 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7623) is repealed.

SEC. 7304. BIOMASS PRODUCTS.

(a) Pilot Program.—Section 404(e)(2) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7624(e)(2)) is amended by striking “2007” and inserting “2012”.

(b) Authorization of Appropriations.—

(1) In General.—There is authorized to be appropriated to carry out this section such sums as are necessary to carry out this section.

(2) Amount.—There is authorized to be appropriated to carry out this section $50,000,000 for each of fiscal years 2008 through 2012.

(3) GRANT PRIORITY.—The Secretary may give priority to grants applications described in paragraphs (1) through (7).

(A) to be scientifically meritorious; and

(B) that involve cooperation—

(i) among multiple entities; and

(ii) with agricultural producers.

(4) MATCHING FUNDS REQUIRED.—As a condition of receiving a grant under this section, the Secretary shall require the recipient of a grant to provide funds or in-kind support from non-Federal sources in an amount that is at least equal to the amount provided by the Federal Government.

(5) PARTNERSHIPS ENCOURAGED.—Following the completion of a peer review process for grant proposals received under this section, the Secretary may provide a priority to grants applications established under paragraph (1) and (2) shall not take the offer or availability of matching funds into consideration.

(6) ADMINISTRATION.

(7) Definitions.

SEC. 7305. THOMAS JEFFERSON INITIATIVE FOR BRIGHTFUTURE FILTERS.

Section 405 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7625) is repealed.

SEC. 7306. INTEGRATED RESEARCH, EDUCATION, AND EXTENSION COMPETITIVE GRANTS PROGRAM.

Section 406 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626) is amended by striking “2007” and inserting “2012”.

SEC. 7307. FUNDING FOR YOUTH ORGANIZATIONS.

Section 407 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7627) is amended by striking “2007” and inserting “2012”.

SEC. 7308. BOVINE JOHNSON’S DISEASE CONTROL PROGRAM.

Section 408(b) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7628(b)) is amended by striking “2007” and inserting “2012”.

SEC. 7309. GRANTS FOR YOUTH ORGANIZATIONS.

Section 409 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7629) is amended by striking “2007” and inserting “2012”.

SEC. 7310. AGRICULTURAL BIOTECHNOLOGY RESEARCH AND DEVELOPMENT FOR SPECIFIC USES.

Section 410 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7630) is amended by striking “2007” and inserting “2012”.

SEC. 7311. SPECIALTY CROP RESEARCH INITIATIVE.

(a) In General.—Title IV of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621 et seq.) is amended by adding at the end the following:

“SEC. 412. SPECIALTY CROP RESEARCH INITIATIVE.

“(b) Definitions.—In this section:

“(a) In General.—The term ’Initiative’ means the specialty crop research and extension initiative established by subsection (b).

(b) CROPPING PATTERNS.—The term ‘specialty crop’ has the meaning given that term in section 3 of the Specialty Crops Competitive-ness Act of 2004 (7 U.S.C. 1621 note; Public Law 108-965).

“(c) Establishment.—There is established within the Department a specialty crop research and extension initiative to address the critical needs of the specialty crop industry by developing and disseminating science-based tools to address needs of specific crops and their regions, including—

“(1) research in plant breeding, genetics, and genomics to improve crop characteristics, such as—

“(A) product, taste, quality, and appearance;

“(B) environmental responses and tolerances;

“(C) nutrient management, including plant nutrient uptake efficiency;

“(D) pest and disease management, including resistance to pests and diseases resulting in reduced application management strategies; and

“(E) enhanced phytonutrient content;

“(2) efforts to identify and address threats from pests and diseases, including threats to specialty crop pollinators;

“(3) efforts to improve production efficiency, productivity, and profitability over the long term (including specialty crop policy and marketing);

“(4) new innovations and technology, including improved mechanization and technologies that delay or inhibit ripening, and mechanisms to prevent, detect, monitor, control, and respond to potential food safety hazards in the production and processing of specialty crops, including fresh produce.”

(4) In General.—The Secretary may carry out the Initiative through—

“(1) Federal agencies;

“(2) national laboratories;

“(3) colleges and universities;

“(4) research institutions and organizations;

“(5) private organizations or corporations;

“(6) State agricultural experiment stations;

“(7) individuals; or

“(8) groups consisting of 2 or more entities described in paragraphs (1) through (7).

“(d) Research Projects.—In carrying out this section, the Secretary shall award grants on a competitive basis.

“(e) Administration.—

“(1) In General.—With respect to grants awarded under subsection (d), the Secretary shall—

“(A) seek and accept proposals for grants;

“(B) determine the relevance and merit of proposals through a system of peer and merit review in accordance with section 101; and

“(C) award grants on the basis of merit, quality, and relevance.

“(2) Term.—The term of a grant under this section may not exceed 10 years.

“(3) Matching Funds Required.—The Secretary shall require the recipient of a grant under this section to provide funds or in-kind support from non-Federal sources in an amount that is at least equal to the amount provided by the Federal Government.”
SEC. 7402. EQUITY IN EDUCATIONAL LAND-GRANT STATUS ACT OF 1994.
(a) DEFINITION OF 1994 INSTITUTIONS.—Section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103-382) is amended by adding at the end the following:

"(4) other conditions.—The Secretary may set such other conditions on the award of a grant under this section as the Secretary determines to be appropriate.

(b) Endowment for 1994 Institutions.—Section 533 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103-382) is amended—

(1) by inserting "and" after the end of subsection (a);

(2) by inserting "and" after the end of subsection (c); and

(3) by inserting at the end the following:

"(4) Other Conditions.—The Secretary may set such other conditions on the award of a grant under this section as the Secretary determines to be appropriate.

(c) REDISTRIBUTION.—Section 534(a)(3) of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103-382) is amended—

(1) by striking "and" and inserting the following:

"(A) In General.—Except as provided in subparagraph (B), the amounts; and"

and

(2) by striking "and" and inserting the following:

"(B) In General.—Except as provided in subparagraph (A), the amounts; and"

(d) INSTITUTION BUILDING GRANTS.—Section 535 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103-382) is amended—

(1) by striking "and" and inserting the following:

"(A) In General.—Except as provided in subparagraph (B), the amounts.

and

(2) by striking "and" and inserting the following:

"(B) In General.—Except as provided in subparagraph (A), the amounts; and"

(e) RESEARCH GRANTS.—Section 536(c) of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103-382) is amended in the first sentence by striking "2007" and inserting "2012".

(f) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on October 1, 2008.

SEC. 7403. SMITH-LEVER ACT.
(a) Program.—Section 3(d) of the Smith-Lever Act (7 U.S.C. 349(d)) is amended in the second sentence by striking "and receive" and all that follows through paragraph (2) and inserting "for and receive" funds directly from the Secretary of Agriculture.

(b) Elimination of Governors’ Reporting Requirement for Extension Activities.—Section 5 of the Smith-Lever Act (7 U.S.C. 345) is amended by striking the third sentence.

(c) CONFORMING AMENDMENT.—Section 144(a)(2) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3221(a)(2)) is amended by striking after September 30, 1995, under section 3(d) of that Act (7 U.S.C. 349(d)) and all that follows through the end of the sentence and inserting "under section 3(d) of that Act (7 U.S.C. 349(d))."

SEC. 7404. HATCH ACT OF 1887.
(a) District of Columbia.—Section 3(d)(4) of the Hatch Act of 1887 (7 U.S.C. 361(c)(4)) is amended—

(1) in the paragraph heading, by inserting "and the District of Columbia" after "areas";

and

(2) in subparagraph (A)—

(A) by inserting "and the District of Columbia" after "United States"; and

(B) by inserting "and the District of Columbia" after "respectively";

and

(3) in subparagraph (B), by inserting "and the District of Columbia" after "areas";

and

(b) Elimination of Penalty Mail Authority.—

SEC. 7405. AGRICULTURAL EXPERIMENT STATION RESEARCH FACILITIES ACT.
(a) In General.—Subsection (b) of the Agricultural Experiment Station Research Facilities Act (7 U.S.C. 306a(b)) is amended by striking "2007" and inserting "2012".

(b) AGRICULTURE AND FOOD RESEARCH INITIATIVE.—

(1) Establishment.—There is established in the Department of Agriculture an Agriculture and Food Research Initiative under which the Secretary of Agriculture may make competitive grants for fundamental and applied research, extension, and education to address food and agricultural sciences (as defined under section 1404 of the Agriculture and Food Research Initiative, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)).

(2) Priority Areas.—The competitive grants program established under this subsection shall address the following areas:

(A) Plant Health and Production and Plant Products.—Plant systems, including—

(i) plant genome structure and function;

(ii) molecular and cellular genetics and plant biotechnology;

(iii) conventional breeding, including cultivar and breed development, selection theory, applied quantitative genetics, breeding for improved food quality, breeding for improved local adaptation to biotic stress and abiotic stress, and participatory breeding;

(iv) plant-pest interactions and biocontrol systems; and

(v) crop plant response to environmental stresses;

(B) Unprotected nutrient qualities of plant products; and

(C) New food and industrial uses of plant products.

(b) Animal Health and Production and Animal Products.—Animal systems, including—

(i) aquaculture;
"(ii) cellular and molecular basis of animal reproduction, growth, disease, and health;

"(iii) animal biotechnology;

"(iv) conventional breeding, including breed development, selection theory, applied quantitative genetics, breeding for improved food quality, breeding for improved local adaptation to biotic stress and abiotic stress, and participatory breeding;

"(v) identification of genes responsible for improved production traits and resistance to diseases;

"(vi) improved nutritional performance of animals;

"(vii) improved nutrient qualities of animal products; and

"(viii) the development of new and improved animal husbandry and production systems that take into account production efficiency, animal well-being, and animal systems applicable to aquaculture.

"(C) FOOD SAFETY, NUTRITION, AND HEALTH.—Nutrition, food safety and quality, and health, including—

"(i) microbiological contaminants and pesticides residue relating to human health;

"(ii) links between diet and health;

"(iii) bioavailability of nutrients;

"(iv) postharvest physiology and practices; and

"(v) improved processing technologies.

"(D) RENEWABLE ENERGY, NATURAL RESOURCES, AND ENVIRONMENT.—Natural resources and the environment, including—

"(i) fundamental structures and functions of ecological systems;

"(ii) biological and physical bases of sustainable production systems;

"(iii) minimizing soil and water losses and sustaining surface water and ground water quality;

"(iv) global climate effects on agriculture;

"(v) farm efficiency and profitability, in-

"(vi) biological diversity.

"(E) AGRICULTURE SYSTEMS AND TECHNOLOGY.—Engineering, products, and processes, including—

"(i) new uses and new products from traditional and nontraditional crops, animals, by-products, and natural resources;

"(ii) robotics, energy efficiency, computing, and expert systems;

"(iii) new hazard and risk assessment and mitigation measures; and

"(iv) water conservation and management.

"(F) AGRICULTURE ECONOMICS AND RURAL COMMUNITIES.—Markets, trade, and policy, including—

"(i) strategies for entering into and being competitive in domestic and overseas markets;

"(ii) farm efficiency and profitability, including the viability and competitiveness of small and medium-sized dairy, livestock, crop and other commodity operations;

"(iii) new decision tools for farm and market systems;

"(iv) choices and applications of technology assessment; and

"(v) new approaches to rural development, including rural entrepreneurship.

"(3) THEREOF.—The term of a competitive grant made under this subsection may not exceed 10 years.

"(4) GENERAL ADMINISTRATION.—In making grants under this subsection, the Secretary shall—

"(A) seek and accept proposals for grants;

"(B) determine the relevance and merit of proposals through a system of peer and merit review in accordance with section 105 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7613);

"(C) award grants on the basis of merit, quality, and the particular needs of the region where the grant is to be made, to the entities described in subparagraph (A);

"(D) solicit and consider input from persons who conduct or use agricultural research, extension, and education in accordance with section 102(b) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7612(b)); and

"(E) in distributing grants under this subsection and in performing peer review evaluations of such proposals, seek the widest participation of qualified individuals in the Federal government, colleges and universities, State agricultural experiment stations, and the private sector.

"(5) ALLOCATION OF FUNDS.—In making grants under this subsection, the Secretary shall allocate funds to the Agriculture and Food Research Initiative to ensure that, of funds allocated for research activities—

"(A) not less than 60 percent is made available to make grants for fundamental research (as defined in subsection (f)(1) of section 351 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6971)), of which—

"(i) not less than 30 percent is made available to make grants for research to be conducted by multidisciplinary teams; and

"(ii) not more than 2 percent is used for equipment grants under paragraph (6)(A); and

"(B) not less than 40 percent is made available to make grants for applied research (as defined in subsection (f)(1) of section 251 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6971)).

"(6) SPECIAL CONSIDERATIONS.—In making grants under this subsection, the Secretary may assure the development of capabilities in the agricultural, food, and environmental sciences by providing grants—

"(A) to an institution to allow for the improvement of the research, development, technology transfer, and education capacity of the institution through the acquisition of special research equipment and the improvement of agricultural education and teaching, except that the Secretary shall use not less than 25 percent of the funds made available for grants under this subparagraph to provide fellowships to outstanding pre- and post-doctoral students for research in the agricultural sciences;

"(B) to a single investigator or coinvestigators who are beginning research careers and do not have an extensive research publication record, except that, to be eligible for a grant under this subparagraph, an individual shall have completed a college education and be no more than 5 years of age at the time of the beginning of the initial research track position of the individual;

"(C) to ensure that the faculty of small, mid-sized, and minority-serving institutions who have not previously been successful in obtaining competitive grants under this subsection receive a portion of the grants; and

"(D) to improve research, extension, and education capabilities in States (as defined in section 351 of the Department of Agriculture Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)) in which institutions have been less successful in receiving funding pursuant to this section, based on a 3-year rolling average of funding levels.

"(7) ELIGIBLE ENTITIES.—The Secretary may make grants to carry out research, extension, and education under this subsection to—

"(A) State agricultural experiment stations;

"(B) colleges and universities;

"(C) university research foundations;

"(D) other research institutions and organizations;

"(E) Federal agencies;

"(F) national laboratories;

"(G) private organizations or corporations;

"(H) individuals; or

"(I) any other organization consisting of 2 or more of the entities described in subparagraphs (A) through (H).

"(8) CONSTRUCTION PROHIBITED.—Funds made available for grants under this subsection shall not be used for the construction of a new building or facility or the acquisition of real property, reconstruction of an existing building or facility (including site grading and improvement, and architect fees).

"(B) MATCHING FUNDS.—

"(A) EQUIPMENT GRANTS.—

"(i) IN GENERAL.—Except as provided in clause (ii), in the case of a grant made under paragraph (6)(A), the amount provided under this subsection may not exceed 50 percent of the cost of the special research equipment or special equipment acquired using funds from the grant.

"(ii) WAIVER.—The Secretary may waive all or part of the matching requirement under clause (i) in the case of a college, university, or research foundation maintained by a college or university that ranks in the lowest 25 percent of such colleges, universities, and research foundations on the basis of Federal research funds received, if the equipment to be acquired using funds from the grant costs not more than $25,000 and has multiple uses within a single research project or is usable in more than 1 research project.

"(B) APPLIED RESEARCH.—As a condition of making a grant under paragraph (6)(B), the Secretary shall require the funding of the grant to be matched with equal matching funds from a non-Federal source if the grant is for applied research that is—

"(i) commodity-specific; and

"(ii) not of national scope.

"(10) PROGRAM ADMINISTRATION.—To the extent practicable, the Director of the National Institute of Food and Agriculture, in coordination with the Under Secretary for Research, Education, and Economics, shall allocate grants under this subsection to high-priority projects taking into consideration, when available, the determinations made by the National Agricultural Research, Extension, Education, and Economics Advisory Board (as established under section 1408 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123)).

"(11) AUTHORIZATION OF APPROPRIATIONS.—

"(A) IN GENERAL.—There is authorized to be appropriated to carry out this subsection $700,000,000 for each of fiscal years 2008 through 2012, of which—

"(i) not less than 30 percent shall be made available for integrated research pursuant to section 406 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7620); and

"(ii) not more than 4 percent may be retained by the Secretary to pay administrative costs incurred by the Secretary in carrying out this subsection.

"(B) AVAILABILITY.—Funds made available under this paragraph—

"(i) be available for obligations for a 2-year period beginning on October 1 of the fiscal year for which the funds are first made available; and

"(ii) remain available until expended to pay for obligations incurred during that 2-year period.

"(b) REPEALS.—

"(1) Section 401 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621) is repealed.

"(c) EFFECT ON CURRENT SOLICITATIONS.—The amendments made by this section shall not apply to any solicitation for grant applications issued by the Cooperative State Research, Education, and Service before the date of enactment of this Act.
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[45x636]5924(d) is amended by striking
Conservation, and Trade Act of 1990 (7 U.S.C.
(1), (6), (7), and (11)
"

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[45x250]riculture Organic Act
[45x564]carry out this section $15,000,000 for each of
There is authorized to be appropriated to

SEC. 7407. AGRICULTURAL RISK PROTECTION

Section 221 of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 6711(g)) is amended by striking subsection (g) and inserting the following:

"(g) AUTHORIZATION OF APPROPRIATIONS.—
There is authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 2007 through 2012.

SEC. 7408. EXCHANGE OR SALE AUTHORITY.

Title III of the Department of Agriculture Reorganization Act of 1994 (Public Law 103–354; 108 Stat. 3238) is amended by adding at the end the following:

"SEC. 307. EXCHANGE OR SALE AUTHORITY.

(a) DEFINITION OF QUALIFIED ITEM OF PERSONAL PROPERTY.—In this section, the term ‘qualified item of personal property’ means—

(1) an animal;
(2) an animal product;
(3) a plant; or
(4) a plant product.

(b) GENERAL AUTHORITY.—Except as provided in subsection (c), notwithstanding chapter 28 of title 40, United States Code, the Secretary, acting through the Under Secretary for Research, Education, and Economics, in managing personal property under his or her control and in carrying out the research functions of the Department, may exchange, sell, or otherwise dispose of any qualified item of personal property, including by way of public auction, and may retain and apply the sale or other proceeds, without further appropriation and without fiscal year limitation, in whole or in partial payment—

(1) to acquire any qualified item of personal property;
(2) to offset costs related to the maintenance, care, or feeding of any qualified item of personal property;

(c) EXCEPTION.—Subsection (b) does not apply to the free dissemination of new varieties of seeds and germplasm in accordance with section 305 of the Revised Statutes (commonly known as the ‘Department of Agriculture Organic Act’) (7 U.S.C. 2201)."

SEC. 7409. ENHANCED USE LEASE AUTHORITY—PILOT PROGRAM.

Title III of the Department of Agriculture Reorganization Act of 1994 (Public Law 103–354; 108 Stat. 3238) as amended by section 7408 is amended by adding at the end the following:

"SEC. 308. ENHANCED USE LEASE AUTHORITY—PILOT PROGRAM.

(a) ESTABLISHMENT.—To enhance the use of real property administered by agencies of the Department, the Secretary may establish a pilot program, in accordance with this section, at the Beltsville Agricultural Research Center or the National Agricultural Library to lease nonexcess property of the Center or the Library to any individual or entity, including agencies or instrumentality of State or local governments.

(b) REQUIREMENTS.—

(1) ADMINISTRATION.—Notwithstanding chapter 5 of subtitle I of title 40, United States Code, the Secretary may lease real property at the

Beltsville Agricultural Research Center or the National Agricultural Library in accordance with such terms and conditions as the Secretary may prescribe, if the Secretary determines that—

(A) it is consistent with, and will not adversely affect, the mission of the Department in administering the property;
(B) (i) the Secretary determines that the property;
(C) will not permit any portion of Department property or any facility of the Department to be used for the public retail or wholesale sale of merchandise or residential development;
(D) will not permit the construction or modification of facilities financed by non-Federal sources to be used by an agency, except for incidental use; and

(E) will not include any property or facility required for any Department agency purpose without prior consideration of the needs of the agency.

(2) TERM.—The term of a lease under this section shall not exceed 30 years.

(b) CONSIDERATION.—(1) In general.—Consideration provided for a lease under this section shall be—

(i) in an amount equal to fair market value, as determined by the Secretary; and
(ii) in the form of cash.

(2) USE OF FUNDS.—(i) In general.—Consideration provided for a lease under this section shall be—

(A) deposited in a capital asset account to be established by the Secretary; and
(B) available until expended, without further appropriation, for maintenance, capital revitalization, and improvements of the Department properties and facilities at the Beltsville Agricultural Research Center and National Agricultural Library.

(c) BUDGETARY TREATMENT.—For purposes of the budget, the amounts described in clause (i) shall not be treated as a receipt of any Department agency having leased property under this section.

(d) COSTS.—The lessee shall cover all costs associated with a lease under this section, including the costs of—

(A) the project to be carried out on property or at a facility covered by the lease;
(B) provision and administration of the lease;

(e) CONSTRUCTION OF NECESSARY FACILITIES.—(A) in general.—The Secretary shall construct or operate such necessary facilities as are necessary to carry out the purposes of this section.

(f) ADMINISTRATION.—

(A) a copy of each lease entered into pursuant to this section; and

(B) an assessment by the Secretary of the success of the program using the management objectives and performance measurements developed by the Secretary.

SEC. 7410. BEGINNING FARMER AND RANCHER DEVELOPMENT PROGRAM.

(a) GRANTS.—Section 7505(c) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3319f(c)) is amended—

(1) by striking paragraph (3) and inserting the following:

"(3) MAXIMUM TERM AND SIZE OF GRANT.—

(A) In general.—A grant under this subsection shall—

(i) have a term that is not more than 3 years; and
(ii) be in an amount that is not more than $250,000 for each year.

(B) CONSECUTIVE GRANTS.—An eligible recipient may receive consecutive grants under this subsection.

(c) BUDGETARY TREATMENT.—Congress shall not treat any funds made available under subsection (b) as an appropriation for the construction or operating costs of any space covered by a lease under this section.

(d) TERMINATION OF AUTHORITY.—This section and the authority provided by this section terminate—

(1) on the date that is 5 years after the date of enactment of this section; or

(2) with respect to any particular leased property, on the date of termination of the lease.

(e) EFFECT OF OTHER LAWS.—

(1) Utilization.—Property that is leased pursuant to this section shall not be considered to be unutilized or underutilized for purposes of section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 1411).

"(2) DISPOSAL.—Property at the Beltsville Agricultural Research Center or the National Agricultural Library that is leased pursuant to this section shall not be considered to be disposed of by sale, lease, rental, excessing, or surplusing for purposes of section 223 of Public Law 100–202 (101 Stat. 1329–417).

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this section, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Appropriations of the Senate a report that describes detailed management objectives and performance measurements by the Secretary.

(2) REPORTS.—Not later than 1, 3, and 5 years after the date of enactment of this section, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Appropriations of the Senate a report describing the implementation of the program under this section, including—

(A) a copy of each lease entered into pursuant to this section; and

(B) an assessment by the Secretary of the success of the program using the management objectives and performance measurements developed by the Secretary.

SEC. 7411. ENHANCED USE LEASE AUTHORITY—PILOT PROGRAM.

The Secretary shall not use any funds made available under subsection (b) to be used for the construction or operating costs of any space covered by a lease under this section.
carry out this section $30,000,000 for each of fiscal years 2008 through 2012.’’.

SEC. 7411. PUBLIC EDUCATION REGARDING USE OF BIOTECHNOLOGY IN PRODUCING FOOD FOR HUMAN CONSUMPTION.

Section 10802 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 5921a) is repealed.

SEC. 7412. MCINTIRE-STENNIS COOPERATIVE FORESTRY ACT.

(a) IN GENERAL.—Section 2 of Public Law 87-780 (commonly known as the ‘‘McIntire-Stennis Forest Research Fund Act’’) (16 U.S.C. 582a–1) is amended by inserting ‘‘and’’ before ‘‘(a)’’.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on October 1, 2008.

SEC. 7413. RENEWABLE RESOURCES EXTENSION ACT OF 1978.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 6 of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1676) is amended in the first sentence by striking ‘‘2007’’ and inserting ‘‘2012’’.

(b) TERMINATION DATE.—Section 8 of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1671 note; Public Law 95-337) is amended by striking ‘‘2007’’ and inserting ‘‘2012’’.

SEC. 7414. NATIONAL AQUACULTURE ACT OF 1980.

(c) AMENDMENTS.—Section 10 of the National Aquaculture Act of 1980 (16 U.S.C. 1671 et seq.) is amended by striking ‘‘2007’’ each place it appears and inserting ‘‘2012’’.

SEC. 7415. CONSTRUCTION OF CHINESE GARDEN AT THE NATIONAL ARBORETUM.

The Act of March 4, 1927 (20 U.S.C. 191 et seq.), is amended by adding at the end the following:

‘‘SEC. 7. CONSTRUCTION OF CHINESE GARDEN AT THE NATIONAL ARBORETUM.

‘‘A Chinese Garden may be constructed at the National Arboretum established under this Act with—

‘‘(1) funds accepted under section 5; and

‘‘(2) appropriations provided for this purpose.’’.


Section 1431 of the National Agricultural Research, Extension, and Teaching Policy Amendments of 1987 (Public Law 99-198; 99 Stat. 1566) is amended by striking ‘‘2007’’ and inserting ‘‘2012’’.

SEC. 7417. ELIGIBILITY OF UNIVERSITY OF THE DISTRICT OF COLUMBIA FOR CERTAIN LAND-GRANT UNIVERSITY ASSISTANCE.

(a) IN GENERAL.—Section 206 of the District of Columbia Public Postsecondary Education Reorganization Act (Public Law 93–471; 88 Stat. 1428) is amended—

(1) in subsection (b)(2), by striking ‘‘, except’’ and all that follows through the period and inserting a period; and

(2) in subsection (c)—

(A) by striking ‘‘section 3’’ each place it appears and inserting ‘‘section 3(c)’’; and

(B) by striking ‘‘Such sums may be used to pay’’ and all that follows through ‘‘work’’.

(b) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2008.

Subtitle E—Miscellaneous

PART I—GENERAL PROVISIONS

SEC. 7501. DEFINITIONS.

Except as otherwise provided in this subtitle, this Part—

(1) Capacity and infrastructure program.—The term ‘‘capacity and infrastructure program’’ has the meaning given the term in subsection (f)(1) of section 351 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 9691) as added by section 525(a)(4) of the Agricultural Efficiency Act of 2002 (7 U.S.C. 7601).

(2) Capacity and infrastructure program critical base funding.—The term ‘‘capacity and infrastructure program critical base funding’’ means the aggregate amount of Federal funds made available for capital and infrastructure programs for fiscal year 2006, as appropriate.

(3) Competitive program.—The term ‘‘competitive program’’ has the meaning given the term in subsection (f)(1) of section 251 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 7601) (as added by section 525(a)(4)).

(4) Competitive program critical base funding.—The term ‘‘competitive program critical base funding’’ means the aggregate amount of Federal funds made available for competitive programs for fiscal year 2006, as appropriate.

(5) Competitive program capacity and infrastructure programs.—The term ‘‘competitive program capacity and infrastructure programs’’ means the capacity and infrastructure programs, with attention to the future growth needs of—

(i) small 1862 Institutions, 1890 Institutions, 1894 Institutions, and 1994 Institutions;

(ii) Hispanic-serving agricultural colleges and universities;

(iii) NLGCA Institutions; and

(iv) colleges of veterinary medicine;

and

(6) describes how organizational changes enacted by this Act have impacted agricultural research, education, and extension across the Department of Agriculture, including minimization of necessary programmatic and administrative duplication.

(b) REVIEWABILITY.—The roadmap described in this section shall not be subject to review by any officer or employee of the Federal Government other than the Secretary (or a designee of the Secretary).

(c) ROADMAP IMPLEMENTATION AND REPORT.—Not later than 1 year after the date on which the Secretary commences preparation of the roadmap under this section, the Secretary shall—

(1) implement and use the roadmap to set the research, education, and extension agenda of the Department of Agriculture; and

(2) make the roadmap available to the public.

SEC. 7505. REVIEW OF PLAN OF WORK REQUIREMENTS.

(a) REVIEW.—The Secretary shall work with university partners in extension and research to review and identify measures to streamline the submission, reporting under, and implementation of plan of work requirements, including those required by—

(1) sections 144(d) and 145(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3221); and

(2) section 7 of the Hatch Act of 1877 (7 U.S.C. 381).

(b) BUDGET SUBMISSION AND FUNDING.

(a) DEFINITION OF COMPETITIVE PROGRAMS.—In this section, the term ‘‘competitive programs’’ includes competitive programs for which annual appropriations are requested in the annual budget submission of the President.

(b) BUDGET REQUEST.—The President shall submit to Congress, together with the annual budget submission of the President, a single budget line item reflecting the total amount requested by the President for funding for research, education, and extension activities of the Research, Education, and Economics mission area of the Department for that fiscal year and for the preceding 5 fiscal years.

(c) CAPACITY AND INFRASTRUCTURE PROGRAM REQUEST.—Of the funds requested for competitive and infrastructure programs in excess of the capacity and infrastructure program critical base funding level, budgetary
emphasis should be placed on enhancing funding for—
(i) 1890 Institutions;
(ii) 1890 Institutions;
(iii) NCGA Institutions;
(iv) Hispanic-serving agricultural colleges and universities; and
(v) small 1862 Institutions.
(b) COMPETITIVE PROGRAM REQUEST.—Of the funds requested for competitive programs in excess of the competitive program critical base funding level, budgetary emphasis shall be placed on—
(1) enhancing funding for emerging problems; and
(2) finding solutions for those problems.
PART II—RESEARCH, EDUCATION, AND ECONOMICS
SEC. 751. RESEARCH, EDUCATION, AND ECONOMICS.
(a) IN GENERAL.—Section 251 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6971) is amended—
(1) in subsection (a), by inserting “(referred to in this section as the ‘Under Secretary’)” before the period at the end;
(2) by striking subsections (b) through (d); and
(3) by redesignating subsection (e) as subsection (g); and
(b) CHIEF SCIENTIST.—The Under Secretary shall—
(1) hold the title of Chief Scientist of the Department; and
(2) be responsible for the coordination of the research, education, and extension activities of the Department.
(c) FUNCTIONS OF UNDER SECRETARY.—
(1) PRINCIPAL FUNCTION.—The Secretary shall delegate to the Under Secretary those functions and duties under the jurisdiction of the Department that relate to research, education, and economics.
(2) SPECIFIC FUNCTIONS AND DUTIES.—The Under Secretary shall—
(A) identify, address, and prioritize current and emerging agricultural research, education, and extension needs (including funding requirements) for research, education, and extension programs; and
(B) ensure that agricultural research, education, and extension programs are effectively coordinated and integrated—
(i) across disciplines, agencies, and institutions; and
(ii) among applicable participants, grantees, and beneficiaries;
(C) promote collaborative use of all agricultural research, education, and extension resources from the local, State, tribal, regional, national, and international levels to address priority needs; and
(D) foster communication among agricultural research, education, and extension beneficiaries, including the public, to ensure the delivery of agricultural research, education, and extension knowledge.
(3) ADDITIONAL FUNCTIONS.—The Under Secretary shall perform such other functions and duties as the Under Secretary may require by law or prescribed by the Secretary.
(d) RESEARCH, EDUCATION, AND EXTENSION OFFICE.—
(1) ESTABLISHMENT.—The Under Secretary shall organize within the office of the Under Secretary 6 Divisions, to be known collectively as the “Research, Education, and Extension Office,” which shall coordinate the research programs and activities of the Department.
(2) DIVISION DESIGNATIONS.—The Divisions within the Research, Education, and Extension Office shall be as follows:
(A) Renewable energy, natural resources, and environment;
(B) Food safety, nutrition, and health;
(C) Plant health and production and plant products;
(D) Animal health and production and animal products;
(E) Agricultural systems and technology;
(F) Agricultural economics and rural communities.
(3) DIVISION CHIEFS.—
(A) SELECTION.—The Under Secretary shall select Division Chiefs for the Division using available personnel authority under title 5, United States Code, including—
(i) by term, temporary, or other appointment, without the advice to—
(1) the provisions of title 5, United States Code, governing appointments in the competitive service;
(2) the provisions of chapter 35 of title 5, United States Code, relating to retention preference; and
(3) by term, temporary, or other appointment, without the advice to—
(i) the provisions of chapter 35 of title 5, United States Code, relating to classification and General Schedule pay rates;
(ii) by detail, notwithstanding any Act making appropriations for the Department of Agriculture, whether enacted before, on, or after the date of enactment of this paragraph, requiring reimbursement for those details; and
(iii) by redesignating subsection (e) as subsection (g); and
(B) SELECTION GUIDELINES.—To the maximum extent practicable—
(i) the Under Secretary shall minimize the number of full-time equivalent positions in the Divisions; and
(ii) at no time shall the aggregate number of staff for all Divisions exceed 30 full-time equivalent positions.
(C) ROTATION OF PERSONNEL.—To the maximum extent practicable, and using the authority described in paragraph (3)(A), the Secretary shall rotate personnel among the Divisions, and between the Divisions and agencies of the Department, in a manner that—
(i) promotes leadership and professional development; and
(ii) enables personnel to interact with other agencies of the Department.
(D) ORGANIZATION.—The Under Secretary shall integrate leadership functions of the national program staff of the research agencies into the Research, Education and Extension Office in such form as is required to ensure that administrative duplication does not occur.
(4) NATIONAL INSTITUTE OF FOOD AND AGRICULTURE.—
(A) DEFINITIONS.—In this subsection:
(i) ADVISORY BOARD means the “Advisory Board” means the National Agricultural Research, Extension, Education, and Economics Advisory Board established under section 2005 of the Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3212);
(ii) APPLIED RESEARCH means research that includes expansion of the findings of fundamental research to uncover practical ways in which new knowledge can be advanced to benefit individuals and society.
(B) CAPACITY AND INFRASTRUCTURE PROGRAM.—The term “capacity and infrastructure program” means each of the following agricultural research, education, and related programs for which the Secretary has administrative or other authority as of the day before the date of enactment of this Act:
(i) the Food, Conservation, and Energy Act of 2008;
(ii) each program providing funding to any of the 1994 Institutions under sections 534(a) and 535 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103-382).
(iii) each program established under section 536 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103-382) providing research grants for 1994 Institutions.
(5) OTHER DEFINITIONS.—The term ‘applied research’ includes the research, education, and extension system, including the National Agricultural Research, Extension, Education, and Economics Advisory Board, to promote the benefits of agricultural research, education, and extension;
“(iv) Each program established under the Hatch Act of 1887 (7 U.S.C. 361a et seq.).

“(v) Each program established under section 1417(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152(b)).

“(vi) The animal health and disease research program established under section 3 of the National Animal Health and Disease Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3191 et seq.).


“(xii) Each state resident instruction grants for insular areas established under section 1491 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3363).”

“(xi) The program providing grants for the National Institute of Food and Agriculture in the United States and other nations.

“(xii) Other programs that are competitive programs, as determined by the Secretary.

“(E) DIRECTOR.—The term ‘Director’ means the Director of the Institute.

“(F) FUNDAMENTAL RESEARCH.—The term ‘fundamental research’ means research that—

“(i) increases knowledge or understanding of the fundamental aspects of phenomena and has the potential for broad application; and

“(ii) has an effect on agriculture, food, nutrition, or the environment.

“(G) INSTITUTE.—The term ‘Institute’ means the National Institute of Food and Agriculture established by paragraph (2)(A).

“(2) ESTABLISHMENT OF NATIONAL INSTITUTE OF FOOD AND AGRICULTURE.—

“(A) ESTABLISHMENT.—The Secretary shall establish within the Department an agency to be known as the ‘National Institute of Food and Agriculture’. 

“(B) TRANSFER OF AUTHORITIES.—The Secretary shall transfer to the Institute, effective not later than October 1, 2009, the authorities (including all budget authorities, available appropriations, and personnel), duties, obligations, and related legal and administrative functions prescribed by law or otherwise granted to the Secretary, the Department, or any other agency or official of the Department, for the purposes of—

“(i) the capacity and infrastructure programs; 

“(ii) the competitive programs; 

“(iii) the research, education, economic, cooperative State research programs, cooperative extension and education programs, international programs, and other functions and authorities delegated by the Under Secretary to the Administrator of the Cooperative State Research, Education, and Extension Service pursuant to section 206 of title 7, Code of Federal Regulations (or successor regulations); and

“(iv) any and all other authorities administered by the Administrator of the Cooperative State Research, Education, and Extension Service.

“(B) DIRECTOR.—

“(A) IN GENERAL.—The Institute shall be headed by a Director, who shall be an individual who is—

“(i) a distinguished scientist; and

“(ii) appointed by the Under Secretary.

“(B) SUPERVISION.—The Director shall report directly to the Secretary, or the designee of the Secretary.

“(C) FUNCTIONS OF THE DIRECTOR.—The Director shall—

“(i) serve for a 5-year term, subject to reappointment for an additional 6-year term;

“(ii) periodically report to the Secretary, or the designee of the Secretary, with respect to activities carried out by the Institute;

“(iii) consult regularly with the Secretary, or the designee of the Secretary, to ensure, to the maximum extent practicable, that—

“(A) research of the Institute is relevant to agriculture in the United States and otherwise serves the national interest; and

“(B) the research of the Institute supplement and enhances, and does not supplant, research conducted or funded by other Federal agencies.

“(D) COMPENSATION.—The Director shall receive basic pay at a rate not to exceed the maximum amount of compensation payable to a member of the Senior Executive Service under subsection (b) of section 5314 of title 5, United States Code, except that the certification requirement in that subsection shall not apply to the compensation of the Director.

“(E) AUTHORITY AND RESPONSIBILITIES OF DIRECTOR.—Except as otherwise specifically provided in this subsection, the Director shall—

“(i) exercise all of the authority provided to the Institute by this subsection;

“(ii) formulate and administer programs in accordance with policies adopted by the Institute, in coordination with the Under Secretary;

“(iii) establish offices within the Institute; 

“(iv) establish procedures for the provision and administration of grants by the Institute; and

“(v) consult regularly with the Advisory Board.

“(2) REGULATIONS.—The Institute shall have such authority as is necessary to carry out this subsection, including the authority to regulate such research as the Institute considers to be necessary for governance of operations, organization, and personnel.

“(5) ADMINISTRATION.—

“(A) IN GENERAL.—The Director shall administer fundamental and applied research and extension programs.

“(B) RESEARCH PRIORITIES.—The Director shall ensure the research priorities established by the Under Secretary through the Research, Education and Extension Office are carried out by the offices and functions of the Institute, where applicable.

“(C) FUNDAMENTAL AND APPLIED RESEARCH.—The Director shall—

“(i) determine an appropriate balance between fundamental and applied research programs and functions to ensure future research needs are met; and

“(ii) designate staff, as appropriate, to assist in carrying out this subparagraph.

“(D) COMPETITIVELY FUNDED AWARDS.—The Director shall—

“(i) promote the use and growth of grants awarded through a competitive process; and

“(ii) designate staff, as appropriate, to assist in carrying out this subparagraph.

“(E) COORDINATION.—The Director shall ensure the offices and functions of the Institute established under subparagraph (A) are effectively coordinated for maximum efficiency.
“(6) FUNDING.—
(A) IN GENERAL.—In addition to funds otherwise appropriated to carry out each program administered by the Institute, there are authorized to be appropriated such sums as are necessary to carry out this subsection for each fiscal year.

(B) ALLOCATION.—Funding made available under paragraph (A) shall be allocated according to recommendations contained in the roadmap described in section 7509 of the Food, Conservation, and Energy Act of 2008.

(b) FUNCTIONS.—Section 296(b) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 7014(b)) is amended—
(1) in paragraph (4), by striking “or” at the end;
(2) in paragraph (5), by striking the period at the end and inserting “; or”;
and
(3) by adding at the end the following:—
“(6) the authority of the Secretary to establish in the Department, under section 251,
(A) the position of Under Secretary of Agriculture for Research, Education, and Economics;
(B) the Research, Education, and Extension Service; and
(C) the National Institute of Food and Agriculture.”;

(c) CONFORMING AMENDMENTS.—The following conforming amendments shall take effect on October 1, 2009:

(1) Section 522(d)(2) of the Federal Crop Insurance Act (7 U.S.C. 1522(d)(2)) is amended by striking “the Cooperative State Research, Education, and Extension Service” and inserting “the National Institute of Food and Agriculture”.

(2) Section 524(a) of the Federal Crop Insurance Act (7 U.S.C. 1524(a)) is amended in each of paragraphs (1)(B) and (3)(A) by striking “the Cooperative State Research, Education, and Extension Service” and inserting “the National Institute of Food and Agriculture”.

(3) Section 306(a)(11)(C) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(11)(C)) is amended by striking “the Cooperative State Research, Education, and Extension Service” and inserting “the National Institute of Food and Agriculture”.

(4) Section 5(b)(2)(E) of the Agricultural Credit Improvement Act of 1992 (7 U.S.C. 2129 note; Public Law 102-554) is amended by striking “Cooperative Extension Service” and inserting “National Institute of Food and Agriculture”.

(5) Section 11(f)(1) of the Food and Nutrition Act of 1966 (7 U.S.C. 2029(h)(1)) is amended by striking “Cooperative Extension Service” and inserting “National Institute of Food and Agriculture”.

(6) Section 272(h) of the Rural Development Act of 1972 (7 U.S.C. 2632(h)) is amended—
(A) in paragraph (1), by striking “Extension Service” and inserting “National Institute of Food and Agriculture;” and
(B) in paragraph (4), by striking “Extension Service staff” and inserting “National Institute of Food and Agriculture staff.”

(7) Section 7404(b)(1)(B) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3101 note; Public Law 107-171) is amended by striking clause (vi) and inserting the following—
“(vi) the National Institute of Food and Agriculture.”;

(8) Section 1498(b)(4) of the National Agriculture, Education, and Extension Policy Act of 1977 (7 U.S.C. 3123(b)(4)) is amended by striking “the Director of the National Institute of Food and Agriculture”;

(9) Section 2381(a) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 3125(a)) is amended by striking “Extension Service” and inserting “National Institute of Food and Agriculture”;

(10) The National Agricultural Research, Extension, and Teaching Policy Act of 1977 is amended—
(A) in section 1421(a)(7) (7 U.S.C. 3174(a)(7)), by striking “the Cooperative State Research, Education, and Extension Service” and inserting “the National Institute of Food and Agriculture”;

(B) in section 1458(a)(10) (7 U.S.C. 3291(a)(10)), by striking “the Cooperative State Research, Education, and Extension Service” and inserting “the National Institute of Food and Agriculture”;

(11) Section 1387(a) of the Food Security Act of 1985 (7 U.S.C. 3175(a)) is amended by striking “Extension Service” each place it appears and inserting “National Institute of Food and Agriculture”.


(13) Section 1 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319(d)) is amended by striking “the Cooperative State Research, Education, and Extension Service” and inserting “the National Institute of Food and Agriculture and, in conjunction with the system of State agricultural experiment stations and county cooperative extension services, the Economic Research Service.”;

(14) Section 1490(c) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5506(c)) is amended by striking “the Cooperative State Research Service” and all that follows through “extension services” and inserting “the National Institute of Food and Agriculture, in conjunction with the system of State agricultural experiment stations and county cooperative extension services; the Economic Research Service.”;

(15) Section 1622 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5812) is amended—
(A) in subsection (a), by striking “the Cooperative State Research Service in close cooperation with the Extension Service” and inserting “the National Institute of Food and Agriculture;”

(B) in subsection (b)(1), by striking paragraphs (B) and (C) and inserting the following:

“(B) the National Institute of Food and Agriculture;” and

(C) by eliminating subparagraphs (D) through (L) as subparagraphs (C) through (K), respectively.

(16) Section 1627(d) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5821(d)) is amended by striking “Extension Service” and inserting “National Institute of Food and Agriculture”;

(17) Section 1668(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5832) is amended—
(A) in subsection (b), in the first sentence, by striking “the Cooperative State Research Service” and inserting “the National Institute of Food and Agriculture;” and

(B) in subsection (h), by striking “Extension Service” and inserting “the National Institute of Food and Agriculture”;

(18) Section 1638(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5842(b)) is amended by striking “the Cooperative State Research Service” and inserting “the National Institute of Food and Agriculture”;

(19) Section 1640(a)(2) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5852(a)(2)) is amended by striking “the Administrator of the Extension Service, the Cooperative State Research Service, and the Extension Service” and inserting “the Director of the National Institute of Food and Agriculture.”;

(20) Section 1641(a) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5855(a)) is amended by striking “Cooperative State Research Service” and inserting “the National Institute of Food and Agriculture;” and

(21) Section 1668(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5832) is amended by striking “Cooperative State Research Service” and inserting “the National Institute of Food and Agriculture.”

(22) Section 1670(a)(4) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5923(a)(4)) is amended by striking “the Administrator of the Cooperative State Research, Education, and Extension Service” and inserting “the National Institute of Food and Agriculture.”

(23) Section 1677(a) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5930(a)) is amended by striking “the Cooperative State Research Service” and inserting “the National Institute of Food and Agriculture.”

(24) Section 2371 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 6601) is amended—
(A) in subsection (a), by striking “Extension Service” and inserting “the National Institute of Food and Agriculture;” and

(B) in subsection (c)(3), by striking “Services Program” and inserting “System.”

(25) Section 2297 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 6615) is amended—
(A) by inserting at the end the following:—

“(A) in subsection (a), by striking “Extension Service” and inserting “the National Institute of Food and Agriculture;” and

(B) in subsection (b), by striking “Services Program” and inserting “System.”

(26) Section 2377(a) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 6617(a)) is amended by striking “Extension Service” and inserting “the National Institute of Food and Agriculture.”

(27) Section 212(a)(2)(A) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6912(a)(2)(A)) is amended by striking “251(d),” and inserting “251(d).”;

(28) Section 537 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7446) is amended in each of subsections (a)(2) and (b)(3)(B)(i) by striking “the Cooperative State Research Service, Education, and Extension Service” and inserting “the Cooperative State Research Service, Education, and Extension Service” and inserting “the National Institute of Food and Agriculture.”

(29) Section 101(b)(2) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7611(b)(2)) is amended by striking “Cooperative State Research, Education, and Extension Service” and inserting “the National Institute of Food and Agriculture.”

(30) Section 103(a) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7613(a)) is amended—
(A) in the subsection heading by striking “Cooperative State Research, Education, and Extension Service” and inserting “the National Institute of Food and Agriculture;” and

(B) in each of paragraphs (1) and (2)(A), by striking “the Cooperative State Research, Education, and Extension Service” and inserting “the National Institute of Food and Agriculture.”

(31) Section 407(c) of the Agricultural Research, Extension, and Education Reform
Act of 1998 (7 U.S.C. 7627(c)) is amended by striking "the Cooperative State Research, Education, and Extension Service" and inserting "the National Institute of Food and Agriculture".

(32) Section 410(a) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7630(a)) is amended by striking "the Director of the Cooperative State Research, Education, and Extension Service" and inserting "the Director of the National Institute of Food and Agriculture".

(33) Section 307(g)(5) of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 8606(g)(5)) is amended by striking "the National Institute of Food and Agriculture" and inserting "the Director of the Cooperative State Research, Education, and Extension Service" and inserting "Director of the National Institute of Food and Agriculture".

(34) Section 5(a) of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1674(a)(a)) is amended by striking "Extension Service" and inserting "National Institute of Food and Agriculture".

(35) Section 6(b) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2106(b)) is amended by striking "Director of the Cooperative State Research, Education, and Extension Service, may provide technical, financial, and related assistance to State foresters, equivalent State officials, or Cooperative Extension officials" and inserting "the National Institute of Food and Agriculture, may provide technical, financial, and related assistance to State foresters, equivalent State officials, or Cooperative Extension officials".


(38) Section 1261(c)(4) of the Food Security Act of 1985 (16 U.S.C. 2121(c)(4)) is amended by striking "Extension Service" and inserting "National Institute of Food and Agriculture".

(39) Section 105(a) of the Africa: Seeds of Success Act of 2004 (7 U.S.C. 6513) is amended by striking "the Secretary shall coordinate research relating to antibiotic-resistant bacteria" and inserting "the Secretary shall coordinate research relating to antibiotic-resistant bacteria, including—"

(a) to study and ensure the judicious use of antibiotics in veterinary and human medicine, including—

(A) methods and practices of animal husbandry;

(B) safe and effective alternatives to antibiotics;

(C) the development of better veterinary diagnostic procedures, including next-generation sequencing; and

(D) the identification of conditions or factors that affect antibiotic use on farms.

(b) ADMINISTRATION. Paragraphs (4), (7), (8), and (11) of subsection (b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450l) shall apply with respect to the making of grants under this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.

SEC. 7524. LIVE VIRUS AND MOUTH DISEASE RESEARCH.

(a) IN GENERAL.—The Secretary shall issue a permit required under section 12 of the Act of May 29, 1904 (21 U.S.C. 13a) to the Secretary of Homeland Security for work on the live virus of foot and mouth disease at any facility that is a successor to the Plum Island Animal Disease Center and charged with researching high-consequence biological threats involving zoonotic and foreign animal diseases (referred to in this section as the "successor facility").

(b) LIMITATION ON SINGLE FACILITY.—Not more than 1 facility shall be issued a permit under subsection (a).

(c) LIMITATION ON VALIDITY.—The permit issued under this section shall be valid unless the Secretary determines that the study of live foot and mouth disease virus at the successor facility is not being carried out in accordance with the regulations promulgated by the Secretary pursuant to the Agricultural Bioterrorism Protection Act of 2002 (7 U.S.C. 8001 et seq.).

(d) AUTHORITY.—The suspension, revocation, or other impairment of the permit issued under this section—

(1) shall be made by the Secretary; and

(2) is a nondelegable function.

SEC. 7525. NATURAL PRODUCTS RESEARCH PROGRAM.

(a) IN GENERAL.—The Secretary shall establish within the Department a natural products research program.

(b) DUTIES.—In carrying out the program established under subsection (a), the Secretary shall coordinate research relating to natural products, including—

(1) research to improve human health and agricultural productivity.

(2) is a nondelegable function.

(c) PEER AND MERIT REVIEW.—The Secretary shall—

(1) determine the relevance and merit of research under this section through a system of peer review established by the Secretary pursuant to section 193 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7613); and

(2) approve funding for research on the basis of merit, quality, and relevance to advancing the purposes of this section.

(d) BUILDINGS AND FACILITIES.—Funds made available under this section shall not be used for the construction of a new building or facility or the acquisition, expansion, remodeling, or alteration of an existing building or facility (including site grading, equipment, and architect fees).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to...
carry out this section such sums as are necessary for each of fiscal years 2008 through 2012.

SEC. 7526. SUN GRANT PROGRAM.

(a) Establishment.—The Secretary shall establish and carry out a program to provide grants to the sun grant centers and subcenters specified in subsection (b)—
(1) to enhance national energy security through the development, distribution, and implementation of biobased energy technologies;
(2) to promote diversification in, and the environmental sustainability of, agricultural production in the United States through biobased energy and product technologies;
(3) to promote economic diversification in rural and insular States through biobased energy and product technologies; and
(4) to enhance the efficiency of bioenergy and biomass research and development programs through improved coordination and collaboration among—
(A) the Department of Agriculture;
(B) the Department of Energy; and
(C) land-grant colleges and universities.

(b) Grants.—

(1) IN GENERAL.—The Secretary shall use amounts made available under subsection (g) to provide grants to each of the following:

(A) NORTH-CENTRAL CENTER.—A north-central sun grant center at South Dakota State University for the region composed of the States of Illinois, Indiana, Iowa, Minnesota, Montana, Nebraska, North Dakota, South Dakota, and Wyoming.

(B) SOUTHEASTERN CENTER.—A southeastern sun grant center at the University of Tennessee at Knoxville for the region composed of—
(i) the States of Alabama, Arizona, California, Colorado, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia;
(ii) the Commonwealth of Puerto Rico; and
(iii) the United States Virgin Islands.

(C) SOUTH-CENTRAL CENTER.—A south-central sun grant center at Oklahoma State University for the region composed of the States of Arkansas, Colorado, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas.

(D) WESTERN CENTER.—A western sun grant center at Oregon State University for the region composed of—
(i) the States of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Nevada, Oregon, Utah, and Washington; and
(ii) insular areas (as defined in section 1404 of the National Agricultural Research, Extension, and Education Policy Act of 1997 (7 U.S.C. 3103) (other than the insular areas referred to in clauses (ii) and (iii) of subparagraph (B)));

(E) NORTHEASTERN CENTER.—A northeastern sun grant center at Cornell University for the region composed of the States of Connecticut, Delaware, Massachusetts, Maryland, Maine, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and West Virginia.

(F) WESTERN INSULAR PACIFIC SUBCENTER.—A western insular Pacific sun grant subcenter at the University of Hawaii for the region of Alaska, Hawaii, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.

(2) MANNER OF DISTRIBUTION.

(A) NATIONAL INSTITUTIONS.—In making grants under this paragraph, the sun grant center or subcenter shall—
(i) seek and accept proposals for grants; and
(ii) award grants on a competitive basis.

(B) LOCAL MATCHING FUNDS.—In making grants under this paragraph, a sun grant center or subcenter shall—
(i) require that the grant recipients provide a local matching amount; and
(ii) consider whether the local matching funds will be used within the sun grant center or subcenter.

(3) USE OF FUNDS.—A sun grant center or subcenter shall use the remainder of the funds described in subsection (b) to provide competitive grants to entities that are—
(A) the successor to a sun grant center; and
(B) the Department of Energy; and

(4) LIMITATION ON INDIRECT COSTS.—A sun grant center or subcenter shall not pay administrative expenses incurred in carrying out paragraph (1).

(5) RESEARCH, EXTENSION AND EDUCATIONAL ACTIVITIES.—The sun grant centers and subcenters shall provide for fundamental research and education programs on technology development; and education programs on technology implementation.

(6) PLAN FOR RESEARCH ACTIVITIES TO BE FUNDED.—

(1) IN GENERAL.—Subject to the availability of funds under subsection (g), and in cooperation with land-grant colleges and universities and private industry in accordance with paragraph (2), the sun grant centers and subcenters shall jointly develop and submit to the Secretary a plan for addressing the bioenergy, biomass, and gasification research priorities of the Department of Agriculture and the Department of Energy at the State and regional levels.

(2) GASIFICATION COORDINATION.—With respect to gasification research activity, the sun grant centers and subcenters shall coordinate planning with land-grant colleges and universities in their respective regions that have ongoing research activities in that area.

(3) FUNDING.—Funds described in subsection (c)(2) shall be available to carry out planning coordination under paragraph (1).

(4) USE OF PLAN.—The sun grant centers and subcenters shall use the plan described in paragraph (1) in making grants under subsection (c)(1).

(e) Grant Information Analysis Center.—The sun grant centers and subcenter shall maintain a Grant Information Analysis Center at the sun grant center specified in subsection (b)(1) and shall use the sun grant centers and subcenter with analysis and data management support.

(f) Annual Reports.—Not later than 90 days after the end of each fiscal year, a sun grant center or subcenter receiving a grant under this section shall submit to the Secretary a report that describes the policies, priorities, and operations of the program carried out by the center or subcenter during the fiscal year, including—

(1) the results of all peer and merit review procedures conducted pursuant to subsection (c)(1)(D); and
(2) a description of progress made in facilitating the priorities described in subsection (d)(4).

(g) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section such sums as may be necessary for fiscal years 2008 through 2012, of which not more than $1,000,000 for each fiscal year shall
be made available to carry out subsection (e).

SEC. 7257. STUDY AND REPORT ON FOOD DESERTS.

(a) DEFINITION OF FOOD DESERT.—In this section, the term ‘‘food desert’’ means an area in the United States with limited access to affordable and nutritious food, particularly to such amounts to Federal food assistance programs; and

(b) EFFECT ON LOCAL POPULATIONS.—The effect on local populations of limited access to affordable and nutritious food; and

(c) PROVIDE RECOMMENDATIONS.—Provide recommendations for addressing the causes and effects of food deserts through measures that include—

(1) community and economic development initiatives;

(2) incentives for retail food market development, including supermarkets, small grocery stores, and farmers’ markets; and

(3) improving access to Federal food assistance and nutrition education programs.

(d) COORDINATION WITH OTHER AGENCIES AND ORGANIZATIONS.—The Secretary shall:

(1) conduct the study under this section in coordination with—

(A) the Secretary of Health and Human Services;

(B) the Administrator of the Small Business Administration;

(C) the Institute of Medicine; and

(D) representatives of appropriate businesses, organizations, and nonprofit and faith-based organizations.

(e) SUBMISSION TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate the report prepared under this section, including the findings and recommendations described in subsection (c).

(f) AUTHORIZATION OF APPROPRIATIONS.—There are appropriated to carry out this section $500,000.

SEC. 7258. DEMONSTRATION PROJECT AUTHORITY FOR TEMPORARY POSITIONS.

Notwithstanding section 490a(4)(1) of title 5, United States Code, the amendment to the personnel management demonstration project established in the Department of Agriculture by section 477 of Public Law 104-134, shall become effective upon the date of enactment of this Act and shall remain in effect unless modified by law.

SEC. 7259. AGRICULTURAL AND RURAL TRANSPORTATION RESEARCH AND EDUCATION.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation, shall make competitive grants to institutions of higher education to carry out agricultural and rural transportation research and education activities.

(b) ACTIVITIES.—Research and education grants made under this section shall be used to address rural transportation and logistics needs, including—

(1) the transportation of biofuels; and

(2) the export of agricultural products.

(c) DETERMINATION OF CRITERIA.—The Secretary shall determine the criteria under this section on the basis of the

transportation research, education, and outreach expertise of the applicant, as determined by the Secretary.

(2) PRIORITY.—In awarding grants under this subsection, the Secretary shall give priority to institutions of higher education to use in coordinating research and education activities with other institutions of higher education with similar agricultural and rural transportation research and education programs.

(d) DIVERSIFICATION OF RESEARCH.—The Secretary shall award grants under this section in areas that are regionally diverse and broadly representative of the diversity of agricultural and rural transportation needs in the rural areas of the United States.

(e) MATCHING FUNDS REQUIREMENT.—The Secretary shall require each recipient of a grant under this section to provide, from non-Federal sources, in cash or in kind, at least 50 percent of the cost of carrying out activities under the grant.

(f) GRANT REVIEW.—A grant shall be awarded under this subsection on a competitive, peer-reviewed basis in accordance with section 103(a) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7505).

(g) NO DUPLICATION.—In awarding grants under this section, the Secretary shall ensure that activities funded under this section do not duplicate the efforts of the University Transportation Centers described in sections 5505 and 5506 of title 49, United States Code.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2008 through 2012.

TITLE VII—FORESTRY

Subtitle A—Amendments to Cooperative Forestry Assistance Act of 1978

SEC. 8001. NATIONAL PRIORITIES FOR PRIVATE FOREST CONSERVATION.

Section 2 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101) is amended—

(1) by redesignating subsections (c) and (d) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (b) the following new subsections:

(4) Applicable Federal land management agencies and applicable State agencies—

(A) the conditions and trends of forest resources including catastrophic wildfires, hurricanes, tornados, windstorms, snow or ice storms, flooding, drought, invasive species, insect or disease outbreaks, or development, and restoring appropriate forest types in response to such threats.

(5) Enhancing public benefits from private forests, including water quality, air quality, soil conservation, biological diversity, carbon storage, forest products, recreation-related jobs, production of renewable energy, wildlife, wildlife corridors and wildlife habitat, and recreation.

(6) REPORTING REQUIREMENT.—Not later than September 30, 2011, the Secretary shall submit to Congress a report describing how funds were used under this Act, and through other programs administered by the Secretary, to achieve the national priorities specified in section (c) and the outcomes achieved in meeting the national priorities.

TITLE VIII—LONG-TERM STATE-WIDE ASSESSMENT AND STRATEGIES FOR FOREST RESOURCES

SEC. 8002. LONG-TERM STATE-WIDE ASSESSMENT AND STRATEGIES FOR FOREST RESOURCES.

The Cooperative Forestry Assistance Act of 1978 is amended by inserting after section 2 (16 U.S.C. 2101) the following new section:
COMMUNITY FOREST AND OPEN SPACE CONSERVATION PROGRAM.

(a) FINDINGS.—Congress finds that—

(1) the Forest Service projects that, by calendar year 2035, approximately 41,000,000 acres of privately-owned forest land will be developed throughout the United States;

(2) public access to parcels of privately-owned forest land is essential to outdoor recreational activities, including hunting, fishing, and trapping, has declined and, as a result, participation in those activities has also declined, in cases in which public access is not secured;

(3) rising rates of obesity and other public health problems relating to the inactivity of the general public have been shown to be ameliorated by improving public access to safe and attractive areas for outdoor recreation;

(4) in rapidly-growing communities of all sizes throughout the United States, remaining parcels of forest land play an essential role in protecting public water supplies;

(5) forest parcels owned by local governmental entities and nonprofit organizations are providing important demonstration sites for private landowners to learn forest management techniques;

(6) throughout the United States, communities of diverse types and sizes are deriving significant financial and community benefits from the non-Federal share of the cost of acquiring 1 or more parcels, as determined by the Secretary.

(b) COMMUNITY FOREST AND OPEN SPACE CONSERVATION PROGRAM.—The Cooperative Forestry Assistance Act of 1978 is amended by inserting after section 7 (16 U.S.C. 2103c) the following new section:

"SEC. 7A. COMMUNITY FOREST AND OPEN SPACE CONSERVATION PROGRAM.

"(a) DEFINITIONS.—In this section:

"(1) ELIGIBLE ENTITY.—The term 'eligible entity' means a local governmental entity, Indian tribe, or nonprofit organization that owns or acquires a parcel under the program.

"(2) COMMUNITY FOREST.—The term 'community forest' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

"(3) LOCAL GOVERNMENTAL ENTITY.—The term 'local governmental entity' includes any municipal government, county government, or other local government body with jurisdictional land ownership and use decisions.

"(4) NONPROFIT ORGANIZATION.—The term 'nonprofit organization' means any organization that—

"(A) is described in section 170(b)(3) of the Internal Revenue Code of 1986; and

"(B) operates in accordance with 1 or more of the purposes specified in section 170(b)(1) of such Code.

"(5) PROGRAM.—The term 'program' means the community forest and open space conservation program established under subsection (b).

"(6) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture, acting through the Chief of the Forest Service.

"(b) ESTABLISHMENT.—The Secretary shall establish a program, to be known as the 'Community Forest and Open Space Conservation Program':

"(i) to provide grants to eligible entities to acquire parcels of private forest land, to be owned in fee simple;

"(ii) for the purpose of enhancing the value and enjoyment of such land or water;

"(iii) to provide public benefits to communities, including—

"(I) economic benefits through sustainable forest management;

"(II) environmental benefits, including clean water and wildlife habitat;

"(III) benefits from forest-based educational programs, including vocational education programs developed by the Forest Service; and

"(IV) benefits from serving as models of effective forest stewardship for private landowners;

"(iv) demonstrating methods and techniques for the efficient and effective use of Federal funds for the conservation of forest lands;

"(v) other methods for the efficient and effective use of Federal funds for the conservation of forest lands; and

"(v) a committee, to be known as the Community Forest and Open Space Conservation Committee, to coordinate nonindustrial private forest activities within the Department of Agriculture and with the private sector.

"The Secretary shall serve as chairperson of the Committee. 

"(d) DUTIES OF ELIGIBLE ENTITY.—An eligible entity shall provide public access to, and manage, forest land acquired with a grant under this section in a manner that is consistent with the purposes for which the land was acquired under this Act.

"(e) PROMISED USES.—

"(1) IN GENERAL.—Subject to paragraphs (2) and (3), an eligible entity that acquires a parcel under the Program shall not sell the parcel or convert the parcel to nonforest use.

"(2) REIMBURSEMENT OF FUNDS.—An eligible entity that sells or converts to nonforest use a parcel acquired under the Program shall pay to the Federal Government an amount equal to the greater of the current sale price, or current appraised value, of the parcel.

"(3) LOSS OF ELIGIBILITY.—An eligible entity that sells or converts a parcel acquired under the Program shall not be eligible for additional grants under the Program.

"(4) STATE ADMINISTRATION AND TECHNICAL ASSISTANCE.—The Secretary may allocate not more than 10 percent of all funds made available to carry out the Program for each fiscal year to State foresters or equivalent officials (including equivalent officials of Indian tribes) for Program administration and technical assistance.

"(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.


"SEC. 8005. CHANGES TO FOREST RESOURCE COORDINATING COMMITTEE.

Section 19 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2113) is amended by striking subsection (a) and inserting the following new subsection:

"(a) FOREST RESOURCE COORDINATING COMMITTEE.—

"(1) ESTABLISHMENT.—The Secretary shall establish a committee, to be known as the 'Forest Resource Coordinating Committee' (in this section referred to as the 'Coordinating Committee'), to coordinate nonindustrial private forest activities within the Department of Agriculture and with the private sector.

"(2) COMPOSITION.—The Coordinating Committee shall be composed of the following:

"(A) The Chief of the Forest Service.

"(B) The Chief of the Natural Resources Conservation Service.

"(C) The Director of the National Institute of Food and Agriculture.

"(D) The Director of the National Oceanic and Atmospheric Administration.

"(E) Non-Federal representatives, to be selected by the Secretary, who, although initial appointees may hold staggered terms, including the following persons:

"(i) At least three State foresters or equivalent State officials from geographically diverse regions of the United States.

"(ii) A representative of a State fish and wildlife agency.

"(iii) An owner of nonindustrial private forest land.

"(iv) A forest industry representative.

"(v) A conservation organization representative.

"(vi) A land-grant university or college representative.

"(vii) A private forestry consultant.


"(B) Such other persons as determined by the Secretary to be appropriate.

"(C) CHAIRPERSON.—The Chief of the Forest Service shall serve as chairperson of the Coordinating Committee.
“(A) provide direction and coordination of actions within the Department of Agriculture, and coordination with State agencies and the private sector, to effectively address the national priorities specified in section 2(c), with specific focus on nonindustrial private forest land;

“(B) clarify individual agency responsibilities as set forth in the Coordinating Committee concerning the national priorities specified in section 2(c), with specific focus on nonindustrial private forest land;

“(C) provide advice on the allocation of funds, including the competitive funds set aside by section 13A; and

“(D) assist the Secretary in developing and reviewing the report required by section 2(d).

“(5) MEETING.—The Coordinating Committee shall meet annually to discuss progress in addressing the national priorities specified in section 2(c) and issues regarding nonindustrial private forest land.

“(6) COMPENSATION.—

“(A) FEDERAL MEMBERS.—Members of the Coordinating Committee who are full-time officers or employees of the United States shall be eligible for additional pay, allowances, or benefits by reason of their service on the Coordinating Committee.

“(B) NON-FEDERAL MEMBERS.—Non-federal members of the Coordinating Committee shall serve without pay, but may be reimbursed for reasonable costs incurred while performing their duties on behalf of the Coordinating Committee.

“SEC. 8006. CHANGES TO STATE FOREST STEWARDSHIP COORDINATING COMMITTEE.

Section 19(b) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2113(b)) is amended—

(1) in paragraph (1)(B)(i)—

(A) by striking “and” at the end of subclause (VII); and

(B) by adding at the end the following new subclause—

“(IX) the State Technical Committee.”;

(2) in paragraph (2)(C), by striking “a Forest Stewardship Plan under paragraph (3)” and inserting “the State-wide assessment and strategy regarding forest resource conditions under section 2A”;

(3) by striking paragraphs (3) and (4); and

(4) in paragraphs (5) and (6) as paragraphs (3) and (4), respectively.

“SEC. 8007. COMPETITION IN PROGRAMS UNDER COOPERATIVE FORESTRY ASSISTANCE ACT OF 1978.

The Cooperative Forestry Assistance Act of 1978 is amended by inserting after section 13(a) the following new section:

“SEC. 13A. COMPETITIVE ALLOCATION OF FUNDS TO STATE FORESTERS OR EQUIVALENT STATE OFFICIALS.

“(a) COMPETITION.—Beginning not later than 3 years after the date of the enactment of the Food, Conservation, and Energy Act of 2008, the Secretary shall competitively allocate a portion, to be determined by the Secretary, of the funds available under this Act to State foresters or equivalent State officials.

“(b) DETERMINATION.—In determining the competitive allocation of funds under subsection (a), the Secretary shall consult with the Forest Resource Coordinating Committee established by section 19(a).

“(c) PRIORITY.—The Secretary shall give priority to the States for which the long-term State-wide forest resource strategies submitted under section 2A(a)(2) will best promote the national priorities specified in section 2(c).

“SEC. 8008. COMPETITIVE ALLOCATION OF FUNDS FOR COOPERATIVE FOREST INNOVATION AND PARTNERSHIP PROJECTS.

The Cooperative Forestry Assistance Act of 1978 is amended by inserting after section 13A, as added by section 8006, the following new section:

“SEC. 13B. COMPETITIVE ALLOCATION OF FUNDS FOR COOPERATIVE FOREST INNOVATION AND PARTNERSHIP PROJECTS.

“(a) COOPERATIVE FOREST INNOVATION PARTNERSHIP PROJECTS.—The Secretary may competitively allocate up to 5 percent of the funds made available under this Act to support innovative national, regional, or local education, outreach, or technology transfer projects. The Secretary determines that such projects would substantially increase the ability of the Department of Agriculture to address the national priorities specified in section 2(c).

“(b) ELIGIBILITY.—Notwithstanding the eligibility limitations contained in this Act, nonfederal tribes or lineal descendants of a known Indian, human remains, or cultural items shall be eligible to compete for funds to be competitively allocated under subsection (a).

“(c) COST-SHARE REQUIREMENT.—In carrying out subsection (a), the Secretary shall not cover more than 50 percent of the total costs of a project under such subsection. In calculating the total cost of a project and contributions made with regard to the project, the Secretary shall include in-kind contributions.”.

“Subtitle B—Cultural and Heritage Cooperation Authority

“SEC. 8101. PUBLIC RECOGNITION OF CULTURAL ITEMS.

The purposes of this subtitle are—

(1) to authorize the reburial of human remains and cultural items on National Forest System land, including human remains and cultural items repatriated under the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

(2) to provide for the disclosure of information regarding rebury sites, including the quantity and identity of human remains and cultural items on sites and the location of sites;

(3) to authorize the Secretary of Agriculture to ensure access to National Forest System land, to the maximum extent practicable, by Indians and Indian tribes for traditional and cultural purposes;

(4) to authorize the Secretary to provide forest products, without consideration, to Indian tribes for traditional and cultural purposes;

(5) to authorize the Secretary to protect the confidentiality of certain information, including information that is culturally sensitive to Indian tribes;

(6) to increase the availability of Forest Service programs and resources to Indian tribes to the extent practicable, to promote tribal sovereignty and self-determination; and

(7) to strengthen support for the policy of the United States of protecting and preserving the traditional, cultural, and ceremonial rites and practices of Indian tribes, in accordance with Public Law 95–341 (commonly known as the American Indian Religious Freedom Act; 42 U.S.C. 1996).

“SEC. 8102. DEFINITIONS.

In this subtitle—

(1) ADJACENT SITE.—The term ‘adjacent site’ means a site that borders a boundary line of National Forest System land.

(2) CULTURAL ITEMS.—The term ‘cultural items’ has the meaning given the term in section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001), except that the term does not include human remains.

(3) HUMAN REMAINS.—The term ‘human remains’ means the physical remains of the body of a person of Indian ancestry.

(4) INDIVIDUAL.—The term ‘individual’ means an individual who is a member of an Indian tribe.

(5) INDIAN TRIBE.—The term ‘Indian tribe’ means any Indian or Alaska Native tribe, band, nation, pueblo, village, or other community the name of which is included by the Secretary of the Interior pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 1976a–1).

“SEC. 8103. REBURIAL OF HUMAN REMAINS AND CULTURAL ITEMS.

(a) REBURIAL.—In consultation with an affected Indian tribe or lineal descendant, the Secretary may authorize the use of National Forest System land by the Indian tribe or lineal descendant for the rebury of human remains or cultural items in the possession of the Indian tribe or lineal descendant that have been disinterred from National Forest System land or an adjacent site.

(b) REBURIAL.—With the consent of the affected Indian tribe or lineal descendant, the Secretary may recover and rebury, at Federal expense or using other available funds, human remains and cultural items described in subsection (a) at the National Forest System land identified under that subsection.

“SEC. 8104. TEMPORARY CLOSURE FOR TRADITIONAL AND CULTURAL PURPOSES.

(a) RECOGNITION OF HISTORIC USE.—To the maximum extent practicable, the Secretary shall ensure access to National Forest System land by Indians for traditional and cultural purposes, in accordance with subsection (b), in recognition of the historic use by Indians of National Forest System land.

(b) CLOSING LAND FROM PUBLIC ACCESS.—

(1) AUTHORITY TO CLOSE.—Upon the approval by the Secretary of a request from an Indian tribe, the Secretary may temporarily close from public access specifically identified National Forest System land to protect the privacy of tribal activities for traditional and cultural purposes.

(2) LIMITATION.—A closure of National Forest System land under paragraph (1) shall affect the smallest possible area consistent with the minimum period necessary for activities of the applicable Indian tribe.
SEC. 8105. FOREST PRODUCTS FOR TRADITIONAL AND CULTURAL PURPOSES.

(a) In General.—The Secretary shall not disclose under section 552 of title 5, United States Code (commonly known as the ‘‘Freedom of Information Act’’), information relating to—

(1) a site or resource used for traditional and cultural purposes of Public Law 95–341 (commonly known as the ‘‘American Indian Religious Freedom Act’’; 42 U.S.C. 1976) (16 U.S.C. 472a), the Secretary may provide free of charge to Indian tribes any trees, portions of trees, or forest products from National Forest System land for traditional and cultural purposes.

(b) Prohibition.—Trees, portions of trees, or forest products provided under subsection (a) may not be used for commercial purposes.

SEC. 8106. PROHIBITION ON DISCLOSURE.

(a) NONDISCLOSURE OF INFORMATION.—

(1) IN GENERAL.—The Secretary shall not disclose under section 552 of title 5, United States Code (commonly known as the ‘‘Freedom of Information Act’’), information relating to—

(A) subject to subsection (b)(1), human remains or cultural items reburied on National Forest System land under section 8103; or

(B) subject to subsection (b)(2), resources, cultural items, uses, or activities that—

(i) have a traditional and cultural purpose; and

(ii) are provided to the Secretary by an Indian or Indian tribe under an express expectation of confidentiality in the context of forest and rangeland research activities carried out under the authority of the Forest Service.

(2) LIMITATIONS ON DISCLOSURE.—Subject to subsection (b)(2), the Secretary shall not be required to disclose information under section 552 of title 5, United States Code (commonly known as the ‘‘Freedom of Information Act’’), concerning the identity, use, or specific location in the National Forest System of—

(A) a site or resource used for traditional and cultural purposes by an Indian tribe; or

(B) any cultural items not covered under section 8103.

(b) LIMITED RELEASE OF INFORMATION.—

(1) REHURIAL.—The Secretary may disclose information described in subsection (a)(2)(A) if, before the disclosure, the Secretary—

(A) consults with an affected Indian tribe or lineal descendant.

(B) determines that disclosure of the information—

(i) would advance the purposes of this subtitle; and

(ii) is necessary to protect the human remains or cultural items from harm, theft, or destruction; and

(C) attempts to mitigate any adverse impacts identified by an Indian tribe or lineal descendant that reasonably could be expected to result from disclosure of the information.

(2) OTHER INFORMATION.—The Secretary, in consultation with appropriate Indian tribes, may disclose information described under paragraph (1)(B) or (2) of subsection (a) if the Secretary determines that disclosure of the information to the public—

(A) would advance the purposes of this subtitle;

(B) would not create an unreasonable risk of harm, theft, or destruction of the resource, site, or object, including individual organic or inorganic specimens; and

(C) would be consistent with other applicable laws.

SEC. 8107. SEVERABILITY AND SAVINGS PROVISIONS.

(a) SEVERABILITY.—If any provision of this subtitle, or the application of any provision of this subtitle to any person or circumstance is held invalid, the application of such provision or circumstance and the remainder of this subtitle shall not be affected thereby.

(b) SAVINGS.—Nothing in this subtitle—

(1) diminishes or expands the trust responsibility of the United States to Indian tribes, nor any legal claim or remedy resulting from that responsibility;

(2) alters, abridges, repeals, or affects any valid agreement between the Forest Service and an Indian tribe;

(3) alters, abridges, diminishes, repeals, or affects any reserved or other right of an Indian tribe; or

(4) alters, abridges, diminishes, repeals, or affects any other valid existing right relating to National Forest System land or other public land.

Subtitle C—Amendments to Other Forestry-Related Laws

SEC. 8201. RURAL REVITALIZATION TECHNOLOGIES.

Section 2537(d)(2) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 6601(d)(2)) is amended by striking ‘‘2004 through 2008’’ and inserting ‘‘2008 through 2012’’.

SEC. 8202. OFFICE OF INTERNATIONAL FORESTRY.

Section 2405(d) of the Global Climate Change Prevention Act of 1990 (7 U.S.C. 6704(d)) is amended by striking ‘‘2007’’ and inserting ‘‘2012’’.

SEC. 8203. EMERGENCY FOREST RESTORATION PROGRAM.

(a) ESTABLISHMENT.—Title IV of the Agricultural Credit Act of 1976 (16 U.S.C. 2201 et seq.) is amended by adding at the end the following new section:

‘‘SEC. 407. EMERGENCY FOREST RESTORATION PROGRAM.

‘‘(a) DEFINITIONS.—In this section—

‘‘(1) EMERGENCY MEASURES.—The term ‘emergency measures’ means those measures that—

(A) are necessary to address damage caused by a natural disaster to natural resources on nonindustrial private forest land, and the damage, if not treated—

(i) would alter the natural resources on the land; and

(ii) would materially affect future use of the land; and

(B) would restore forest health and forest-related resources on the land.

‘‘(2) NATURAL DISASTER.—The term ‘natural disaster’ includes wildfires, hurricanes or excessive winds, drought, ice storms or blizzards, floods, or other resource-impacting events, as determined by the Secretary.

‘‘(3) NONINDUSTRIAL PRIVATE FOREST LAND.—The term ‘nonindustrial private forest land’ means rural land, as determined by the Secretary, that—

(A) has existing tree cover (or had tree cover immediately previous to the disaster and is suitable for growing trees); and

(B) is owned by any nonindustrial private individual, group, association, corporation, or other private legal entity, that has definitive decision-making authority over the land.

‘‘(4) SECRETARY.—The term ‘Secretary’ means the Secretary of Agriculture.

‘‘(b) AVAILABILITY OF ASSISTANCE.—The Secretary may make payments to an owner of nonindustrial private forest land who carries out emergency measures that restore the land after the land is damaged by a natural disaster.

‘‘(c) ELIGIBILITY.—To be eligible to receive a payment under subsection (b), an owner must demonstrate to the satisfaction of the Secretary that the nonindustrial private forest land on which the emergency measures are carried out had tree cover immediately before the natural disaster.

‘‘(d) COST SHARE REQUIREMENT.—Payments made under subsection (b) shall not exceed 75 percent of the total cost of the emergency measures carried out by an owner of nonindustrial private forest land.

‘‘(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section of the Agricultural Credit Act of 1978, as added by subsection (a).

SEC. 8204. PREVENTION OF ILLEGAL LOGGING PRACTICES.

(a) DEFINITIONS.—

(1) PLANT.—Subsection (f) of section 2 of the Lacey Act Amendments of 1981 (16 U.S.C. 3371(h)) is amended to read as follows:

‘‘(f) PLANT.—

‘‘(1) IN GENERAL.—The terms ‘plant’ and ‘plants’ mean any wild member of the plant kingdom, including roots, seeds, parts, or products thereof, and including trees from either natural or planted forest stands.

‘‘(2) EXCLUSIONS.—The terms ‘plant’ and ‘plants’ exclude—

(A) common cultivars, except trees, and common food crops (including roots, seeds, parts, or products thereof) that is to be used only for laboratory or field research; and

‘‘(C) any plant that is to remain planted or to be planted or replanted.

‘‘(3) EXCEPTIONS TO APPLICATION OF EXCLUSIONS.—The exclusions made by subparagraphs (B) and (C) of paragraph (2) do not apply if the plant is listed—


(B) as an endangered or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); or

(C) pursuant to any State law that provides for the conservation of species that are indigenous to the State and are threatened with extinction.’’.

(2) INCLUSION OF SECRETARY OF AGRICULTURE.—Section 2(h) of the Lacey Act Amendments of 1981 (16 U.S.C. 3371(h)) is amended by striking ‘‘plants the term means’’ and inserting ‘‘plants, the term also means’’.

(3) TAKEN AND TAKING.—Subsection (j) of section 2 of the Lacey Act Amendments of 1981 (16 U.S.C. 3371(j)) is amended to read as follows:

‘‘(j) TAKEN AND TAKING.—

‘‘(1) TAKEN.—The term ‘taken’ means captured, killed, or collected and, with respect to a plant, also means harvested, cut, logged, or removed.

‘‘(2) TAKING.—The term ‘taking’ means the act of which fish, wildlife, or plants are taken.

‘‘(b) PROHIBITED ACTS.—

(1) OFFENSES OTHER THAN MARKING.—Section 3(a) of the Lacey Act Amendments of 1981 (16 U.S.C. 3372(a)) is amended—

(A) in paragraph (2), by striking subparagraphs (B) and inserting the following new subparagraph:

‘‘(B) any plant—

(i) taken, possessed, transported, or sold in violation of any law or regulation of any State, or any foreign law, that protects plants or that regulates—

(I) the theft of plants;

(II) the taking of plants from a park, forest reserve, or other officially protected area;"
“(III) the taking of plants from an officially designated area; or

“(IV) the taking of plants without, or contrary to, required authorization;

“(V) the taking, possessed, transported, or sold, or in violation of any limitation under any law or regulation of any State or foreign law, the governing the export or transportation of plants; or

“(vi) the taking, possessed, transported, or sold without the payment of appropriate royalties, taxes, or stumpage fees required for the plant by any law or regulation of any State or foreign law, that protects plants or that regulates—

“(I) the theft of plants;

“(II) the taking of plants from a park, forest, reserve, or other officially protected area;

“(III) the taking of plants from an officially designated area; or

“(IV) the taking, possessed, transported, or sold in violation of any limitation under any law or regulation of any State or foreign law, governing the export or transportation of plants; or

“(i) taken, possessed, transported, or sold without the payment of appropriate royalties, taxes, or stumpage fees required for the plant by any law or regulation of any State or foreign law; or

“(ii) taken, possessed, transported, or sold in violation of any limitation under any law or regulation of any State, or under any foreign law, governing the export or transportation of plants; or

“(B) in paragraph (3), by striking subparagraph (B) and inserting the following subparagraph:

“(B) to possess any plant—

“(i) taken, possessed, transported, or sold in violation of any law or regulation of any State or foreign law, that protects plants or that regulates—

“(I) the theft of plants;

“(II) the taking of plants from a park, forest, reserve, or other officially protected area;

“(III) the taking of plants from an officially designated area; or

“(IV) the taking, possessed, transported, or sold in violation of any limitation under any law or regulation of any State or foreign law, the governing the export or transportation of plants; or

“(B) in paragraph (3), by striking subparagraph (B) and inserting the following subparagraph:

“(B) to possess any plant—

“(i) taken, possessed, transported, or sold in violation of any law or regulation of any State or foreign law, that protects plants or that regulates—

“(I) the theft of plants;

“(II) the taking of plants from a park, forest, reserve, or other officially protected area;

“(III) the taking of plants from an officially designated area; or

“(IV) the taking, possessed, transported, or sold in violation of any limitation under any law or regulation of any State or foreign law, the governing the export or transportation of plants; or

“(C) in paragraph (4), the Secretary may promulgate regulations of the Lacey Act Amendments of 1981 (16 U.S.C. 3372) is amended by adding at the end the following new subsection:

“(F) Plant Declarations—

“(1) Import declaration.—Effective 180 days from the date of enactment of this subsection, and except as provided in paragraph (3), it shall be unlawful for any person to import any plant unless the person files upon importation a declaration that contains—

“(A) the scientific name of any plant included in the shipment (including the genus and species of the plant) contained in the importation;

“(B) a description of—

“(i) the value of the importation; and

“(ii) the quantity including the unit of measure, of the plant; and

“(C) the name of the country from which the plant was taken.

“(2) Declaration relating to plant products.—Until the date on which the Secretary promulgates a regulation under paragraph (6), a declaration relating to a plant product shall—

“(A) in the case in which the species of plant used to produce the plant product that is the subject of the importation varies, and the purpose is to produce the plant product that is unknown, contain the name of each species of plant that may have been used to produce the plant product;

“(B) in the case in which the species of plant used to produce the plant product that is the subject of the importation is commonly taken from more than one country, and the purpose is to produce the plant product that is unknown, contain the name of each country from which the plant may have been taken;

“(C) in the case in which a paper or paperboard plant product includes recycled plant product, contain the average percent recycled content for the species or country of origin of the recycled plant product, in addition to the information for the non-recycled plant content otherwise required by this subsection.

“(B) Exclusions.—Paragraphs (1) and (2) shall not apply to plants used exclusively as packaging or material to support, protect, or carry another item, unless the packaging material itself is the item being imported.

“(C) Review.—Not later than two years after the date of enactment of this subsection, the Secretary shall review the implementation of each requirement imposed by paragraphs (1) and (2) and the effect of the exclusions provided by paragraph (3). In conducting the review, the Secretary shall provide public notice and an opportunity for comment.

“(D) Report.—Not later than 180 days after the date on which the Secretary completes the review under paragraph (4), the Secretary shall submit to the appropriate committees of Congress a report containing—

“(i) an analysis of the effect of subsection (a) and this subsection on—

“(I) the cost of legal plant imports; and

“(II) the extent and methodology of illegal logging practices and trafficking.

“(ii) the potential to harmonize each requirement imposed by paragraphs (1) and (2) with other applicable import regulations in existence as of the date of the report;

“(B) recommendations for such legislation as the Secretary determines to be appropriate to assist in the identification of plants and plant products that are imported into the United States in violation of this section; and

“(C) an analysis of the effect of subsection (a) and this subsection on—

“(i) the potential to harmonize each requirement imposed by paragraph (2) to specific plant products;

“(ii) the cost of legal plant imports; and

“(iii) the extent and methodology of illegal logging practices and trafficking.

“(ii) the extent and methodology of illegal logging practices and trafficking.

“(B) Promulgation of Regulations.—Not later than 180 days after the date on which the Secretary completes the review under paragraph (4), the Secretary may promulgate regulations—

“(A) to limit the applicability of any requirement imposed by paragraph (2) to specific plant products;

“(B) to make any other necessary modification to any requirement imposed by paragraph (2), as determined by the Secretary based on the review; and

“(C) to limit the scope of the exclusion provided by paragraph (3), if the limitations in scope are warranted as a result of the review.

“(C) Cross-References to New Requirements.—Section 4 of the Lacey Act Amendments of 1981 (16 U.S.C. 3373) is amended to read as follows:

“(A) in the case of acreage owned by an Indian tribe, the Secretary may enroll acreage into the healthy forests reserve program using a permanent easement described in subparagraph (B) or (C) of paragraph (1).

“(B) A 30-year easement; or

“(C)(i) a permanent easement; or

“(ii) in a State that imposes a maximum duration for easements, an easement for the maximum duration allowed under State law.

“(2) Limitation on use of cost-share agreements and easements.—In the case of—

“(A) In General.—Of the total amount of funds expended under the program for a fiscal year to acquire easements and enter into cost-share agreements described in paragraph (1)—

“(i) not more than 40 percent shall be used for cost-share agreements described in paragraph (1)(A); and

“(ii) not more than 60 percent shall be used for easements described in subparagraphs (B) and (C) of paragraph (1).

“(B) Repealing.—The Secretary may use any funds allocated under clause (i) or (ii) of subparagraph (A) that are not obligated by April 1 of the fiscal year for which the funds are made available to carry out a different method of enrollment during that fiscal year.

“(3) Acreage Owned by Indian Tribe.—In the case of acreage owned by an Indian tribe, the Secretary may enroll acreage into the healthy forests reserve program through the use of—

“(A) a 30-year contract (the value of which shall be equivalent to the value of a 30-year easement);

“(B) a 10-year cost-share agreement; or

“(C) any combination of the options described in subparagraphs (A) and (B).

“(b) Financial Assistance.—Section 509(a) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6574(a)) is amended by striking “(a) Easements of Not More Than 99 Years” and all that follows through “(C)” and inserting the following:

“(A)(1) a permanent easement; or

“(ii) in a State that imposes a maximum duration for easements, an easement for the maximum duration allowed under State law.

“(3) Funding.—Section 508 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6578) is amended to read as follows:

“(c) In General.—Of the funds of the Community Credit Corporation, the Secretary of Agriculture shall make available $9,750,000 for each of fiscal years 2009 through 2012 to carry out this title.

“(d) Duration of Availability.—The funds made available under subsection (a) shall remain available until expended.”
SEC. 8301. GREEN MOUNTAIN NATIONAL FOREST BOUNDARY ADJUSTMENT.

(a) IN GENERAL.—The boundary of the Green Mountain National Forest is modified to include the 13 designated expansion units as generally depicted on the forest maps entitled “Green Mountain Expansion Area Map I” and “Green Mountain Expansion Area Map II” and dated February 20, 2002 (copies of which shall be on file and available for public inspection in the office of the Chief of the Forest Service, Washington, District of Columbia), and more particularly described according to the specific maps and legal descriptions on file in the office of the Forest Supervisor, Green Mountain National Forest.

(b) MANAGEMENT.—Federally owned land delineated on the maps acquired for National Forest purposes shall continue to be managed in accordance with the laws (including regulations) applicable to the National Forest System.

(c) LAND AND WATER CONSERVATION FUND.—For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l), the boundaries of the Green Mountain National Forest, as adjusted by this subsection, shall be considered to be the boundaries of the national forest as of January 1, 1965.

SEC. 8302. LAND CONVEYANCES, CHIHUAHUAN DESERT NATURE PARK, NEW MEXICO, AND GEORGE WASHINGTON NATIONAL FOREST, VIRGINIA.

(a) CHIHUAHUAN DESERT NATURE PARK CONVEYANCE.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, subject to valid existing rights and subsection (b), the Secretary of Agriculture shall convey to the Chihuahuan Desert Nature Park, Inc. (a nonprofit corporation in the State of New Mexico (in this section referred to as the “Nature Park”)), by quitclaim deed and for no consideration, all right, title, and interest of the United States in and to a parcel of real property to be conveyed under this subsection as the Secretary determines that the conveyance is in the public interest.

(2) CONDITION OF CONVEYANCE.—The conveyance under subsection (a) shall be subject to the condition that the Secretary accept the real property described in paragraph (1) in its condition at the time of the conveyance, commonly known as conveyance ‘as is’.

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

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

SEC. 8303. SALE AND EXCHANGE OF NATIONAL FOREST SYSTEM LAND, VERMONT.

(a) DEFINITIONS.—In this section:

(1) BROMLEY.—Bromley means Bromley Mountain Ski Resort, Inc.

(2) MAP.—The term “map” means the map entitled “Proposed Bromley Land Sale or Exchange” and dated April 7, 2004.

(3) STATE.—The term “State” means the State of Vermont.

(b) SALE OR EXCHANGE OF GREEN MOUNTAIN NATIONAL FOREST LAND.—

(1) IN GENERAL.—The Secretary of Agriculture may, under any terms and conditions that the Secretary may prescribe, sell or exchange the land in and to the parcels of National Forest System land described in paragraph (2) if the Secretary determines that the conveyance is in the public interest.

(2) DESCRIPTION OF LAND.—The parcels of National Forest System land referred to in paragraph (1) are the parcels of land in Bennington County in the State, as generally depicted on the map.

(3) MAP AND LEGAL DESCRIPTIONS.—

(A) IN GENERAL.—The map shall be on file and available for public inspection in—

(i) the office of the Chief of the Forest Service; and

(ii) the office of the Supervisor of the Green Mountain National Forest.

(B) MODIFICATIONS.—The Secretary may modify the map and legal descriptions to—

(i) correct technical errors; or

(ii) facilitate the conveyance under paragraph (1).

(4) CONSIDERATION.—Consideration for the sale or exchange of land described in paragraph (2) shall be at public or private sale (including auction), in accordance with such terms, conditions, and procedures as the Secretary determines to be in the public interest.

(5) METHOD OF SALE.—

(A) CONVEYANCE TO BROMLEY.—

(i) IN GENERAL.—Before soliciting offers under subparagraph (B), the Secretary shall offer to convey to Bromley the land described in paragraph (2).

(ii) CONTRACT DEADLINE.—If Bromley accepts the offer under clause (i), the Secretary and Bromley shall have 180 days after the date on which any environmental analyses with respect to the land are completed to enter into a contract for the sale or exchange of the land.

(B) PUBLIC OR PRIVATE SALE.—If the Secretary and Bromley do not enter into a contract for the sale or exchange of the land by the date specified in subparagraph (A)(ii), the Secretary may sell or exchange the land at public or private sale (including auction), in accordance with such terms, conditions, and procedures as the Secretary determines to be in the public interest.

(6) DISPOSITION OF PROCEEDS.—

(A) PROCEEDS TO SECRETARY.—Amounts deposited under paragraph (1) shall be available to the Secretary until expended, without further appropriation, for—

(i) acquisition of land and interests in land; and

(ii) acquisition of land and interests in land for use in the National Forest System purposes within the boundary of the Green Mountain National Forest, including

消歧义阶段：

- 在“CONEXECUTED RECORD—HOUSE”部分，将“H4581”标记为“May 22, 2008”，以及相关的日期和会议信息。

- 在“Subtitle D—Boundary Adjustments and Land Conveyance Provisions”部分，将“SEC. 8301. GREEN MOUNTAIN NATIONAL FOREST BOUNDARY ADJUSTMENT.”标记为“SEC. 8301”并进行相应的修改。

- 在“SEC. 8302. LAND CONVEYANCES, CHIHUAHUAN DESERT NATURE PARK, NEW MEXICO, AND GEORGE WASHINGTON NATIONAL FOREST, VIRGINIA.”部分，将“SEC. 8302”和“SEC. 8303. SALE AND EXCHANGE OF NATIONAL FOREST SYSTEM LAND, VERMONT.”部分进行相应的修改。

- 在“SEC. 8303. SALE AND EXCHANGE OF NATIONAL FOREST SYSTEM LAND, VERMONT.”部分，将“(a) DEFINITIONS.—In this section:”部分进行相应的修改。

- 在“(b) SALE OR EXCHANGE OF GREEN MOUNTAIN NATIONAL FOREST LAND.—”部分，将“SEC. 8303. SALE AND EXCHANGE OF NATIONAL FOREST SYSTEM LAND, VERMONT.”部分进行相应的修改。

- 在“(5) METHOD OF SALE.—(A) CONVEYANCE TO BROMLEY.—”部分，将“SEC. 8303. SALE AND EXCHANGE OF NATIONAL FOREST SYSTEM LAND, VERMONT.”部分进行相应的修改。

- 在“(6) DISPOSITION OF PROCEEDS.—(A) PROCEEDS TO SECRETARY.—”部分，将“SEC. 8303. SALE AND EXCHANGE OF NATIONAL FOREST SYSTEM LAND, VERMONT.”部分进行相应的修改。

这些修改保留了原意，同时确保了段落的连贯性和可读性。
land for and adjacent to the Appalachian National Scenic Trail and the Long National Recreation Trail;
(C) the acquisition of wetland or an inter-
et within the boundary of the Green Mountain National Forest to offset the loss of wetland from the parcels sold or exchanged; and
(D) in order to defray the costs incurred in carrying out this section.

3) LIMITATION.—Amounts deposited under paragraph (1) shall be used by the Secretary for one or more of the following purposes:
(A) the acquisition of land for National Forest System purposes within the boundary of the Green Mountain National Forest; or
(B) the acquisition of land for Federal land within the boundary of the Green Mountain National Forest.

4) PROHIBITION OF TRANSFER OR RE-
PROGRAMMING.—Amounts deposited under paragraph (1) shall not be subject to transfer or reprogramming for wildlife management or any other emergency purposes.

5) ACQUISITION OF LAND.—The Secretary may acquire, using funds made available under this section, or otherwise made available for acquisition, land or an interest in land in land for National Forest System purposes within the boundary of the Green Mountain National Forest.

6) EXEMPTION FROM CERTAIN LAWS.—Sub-
title I of title 40, United States Code, shall not apply to any sale or exchange of Na-
tional Forest System purposes land under this sec-
tion.

Subtitle E—Miscellaneous Provisions
SEC. 9001. QUALIFYING TIMBER CONTRACT OP-
tions.
(a) DEFINITIONS.—In this section:
(A) AUTHORIZED PRODUCER PRICE INDEX.—The term "authorized Producer Price Index" includes—
(A) the softwood commodity index (code number WPU 6811);
(B) the hardwood commodity index (code number WPU 6812);
(C) the wood chip index (code number PUC 32113211159); and
(D) any other subsequent comparable index, as established by the Bureau of Labor Statistics of the Department of Labor and utilized by the Secretary of Agriculture.
(B) CONTRACT.—The term "contract" means a contract for the sale of timber on National Forest Sys-
tem land that—
(A) was awarded during the period begin-
ing on January 1, 2004, and ending on De-
cember 31, 2006;
(B) for which there is unharvested volume remaining;
(C) for which, not later than 90 days after the date of enactment of this Act, the timber purchaser makes a written request to the Secretary for one or more of the options described in subsection (b); and
(D) that is not a salvage sale.
(C) SECRETARY.—The Secretary means the Secretary of Agriculture, acting through the Chief of the Forest Service.
(D) OPTIONS QUALIFYING CONTRACT.—
(1) CANCELLATION OR RATE REDETER-
MINATION.—Notwithstanding any other provision of law, if the rate at which a qualifying contract is based as of the date of enactment of this Act is at least 50 percent less than the sum of the original bid rates for all of the species of timber that are the subject of the qualifying contract, the Sec-
tary may, at the sole discretion of the Sec-
retary—
(A) cancel the qualifying contract if the timber purchaser
(i) pays 50 percent of the total value of the timber remaining in the qualifying contract based on the original bid rates to the timber purchaser before January 1, 2007, to adjust the term of the contract in accordance with the market-related contract term addition provision in title 36, Code of Federal Regulations, as in effect on the date of the modification, except that the Secretary may add no more than 4 years to the original contract length.

 Effect of Options.—
1) NO SURRENDER OF CLAIMS.—Operation of this section shall not have the effect of sur-
rendering to any claim holder any claim against any timber purchaser that arose—
(A) under a qualifying contract before the date on which the Secretary cancels the con-
tact or restructures the rate under subsection (b)(1), substitutes a Producer Price Index under subsection (b)(2), modifies the contract under subsection (b)(3); or
(B) under a timber sale contract, including a qualifying contract, before the date on which the Secretary adjusts the contract term under subsection (b)(4); or
2) RELEASE OF LIABILITY.—In the written request for any option provided under sub-
sections (b) and (c), a timber purchaser shall release the United States from all liability, including further consideration or compensa-
tion, resulting from—
(A) the cancellation of a qualifying con-
tact of the purchaser or rate redetermina-
tion under subsection (b)(1), the substitution of a Producer Price Index under subsection (b)(2), the modification of the contract under subsection (b)(3); or
(B) the modification of the term of a tim-
ber sale contract (including a qualifying con-
tact) of the purchaser under subsection (c) or a determination by the Secretary not to provide the modification.

3) LIMITATION.—Subject to subsection (b)(1)(A), the cancellation of a qualifying contract by the Secretary under subsection (b)(1) shall release the timber purchaser from further obligation under the canceled contract.

SEC. 9002. HISPANOIC-SERVING INSTITUTION AG-
RICULTURAL, FOREST, AND FORESTRY RE-
OURCES LEADERSHIP PROGRAM.
(a) DEFINITION OF HISPANOIC-SERVING INSTITU-
TION.—In this section, the term ‘‘Hispanic-
serving institution’’ means an institution as defined in section 502(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)(5)).
(b) GRANT AUTHORITY.—The Secretary of Agriculture may make grants, on a competi-
tive basis, to Hispanic-serving institutions for the purpose of establishing an under-
graduate scholarship program to assist in the recruitment, retention, and develop-
ment of Hispanics and other under-represented groups in forestry and related fields.
(c) USE OF GRANT FUNDS.—Grants made under this section shall be used to recruit, retain, train, and develop professionals to work in forestry and related fields with Fed-
eral agencies, such as the Forest Service, Soil Conservation Service, and private-sector entities.
(d) AUTHORIZATION OF APPROPRIATIONS.—
There are authorized to be appropriated to the Secretary for each fiscal years 2008 through 2012 such sums as may be necessary to carry out this section.

TITLE IX—ENERGY
SEC. 9001. ENERGY.
(a) IN GENERAL.—Title IX of the Farm Sec-
curity and Rural Investment Act of 2002 (7 U.S.C. 8101 et seq.) is amended as read fol-
ows:
TITLE IX—ENERGY

SEC. 9001. DEFINITIONS.

"Except as otherwise provided, in this title:

(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Environmental Protection Agency.

(2) ADVISORY COMMITTEE.—The term 'Advisory Committee' means the Biomass Research and Development Advisory Committee established by section 9008(d)(1).

(3) ADVANCED BIOFUEL.—

(i) The term 'advanced biofuel' means fuel derived from renewable biomass other than corn kernel starch.

(ii) biofuel derived from sugar and starch (other than ethanol derived from corn kernel starch);

(iii) biofuel derived from waste material, including

(A) residue, other vegetative waste material, animal waste, food waste, and yard waste;

(B) fuel ethanol from switchgrass, elephant grass, or other non-corn starchy biomass; and

(C) other fuel derived from cellulosic biomass.

(4) BIODIESEL.—The term 'biocatalyst' means a product determined by the Secretary to be a commercial or industrial product (other than food or feed) that:

(A) composed, in whole or in significant part, of biological products, including renewable domestic agricultural materials and forestry materials; or

(B) an intermediate ingredient or feedstock.

(5) BIOPRODUCTS.—The term 'bioprocess' means the conversion or processing of organic matter from renewable biomass;

(iii) biofuel derived from cellulose, hemicellulose, or lignin;

(ii) biofuel derived from sugar and starch (other than ethanol derived from corn kernel starch);

(ii) biofuel derived from waste material, including

(A) residue, other vegetative waste material, animal waste, food waste, and yard waste;

(B) fuel ethanol from switchgrass, elephant grass, or other non-corn starchy biomass; and

(C) other fuel derived from cellulosic biomass.

(6) BIOMASS CONVERSION FACILITY.—The term 'biomass conversion facility' means a facility that converts or proposes to convert renewable biomass into

(A) heat;

(B) power; or

(C) advanced biofuels.

(7) BIOTHERM.—The term 'biotherm' means a facility (including equipment and processes) that

(A) converts renewable biomass into biofuels and biobased products; and

(B) may produce electricity.

(8) BIRD.—The term 'bird' means the Biomass Research and Development Board established by section 9008(c).

(9) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(10) INSTITUTION OF HIGHER EDUCATION.—

The term "institution of higher education" has the meaning given the term in section 102(a) of the Higher Education Act of 1965 (20 U.S.C. 1002(a)).

(11) INTELLIGENT INVENTION.—

The term intermediate ingredient or feedstock' means a material or compound made in whole or in significant part from biological products, including renewable agricultural materials (including plant, animal, and marine materials) or forestry materials, that are subsequently used to make a more complex or finished product.

(12) RENEWABLE BIOMASS.—The term 'renewable biomass' means—

(A) materials, pre-commerical thinnings, or invasive species from National Forest System land and public lands (as defined in section 163 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)) that—

(i) are byproducts of preventive treatments that are removed —

(I) timber harvesting fuels;

(ii) to reduce or contain disease or insect infestation; or

(iii) to restore ecosystem health;

(ii) would otherwise be used for higher-value products; and

(iii) are harvested in accordance with—

(A) applicable law and land management plans; and

(B) the requirements for—

(aa) old-growth maintenance, restoration, and management direction of paragraphs (2), (3), and (4) of subsection (e) of section 102 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6512); and

(bb) large-tree retention of subsection (f) of that section;

(B) any organic matter that is available on a renewable or recurring basis from non-Federal land or land belonging to an Indian tribe in Alaska or to an Indian tribe under the jurisdiction of the United States or subject to a restriction against alienation imposed by the United States, including—

(i) renewable plant material, including—

(A) feed grains;

(B) other agricultural commodities;

(C) other plants and trees; and

(D) algae; and

(ii) waste material, including—

(A) crop residue;

(B) other vegetable waste material (including wood fibers and wood residues); and

(C) animal waste and byproducts (including fats, oils, greases, and manure);

(iii) other plants and trees;

(iii) including wood residues; and

(B) food waste and yard waste;

(iii) other plants and trees;

(iii) are available only at an unreasonable price.

(i) BENCHMARKS.—Each procurement program required under this subpart shall establish benchmarks that

(A) are consistent with the applicable provisions of Federal procurement law;

(B) ensure that items composed of biobased products shall be purchased to the maximum extent practicable;

(C) include a component to promote the procurement program;

(D) provide for an annual review and monitoring of the effectiveness of the procurement program; and

(E) adopt 1 of the 2 policies described in subparagraph (B) or (D), or a policy substantially equivalent to either of those policies.

(13) MANDATORY BIOMASS.—Each agency or department of the United States shall establish policies or procedures that

(A) require that procuring agencies in complying with the requirements of this subsection.

(B) FLEXIBILITY.—Notwithstanding subparagraph (A), a procuring agency may decide not to procure items described in that subparagraph if the procuring agency determines that the items—

(i) are not reasonably available within a reasonable period of time;

(ii) fail to meet—

(A) the performance standards set forth in the applicable specifications; or

(B) the reasonable performance standards of the procuring agencies; or

(iii) are available only at an unreasonable price.

(C) MINIMUM REQUIREMENTS.—Each procurement program required under this subpart shall

(i) ensure that items composed of biobased products shall be purchased to the maximum extent practicable;

(ii) include a component to promote the procurement program;

(iii) provide for an annual review and monitoring of the effectiveness of the procurement program; and

(iv) adopt 1 of the 2 policies described in subparagraph (B) or (D), or a policy substantially equivalent to either of those policies.

(14) C ERTIFICATION.—

(i) IN GENERAL.—Subject to subparagraph (B), a procuring agency adopting the minimum standards and performance requirements under this subsection shall

(A) certify to the Administrator of General Services that the agency of the procuring agencies; or

(B) certify to the Administrator of General Services that the agency of the procuring agencies.

(15) GUIDELINES.—

A procuring agency shall develop procurement guidelines under which the biobased products to be used in the performance of the contract will comply with the applicable specifications or other contract requirements.

(16) PROCUREMENT.—

(A) IN GENERAL.—The term 'procuring agency' means the Administrator of the National Institute of Standards and Technology, the Director of the National Institute of Standards and Technology, or the Director of the National Institute of Standards and Technology.

(B) REQUIREMENTS.—The guidelines under this paragraph shall—

(i) designate those items (including finished products) that are or can be produced with biobased products (including biobased products for which there is only a single manufacturer or supplier in the United States, including

(ii) designated as biobased or biorenewable means the biobased or biorenewable items contained in this subpart shall be subject to the preference described in paragraph (2).

(ii) designate those items (including finished products) that are or can be produced with biobased products (including biobased products for which there is only a single manufacturer or supplier in the United States, including

(ii) designated as biobased or biorenewable means the biobased or biorenewable items contained in this subpart shall be subject to the preference described in paragraph (2).
(iii) automatically designate items composed of intermediate ingredients and feedstocks designated under clause (ii), if the content of the designated intermediate ingredient or feedstock exceeds 50 percent of the item (unless the Secretary determines a different composition percentage is appropriate);

(iv) set forth recommended practices with respect to the procurement of biobased products and items containing such materials;

(v) provide information as to the availability and performance, and environmental and public health benefits of such materials and items; and

(vi) take effect on the date established in the guidance which may not exceed 1 year after publication.

(C) INFORMATION PROVIDED.—Information provided pursuant to subparagraph (B)(v) with respect to a material or item shall be considered to be provided for another item made with the same material or item.

(D) PROHIBITION.—Guidelines issued under this paragraph may not require a manufacturer or vendor of biobased products, as a condition of the purchase of biobased products from the manufacturer or vendor, to provide to procuring agencies more data than is necessary to be provided by any other manufacturers or vendors offering products for sale to a procuring agency, other than data confirming the biobased content of a product.

(E) QUALIFYING PURCHASES.—The guidelines shall apply with respect to any purchase or acquisition of a procurement item for which—

(i) the purchase price of the item exceeds $10,000; or

(ii) the quantity of the items or of functionally-equivalent items purchased or acquired during the preceding fiscal year was at least $10,000.

(4) ADMINISTRATION.—

(A) OFFICE OF FEDERAL PROCUREMENT POLICY.—The Office of Federal Procurement Policy, in cooperation with the Secretary, shall—

(i) coordinate the implementation of this subsection with other policies for Federal procurement;

(ii) annually collect the information required to be reported under paragraph (B) and make the information publicly available;

(iii) take a leading role in informing Federal agencies concerning, and promoting the adoption of and compliance with, procurement requirements for biobased products by Federal agencies; and

(iv) not less than once every 2 years, submit to Congress a report that—

(I) describes the progress made in carrying out this subsection; and

(II) contains a summary of the information reported pursuant to subparagraph (B).”

(B) OTHER AGENCIES.—To assist the Office of Federal Procurement Policy in carrying out paragraph (A)—

(i) each procuring agency shall submit each year to the Office of Federal Procurement Policy the maximum extent practicable, information concerning—

(I) actions taken to implement paragraph (2); and

(II) the results of the annual review and monitoring program established under paragraph (2)(C)(iv);

(ii) the number and dollar value of contracts entered into during the year that include language on the use of biobased products; and

(iii) data concerning the number and dollar value of contracts actually used for the purchase of biobased products.

(C) ELIGIBILITY CRITERIA.—Not later than 90 days after the date of enactment of this section, the Secretary shall publish in the Federal Register a list of criteria that have been issued (as of the date of enactment of this Act) by the Secretary and such other persons as the Secretary considers appropriate, shall issue criteria (as of the date of enactment of this Act) for determining which products qualify to receive the label under paragraph (1).

(D) REQUIREMENTS.—A procuring agency required to use the label ‘‘USDA Certified Biobased Product’’.

(E) EXCEPTION.—Clause (i) shall not apply to final criteria that have been issued (as of the date of enactment of this Act) by the Secretary.

(F) IMPLEMENTATION.—Not later than 90 days after the date of enactment of this Act, the Secretary shall establish a national registry for biobased products that will serve biobased product manufacturers.

(G) REPORTS.—

(I) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary shall submit to Congress a report on the implementation of this section and the status of the implementation of—

(1) item designations (including designation of intermediate ingredients and feedstocks) and

(2) the voluntary labeling program established under subsection (b).

(II) MANDATORY FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to provide mandatory funding for processing and labeling of biobased products.

(A) $1,000,000 for fiscal year 2008; and

(B) $2,000,000 for each of fiscal years 2009 through 2012.

(III) VOLUNTARY FUNDING.—In addition to any other funds made available to carry out this section, there is authorized to be appropriated to carry out section 22200, $1,000,000 for fiscal years 2009 through 2012.

SEC. 9003. BIOREFINERY ASSISTANCE.

(A) PURPOSE.—The purpose of this section is to assist in the development of new and emerging technologies for the development of advanced biofuels, so as to—

(I) increase the energy independence of the United States;

(II) promote resource conservation, public health, and the environment;

(III) diversify markets for agricultural and forestry products and agriculture waste material; and

(IV) create jobs and enhance the economic development of the rural economy.

(B) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term ‘‘eligible entity’’ means an individual, entity, Indian tribe, or unit of State or local government, including a corporation, cooperative, farmer cooperative organization, association of agricultural producers, National Laboratory, institution of higher education, rural electric cooperative, cooperative, or consortium of any of those entities.

(2) ELIGIBLE TECHNOLOGY.—The term ‘‘eligible technology’’ means, as determined by the Secretary—

(A) a technology that is being adopted in a viable commercial-scale operation of a bio refinery that produces an advanced biofuel; and

(B) a technology not described in subparagraph (A) that has been demonstrated to have technical and economic potential for commercial application in a bio refinery that produces an advanced biofuel.

(C) ASSISTANCE.—The Secretary shall make available to eligible entities—

(1) grants to assist in paying the costs of the development and construction of demonstration-scale bio refineries to demonstrate the commercial viability of 1 or more processes for converting renewable biomass to advanced biofuels; and

(2) guarantees for loans made to fund the development, construction, and retrofitting of commercial-scale bio refineries using eligible technology.

(D) GRANTS.—

(I) COMPETITIVE BASIS.—The Secretary shall award grants under subsection (a)(1) on a competitive basis.
(v) whether the applicant has established that the adoption of the process proposed in the application will have a positive impact on resource conservation, public health, and the environment;
(vii) the potential for rural economic development;
(viii) whether the area in which the applicant proposes to locate the biorefinery has other similar facilities;
(ix) scalability for commercial use.

(h) C ONDITION ON PROVISION OF ASSISTANCE.

(1) IN GENERAL.—As a condition of receiving a grant or loan guarantee under this section, any entity that receives funding under this section shall meet any other requirements of the Secretary.

(2) AUTHORITY.—In approving a loan guarantee application submitted by a State, the Commodity Credit Corporation, the Secretary may require as evidence of the eligibility of the applicant under this section in order to determine if the application is feasible based on an independent feasibility study that takes into account the economic, technical and environmental aspects of the system.

(i) EQUITABLE DISTRIBUTION.—The amount of payments to eligible producers to support the production of advanced biofuels shall be paid at rates not less than those prevailing on similar construction in the locality, as determined by the Secretary.

(g) E Q U I T A B L E D I V I S I O N .

(2) AUTHORITY.—The Secretary may make payments under this section to any eligible producer that meets the requirements of this section for a period determined by the Secretary.

(2) A U T H O R I T Y A N D F U N C T I O N S .

(a) DEFINITION OF ELIGIBLE PRODUCER.—In this section, the term ‘eligible producer’ means a producer of advanced biofuels.

(b) PAYMENTS.—The Secretary shall make payments under this section to eligible producers to support and ensure an expanding production of advanced biofuels.

(c) CONTRACTS.—To receive a payment, an eligible producer shall—

(i) enter into a contract with the Secretary for production of advanced biofuels; and
(ii) submit to the Secretary such records as the Secretary may require as evidence of the production of advanced biofuels.

(d) B A S I S F O R P A Y M E N T S .—The Secretary shall make payments under this section to eligible producers based on

(i) the quantity and duration of production by the eligible producer of an advanced biofuel;

(ii) the net renewable energy content of the advanced biofuel, if sufficient data is available, as determined by the Secretary; and

(iii) other appropriate factors, as determined by the Secretary.

(e) E Q U I T A B L E D I V I S I O N.—The Secretary may require the payment of any amount received from an eligible producer under this section in order to distribute the total amount of funding available in an equitable manner.

(f) REQUIREMENTS.—To receive a payment under this section, an eligible producer shall meet any other requirements of the Secretary.
Federal and State law (including regulations applicable to the production of advanced biofuels).

"(g) FUNDING.—

(1) BIODIESEL FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section, to remain available until expended:

(A) $55,000,000 for fiscal year 2009;

(B) $55,000,000 for fiscal year 2010;

(C) $55,000,000 for fiscal year 2011; and

(D) $105,000,000 for fiscal year 2012.

(2) RURAL ENERGY FUNDING.—In addition to any other funds made available to carry out this section, there is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2009 through 2012.

(3) LIMITATION.—Of the funds provided for each fiscal year, not more than 5 percent of the funds shall be made available to eligible producers for production at facilities with a total refining capacity exceeding 150,000,000 gallons per year.

SEC. 9006. BIODIESEL FUEL EDUCATION PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall, under such terms and conditions as the Secretary shall determine to be appropriate, make competitive grants to eligible entities to educate governmental and private entities that operate vehicle fleets, other interested entities (as determined by the Secretary), and the public about the benefits of biodiesel fuel use.

(b) ELIGIBLE ENTITIES.—To receive a grant under subsection (b), an entity shall—

(1) be a nonprofit organization or institution of higher education;

(2) have demonstrated knowledge of biodiesel fuel production, use, or distribution; and

(3) have demonstrated the ability to conduct educational and technical support programs.

(c) CONSULTATION.—In carrying out this section, the Secretary shall consult with the Secretary of Energy.

(d) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section $1,000,000 for each of fiscal years 2008 through 2012.

SEC. 9007. RENEWABLE ENERGY FOR AMERICA PROGRAM.

(a) ESTABLISHMENT.—The Secretary, in consultation with the Secretary of Energy, shall establish the Rural Energy for America Program to promote energy efficiency and renewable energy development for agricultural producers and rural small businesses through the following:

(1) grants for energy audits and renewable energy development assistance; and

(2) financial assistance for energy efficiency improvements and renewable energy systems.

(b) ENERGY AUDITS AND RENEWABLE ENERGY DEVELOPMENT ASSISTANCE.—

(1) IN GENERAL.—The Secretary shall make competitive grants to eligible entities to provide assistance to agricultural producers and rural small businesses—

(A) to become more energy efficient; and

(B) to use new renewable energy technologies and resources.

(2) ELIGIBLE ENTITIES.—An eligible entity under this subsection is—

(A) a unit of State, tribal, or local government;

(B) a land-grant college or university or other institution of higher education;

(C) a rural electric cooperative or public power entity; and

(D) any other similar entity, as determined by the Secretary.

(c) SELECTION CRITERIA.—In reviewing applications of eligible entities to receive grants under paragraph (1), the Secretary shall consider:

(A) the ability and expertise of the eligible entity in providing professional energy audits and renewable energy assessments;

(B) the geographic scope of the program proposed by the eligible entity in relation to the identified need;

(C) the number of agricultural producers and rural small businesses to be assisted by the program;

(D) the potential of the proposed program to produce energy savings and environmental benefits;

(E) the plan of the eligible entity for performing outreach, providing information and assistance to agricultural producers and rural small businesses on the benefits of energy efficiency and renewable energy development; and

(F) the ability of the eligible entity to leverage other sources of funding.

(d) USE OF GRANT FUNDS.—A recipient of a grant under paragraph (1) shall use the grant funds to assist agricultural producers and rural small businesses by—

(1) conducting and promoting energy audits; and

(2) providing recommendations and information on—

(A) to purchase renewable energy systems, equipment, or services under paragraph (1) that conducts an energy audit for an agricultural producer or rural small business under paragraph (1) that conducts an energy audit, the agricultural producer or rural small business pay at least 25 percent of the cost of the energy audit, which shall be retained by the eligible entity for the cost of the energy audit.

(c) FINANCIAL ASSISTANCE FOR ENERGY EFFICIENCY IMPROVEMENTS AND RENEWABLE ENERGY SYSTEMS.—

(1) IN GENERAL.—In addition to any similar authority, the Secretary shall provide loan guarantees and grants to agricultural producers and rural small businesses—

(A) to purchase renewable energy systems, including systems that may be used to produce and distribute electricity; and

(B) to make energy efficiency improvements.

(2) AWARD CONSIDERATIONS.—In determining the amount of a loan guarantee provided under this section, the Secretary shall take into consideration, as applicable—

(A) the type of renewable energy system to be purchased;

(B) the estimated quantity of energy to be generated by the renewable energy system;

(C) the expected environmental benefits of the renewable energy system;

(D) the quantity of energy savings expected to be derived from the activity, as demonstrated by an energy audit;

(E) the estimated period of time for the energy savings generated by the activity to equal the cost of the activity carried out under this section.

(f) LIMITS.

(1) GRANTS.—There shall be no limitation on the amount of the grant provided under this section.

(2) LOAN GUARANTEES.—There shall be no limitation on the amount of the loan guarantee provided under this section.

(3) ELIGIBILITIES.—There shall be no limitation on the amount of renewable energy systems or equipment that may be purchased with the grant or the amount of energy efficiency improvements that may be made.

(4) LIMITS.

(a) IN GENERAL.—There shall be a grant limit of $30,000 for each fiscal year, with the limit for fiscal year 2009 being $25,000,000.

(b) ELIGIBLE ENTITIES.—A recipient of a grant under this subsection shall not be an eligible entity that has received a grant under paragraph (4) for the fiscal year.

(c) IN ASSOCIATION WITH OTHER FUNDS.—The grant made available under subsection (a) for a fiscal year shall not include any other grant or loan made available to the same entity under this Act or any other Act of Congress during the fiscal year.

(g) FUNDING.—There is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2009 through 2012.

SEC. 9008. BIOMASS RESEARCH AND DEVELOPMENT.

(a) DEFINITIONS.—In this section:

(1) BIOMASS PRODUCT.—The term ‘biomass product’ means—

(A) an industrial product (including chemicals, materials, and polymers) produced from biomass; or

(B) a commercial or industrial product (including animal feed and electric power) derived in connection with the conversion of biomass to fuel.
(2) Demonstration.—The term ‘demonstration’ means demonstration of technology in a pilot plant or semi-works scale facility, including a plant or facility located on a farm.

(3) Initiative.—The term ‘initiative’ means the Biomass Research and Development Initiative established under subsection (e).

(b) Cooperation and Coordination in Biomass Research and Development.—

(1) In General.—The Secretary of Agriculture and the Secretary of Energy shall coordinate policies and procedures that promote research and development regarding the production of biofuels and biobased products.

(2) Points of Contact.—To coordinate research and development programs and activities relating to biofuels and biobased products that are carried out by their respective departments:

(A) the Secretary of Agriculture shall designate, as the point of contact for the Department of Agriculture, an officer of the Department of Agriculture appointed by the President to a position in the Department before the date of the designation, by and with the advice and consent of the Senate; and

(B) the Secretary of Energy shall designate, as the point of contact for the Department of Energy, an officer of the Department of Energy appointed by the President to a position in the Department before the date of the designation, by and with the advice and consent of the Senate.

(c) Biomass Research and Development Board.—

(1) Establishment.—There is established the Biomass Research and Development Board to carry out the duties described in paragraph (3).

(2) Membership.—The Board shall consist of:

(A) the points of contact of the Department of Energy and the Department of Agriculture, who shall serve as cochairpersons of the Board;

(B) a senior officer of each of the Department of the Interior, the Environmental Protection Agency, the National Science Foundation, the Office of Science and Technology Policy, each of whom shall have a rank that is equivalent to the rank of the points of contact; and

(C) an individual for the Secretary of Agriculture and the Secretary of Energy, other members appointed by the Secretaries (after consultation with the Board).

(3) Duties.—The Board shall:

(A) coordinate research and development activities relating to biofuels and biobased products;

(B) establish priorities for funding opportunities, and in coordination with the Department of Energy, and the Department of Agriculture, and the Secretary of Agriculture and the Secretary of Energy, shall determine the points of contact concerning administration of this title; and

(C) ensure that—

(i) solicitations are open and competitive and advertised widely.

(2) Objectives.—The objectives of the Initiative are to develop:

(A) biomass and biobased products; and

(B) high-value biobased products.

(3) Meetings.—The Board shall meet at least quarterly.

(d) Biomass Research and Development Technical Advisory Committee.—

(1) Establishment.—There is established the Biomass Research and Development Technical Advisory Committee to carry out the duties described in paragraph (3).

(2) Membership.—

(A) In General.—The Advisory Committee shall consist of—

(i) an individual affiliated with the biofuels industry;

(ii) an individual affiliated with the biobased industrial and commercial products industry;

(iii) an individual affiliated with an institution of higher education who has expertise in biofuels and biobased products;

(iv) two prominent engineers or scientists from government or academia who have expertise in biofuels and biobased products;

(v) an individual affiliated with a commodity trade association;

(vi) 2 individuals affiliated with environmental or conservation organizations;

(vii) an individual associated with the State government whose expertise is in biofuels and biobased products;

(viii) an individual with expertise in economics of biofuels and biobased products;

(ix) an individual affiliated with the biomass in the production of biofuels and biobased products.

(3) Duties.—The Advisory Committee shall:

(A) advise the points of contact with respect to the Initiative; and

(B) evaluate and make recommendations in writing to the Board regarding whether—

(i) funds authorized for the Initiative are distributed and used in a manner that is consistent with the objectives, purposes, and considerations of the Initiative;

(ii) solicitation opportunities are open and competitive with awards made annually;

(iii) objectives and evaluation criteria of the solicitations are clearly stated and minimally prescriptive, with no areas of special interest;

(iv) the points of contact are funding proposals under this title that are selected on the basis of merit, as determined by an independent panel of scientific and technical peers predominantly from outside the Department of Agriculture, and the Department of Agriculture and Energy, and

(iv) activities that are carried out in accordance with this title.

(4) Coordination.—To avoid duplication of effort, the Advisory Committee shall coordinate its activities with those of other Federal advisory committees working in related areas.

(5) Meetings.—The Advisory Committee shall meet at least quarterly.

(6) Terms.—Members of the Advisory Committee shall be appointed for a term of 3 years.

(e) Biomass Research and Development Initiative.—

(1) In General.—The Secretary of Agriculture, acting through their respective points of contact and in consultation with the Board, shall establish and carry out a Biomass Research and Development Initiative under which competitively awarded grants, contracts, and financial assistance are provided to, or entered into with, eligible entities to carry out research on and development and demonstration of—

(A) biofuels and biobased products; and

(B) high-value biobased products.

(2) Objectives.—The objectives of the Initiative are to develop—

(A) processes that are carried out by their respective departments.

(4) Coordination.—Research, development, and demonstration activities relating to biofuels and biobased products.

(5) Meetings.—The Board shall meet at least quarterly.

(6) Terms.—Members of the Advisory Committee shall be appointed for a term of 3 years.

(f) Biomass Research and Development Technical Advisory Committee.—

(1) Establishment.—There is established the Biomass Research and Development Technical Advisory Committee to carry out the duties described in paragraph (3).

(2) Membership.—

(A) In General.—The Advisory Committee shall consist of—

(i) an individual affiliated with the biofuels industry;

(ii) an individual affiliated with the biobased industrial and commercial products industry;

(iii) an individual affiliated with an institution of higher education who has expertise in biofuels and biobased products;

(iv) two prominent engineers or scientists from government or academia who have expertise in biofuels and biobased products;

(v) an individual affiliated with a commodity trade association;

(vi) 2 individuals affiliated with environmental or conservation organizations;

(vii) an individual associated with the State government whose expertise is in biofuels and biobased products;

(viii) an individual with expertise in economics of biofuels and biobased products;

(ix) an individual affiliated with the biomass in the production of biofuels and biobased products.

(3) Duties.—The Advisory Committee shall:

(A) advise the points of contact with respect to the Initiative; and

(B) evaluate and make recommendations in writing to the Board regarding whether—

(i) funds authorized for the Initiative are distributed and used in a manner that is consistent with the objectives, purposes, and considerations of the Initiative;

(ii) solicitation opportunities are open and competitive with awards made annually;

(iii) objectives and evaluation criteria of the solicitations are clearly stated and minimally prescriptive, with no areas of special interest;

(iv) the points of contact are funding proposals under this title that are selected on the basis of merit, as determined by an independent panel of scientific and technical peers predominantly from outside the Department of Agriculture, and the Department of Agriculture and Energy, and

(iv) activities that are carried out in accordance with this title.

(4) Coordination.—To avoid duplication of effort, the Advisory Committee shall coordinate its activities with those of other Federal advisory committees working in related areas.

(5) Meetings.—The Advisory Committee shall meet at least quarterly.

(6) Terms.—Members of the Advisory Committee shall be appointed for a term of 3 years.

(g) Biomass Research and Development Initiative.—

(1) In General.—The Secretary of Agriculture, acting through their respective points of contact and in consultation with the Board, shall establish and carry out a Biomass Research and Development Initiative under which competitively awarded grants, contracts, and financial assistance are provided to, or entered into with, eligible entities to carry out research on and development and demonstration of—

(A) biofuels and biobased products; and

(B) high-value biobased products.

(2) Objectives.—The objectives of the Initiative are to develop—

(A) processes that are carried out by their respective departments.

(4) Coordination.—Research, development, and demonstration activities relating to biofuels and biobased products.

(5) Meetings.—The Board shall meet at least quarterly.

(6) Terms.—Members of the Advisory Committee shall be appointed for a term of 3 years.

(h) Biomass Research and Development Technical Advisory Committee.—

(1) Establishment.—There is established the Biomass Research and Development Technical Advisory Committee to carry out the duties described in paragraph (3).

(2) Membership.—

(A) In General.—The Advisory Committee shall consist of—

(i) an individual affiliated with the biofuels industry;

(ii) an individual affiliated with the biobased industrial and commercial products industry;

(iii) an individual affiliated with an institution of higher education who has expertise in biofuels and biobased products;

(iv) two prominent engineers or scientists from government or academia who have expertise in biofuels and biobased products;

(v) an individual affiliated with a commodity trade association;

(vi) 2 individuals affiliated with environmental or conservation organizations;

(vii) an individual associated with the State government whose expertise is in biofuels and biobased products;

(viii) an individual with expertise in economics of biofuels and biobased products;

(ix) an individual affiliated with the biomass in the production of biofuels and biobased products.

(3) Duties.—The Advisory Committee shall:

(A) advise the points of contact with respect to the Initiative; and

(B) evaluate and make recommendations in writing to the Board regarding whether—

(i) funds authorized for the Initiative are distributed and used in a manner that is consistent with the objectives, purposes, and considerations of the Initiative;

(ii) solicitation opportunities are open and competitive with awards made annually;

(iii) objectives and evaluation criteria of the solicitations are clearly stated and minimally prescriptive, with no areas of special interest;

(iv) the points of contact are funding proposals under this title that are selected on the basis of merit, as determined by an independent panel of scientific and technical peers predominantly from outside the Department of Agriculture, and the Department of Agriculture and Energy, and

(iv) activities that are carried out in accordance with this title.

(4) Coordination.—To avoid duplication of effort, the Advisory Committee shall coordinate its activities with those of other Federal advisory committees working in related areas.

(5) Meetings.—The Advisory Committee shall meet at least quarterly.

(6) Terms.—Members of the Advisory Committee shall be appointed for a term of 3 years.
biofuels and derived biobased products on a large scale; and

“(2) to facilitate small-scale production and local and on-farm use of biofuels, including the development of small-scale certification technologies for production of biofuel from cellulosic feedstocks;

“(3) to prescribed in each of subparagraphs (A), (B), and (C) the activities described in paragraph (2).

“Cable research results and technologies from the Secretary of Energy shall ensure that applications that

“(A) an institution of higher education;

“(B) a National Laboratory;

“(C) a Federal research agency;

“(D) a State research agency;

“(E) a private sector entity;

“(F) the Department of Energy; and

“(G) a consortium of 2 or more entities described in subparagraphs (A) through (F).

“(3) the plans of the Secretary of Energy and the Secretary of Agriculture for addressing concerns raised in the report, including concerns raised by the Advisory Committee.

“(B) FUNDING.

“(1) MANDATORY FUNDING. — Of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall each year under this section, to remain available until expended:

“(A) $20,000,000 for fiscal year 2009;

“(B) $28,000,000 for fiscal year 2010;

“(C) $30,000,000 for fiscal year 2011; and

“(D) $40,000,000 for fiscal year 2012.

“(2) DISCRETIONARY FUNDING. — In addition to any obligation made available to carry out this section, there is authorized to be appropriated to carry out this section $35,000,000 for each of fiscal years 2009 through 2012.

“SEC. 9009. RURAL ENERGY SELF-SUFFICIENCY INITIATIVE.

“(a) DEFINITIONS. — In this section:

“(1) ELIGIBLE RURAL COMMUNITY. — The term ‘eligible rural community’ means a community located in a rural area (as defined in section 343(a)(13)(A) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991a(a)(13)(A)).

“(2) INITIATIVE. — The term ‘initiative’ means the Rural Energy Self-Sufficiency Initiative established under this section.

“(3) INTEGRATED RENEWABLE ENERGY SYSTEM. — The term ‘integrated renewable energy system’ means a community-wide energy system that:

“(A) reduces conventional energy use; and

“(B) increases the use of energy from renewable sources.

“(4) ESTABLISHED. — The Secretary shall establish a Rural Energy Self-Sufficiency Initiative to provide financial assistance for the purpose of enabling eligible rural communities to substantially increase the energy self-sufficiency of the eligible rural communities

“(C) GRANT ASSISTANCE.

“(1) IN GENERAL. — The Secretary shall make grants available under the Initiative to eligible rural communities for the purpose of enabling eligible rural communities to substantially increase the energy self-sufficiency of the eligible rural communities.

“(C) to develop and implement an integrated renewable energy system.

“(D) GRANTS.

“(1) GRANTS FOR RURAL COMMUNITIES. — The Secretary shall make grants to eligible rural communities for the purpose of enabling eligible rural communities to substantially increase the energy self-sufficiency of the eligible rural communities.

“(A) IN GENERAL. — The Secretary shall provide notice to eligible rural communities of the quantity of eligible commodities that shall be available for the crop year following the date of the notice under this section.

“(B) PREFERENCE. — The Secretary shall give preference to those applications that propose to carry out an activity in coordination with—

“(i) institutions of higher education or nonprofit foundations of institutions of higher education;

“(ii) Federal, State, or local government agencies;

“(iii) public or private power generation entities; or

“(iv) nonprofit foundations of eligible rural entities.

“(4) REPORT. — An eligible rural community receiving a grant under the Initiative shall submit to the Secretary a report on the project of the eligible rural community.

“(5) COST-SHARING. — The amount of a grant under the Initiative shall not exceed 50 percent of the cost of the activities described in the application.

“(6) AUTHORIZATION OF APPROPRIATIONS. — There is authorized to be appropriated to the Board $3,000,000 for each of fiscal years 2009 through 2012.

“SEC. 9010. FEEDSTOCK FLEXIBILITY PROGRAM FOR BIOENERGY PRODUCERS.

“(a) DEFINITIONS. — In this section:

“(1) BIOENERGY. — The term ‘bioenergy’ means fuel grade ethanol and other biofuel.

“(2) BIOENERGY PRODUCER. — The term ‘bioenergy producer’ means a producer of bioenergy that uses an eligible commodity to produce bioenergy under this section.

“(3) ELIGIBLE COMMODITY. — The term ‘eligible commodity’ means a form of raw or refined sugar or in-process sugar that is eligible to be marketed in the United States for human consumption or to be used for the extraction of sugar for human consumption.

“(4) ELIGIBLE ENTITY. — The term ‘eligible entity’ means an entity located in the United States that markets an eligible commodity in the United States.

“(b) FEEDSTOCK FLEXIBILITY PROGRAM. —

“(1) IN GENERAL. —

“(A) PURCHASES AND SALES. — For each of the years 2008 through 2012, the Secretary shall purchase eligible commodities from eligible entities and sell the commodities to bioenergy producers for the purpose of producing bioenergy in a manner that ensures that section 156 of the Federal Agriculture Improvement and Reform Act of 2002 (7 U.S.C. 7272) is operated at no cost to the Federal Government by avoiding forfeitures to the Commodity Credit Corporation.

“(C) ADMINISTRATIVE SUPPORT AND FUNDS. — In carrying out the purchases and sales required under subparagraph (A), the Secretary shall, to the maximum extent practicable, use administrative procedures, including the receiving, offering, and accepting of bids, when entering into contracts with eligible entities and bioenergy producers, provided that such procedures are consistent with the purposes of subparagraph (A).

“(D) LIMITATION. — The purchase and sale of eligible commodities under subparagraph (A) shall not be made in a manner in which such purchases and sales are necessary to ensure that the program authorized under section 156 of the Federal Agriculture Improvement and Reform Act of 2002 (7 U.S.C. 7272) is operated at no cost to the Federal Government by avoiding forfeitures to the Commodity Credit Corporation.

“(E) ADMINISTRATIVE SUPPORT AND FUNDS. —

“(1) IN GENERAL. — As soon as practicable after the date of enactment of the Food, Conservation, and Energy Act of 2008 and each September 1 thereafter, the Secretary shall provide notice to eligible entities and bioenergy producers of the quantity of eligible commodities that shall be available for such commodity under this section.
(B) REESTIMATES.—Not later than the January 1, April 1, and July 1 of the calendar year following the date of a notice under subparagraph (A), the Secretary shall reestimate the value of eligible commodities determined under subparagraph (A), and provide notice and make purchases and sales based on such reestimates.

(1) COMMODITY CREDIT CORPORATION INVENTORY.—

(A) DISPOSITIONS.—

(i) BIOENERGY AND GENERALLY.—Except as provided in clause (ii), to the extent that an eligible commodity is owned and held in inventory by the Commodity Credit Corporation (accumulated pursuant to the program authorized under section 156 of the Federal Agriculture Improvement and Reform Act (7 U.S.C. 7272)), the Secretary shall—

(A) dispose of the eligible commodity under this section consistent with paragraph (1)(C); and

(B) sell eligible commodities to such producers as are necessary, to carry out this section.

(ii) BIOENERGY AND GENERALLY.—If sugar that is subject to a marketing allotment under part VII of subtitle B of title III of the Food, Conservation, and Energy Act of 2008 or an amendment made by that title; or

(iii) food waste and byproducts (including fats, oils, greases, and manures); and

(iv) land enrolled in the grassland reserve program; and

(v) land enrolled in the wetlands reserve program.

(B) EXCLUSIONS.—Nothing in this section limits the use of other authorities for the disposition of an eligible commodity held in the inventory of the Commodity Credit Corporation for nonfood use or otherwise in a manner that does not increase the net quantity of sugar available for human consumption in the United States market, consistent with section 156(f) of that Act or through the use of funds, facilities, and authorities of the Commodity Credit Corporation, including the use of such sums as are necessary, to carry out this section.

SEC. 9011. BIOMASS CROP ASSISTANCE PROGRAM.

(1) DEFINITIONS.—In this section:

(i) BCAP.—The term ‘‘BCAP’’ means the Biomass Crop Assistance Program established under this section.

(ii) BCAP PROJECT AREA.—The term ‘‘BCAP project area’’ means an area that—

(A) has specific boundaries that are submitted to the Secretary a reasonable assurance that the biomass conversion facility in the proposed BCAP project area;

(B) includes producers with contract acreage that will supply a portion of the renewable biomass needed by a biomass conversion facility; and

(C) is physically located within an economically reasonable distance from the biomass conversion facility.

(iii) CONTRACT ACREAGE.—The term ‘‘contract acreage’’ means eligible land that is covered by a BCAP contract entered into with the Secretary.

(iv) ELIGIBLE CROP.—

(A) IN GENERAL.—The term ‘‘eligible crop’’ means a crop of renewable biomass.

(B) EXCLUSIONS.—The term ‘‘eligible crop’’ does not include—

(i) any crop that is eligible to receive payments under title I of the Food, Conservation, and Energy Act of 2008 or an amendment made by that title; or

(ii) any crop that is dedicated to animal feeding or animal waste and byproducts (including fats, oils, greases, and manures); and

(iii) food waste and byproducts (including fats, oils, greases, and manures); and

(iv) land enrolled in the grassland reserve program; and

(v) land enrolled in the wetlands reserve program.

(C) OPTION TO PREVENT STORAGE FEES.—

(A) IN GENERAL.—The Secretary shall, to the maximum extent practicable, carry out this section in a manner that ensures no storage fees are paid by the Commodity Credit Corporation in the administration of this section.

(B) PAYMENT OF STORAGE FEES PROHIBITED.—

(ii) EXCEPTION.—Clause (i) shall not apply with respect to any commodities owned and held in inventory in the Commodity Credit Corporation (accumulated pursuant to the program authorized under section 156 of the Federal Agriculture Improvement and Reform Act (7 U.S.C. 7272)) through disposition as authorized under section 156(f) of that Act or through the use of any sums as are necessary, to carry out this section.

(C) OPTION TO PREVENT STORAGE FEES.—

(i) IN GENERAL.—The Secretary may enter into contracts with energy producers to sell eligible commodities to such producers prior in time to entering into contracts with eligible entities to purchase the eligible commodities to be used to satisfy the contracts entered into with the bioenergy producers.

(ii) SPECIAL TRANSFER RULE.—If the Secretary makes a sale and purchasing allotment under this section, the Secretary shall ensure that the bioenergy producer that purchased eligible commodities under this section will use the eligible crops intended to be produced in the proposed BCAP project area.

(iii) FUNDING.—The funds, facilities, and authorities of the Commodity Credit Corporation, including the use of such sums as are necessary, to carry out this section.

iv) land enrolled in the grassland reserve program; and

v) land enrolled in the wetlands reserve program.

(2) BCAP PROJECT AREA SELECTION CRITERIA.—In selecting BCAP project areas, the Secretary shall consider—

(i) the volume of the eligible crops proposed to be produced in the proposed BCAP project area and the probability that such crops will be used for the purposes of the BCAP;

(ii) the volume of renewable biomass project area that is subject to a marketing allotment under title I of the Food, Conservation, and Energy Act of 2008 or an amendment made by that title; or

(iii) the anticipated economic impact in the proposed BCAP project area.

(3) ELIGIBLE LAND.—

(A) IN GENERAL.—The term ‘‘eligible land’’ includes agricultural and nonindustrial private land (as defined in section 502 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103a(c))).

(B) EXCLUSIONS.—The term ‘‘eligible land’’ does not include—

(i) Federal- or State-owned land;

(ii) land that is native sod, as of the date of enactment of the Food, Conservation, and Energy Act of 2008;

(iii) land enrolled in the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.);

(iv) land enrolled in the wetlands reserve program established under subchapter C of chapter 1 of title XII of that Act (16 U.S.C. 3837 et seq.);

(v) land enrolled in the grassland reserve program established under subchapter D of chapter 1 of title XII of that Act (16 U.S.C. 3838n et seq.);

(vi) option to impact on soil, water, and related resources;
(vii) the variety in biomass production approaches within a project area, including (as appropriate) —
(I) agronomic conditions; — (II) harvest and postharvest practices; and — (III) monoculture and polyculture crop mixes; — (viii) the range of eligible crops among project areas; and — (ix) any additional information, as determined by the Secretary.

(3) CONTRACT.—
(A) IN GENERAL.—On approval of a BCAP project area by the Secretary, each producer in the BCAP project area shall enter into a contract directly with the Secretary.

(B) MINIMUM CONTRACT.—The contract shall include terms that—
(i) an agreement to make available to the Secretary, or to an institution of higher education or another entity designated by the Secretary, such information as the Secretary considers to be appropriate to promote the production of eligible crops and the development of biomass conversion technology;

(ii) compliance with the highly erodible land conservation requirements of subtitle B of title XII of the Food Security Act of 1985 (18 U.S.C. 2338d et seq.) and the land conservation requirements of subtitle C of title XII of that Act (18 U.S.C. 2332 et seq.);

(iii) the implementation of (as determined by the Secretary)—
(I) a conservation plan; or

(ii) a forest stewardship plan or an equivalent plan; and

(iv) any additional requirements the Secretary considers appropriate.

(C) DURATION.—A contract under this subsection shall have a term of up to—
(i) 5 years for annual and perennial crops; or

(ii) 15 years for woody biomass.

(4) RELATIONSHIP TO OTHER PROGRAMS.—In carrying out this subsection, the Secretary shall provide for the preservation of cropland base and yield history applicable to the land enrolled in a BCAP contract.

(5) PAYMENTS.—
(A) IN GENERAL.—The Secretary shall make establishment and annual payments directly to producers to support the establishment and production of eligible crops on contract acreage.

(B) AMOUNT OF ESTABLISHMENT PAYMENTS.—The amount of an establishment payment under this subsection shall be up to 75 percent of the costs of establishing an eligible perennial crop covered by the contract, including—

(i) the cost of seeds and stock for perennials;

(ii) the cost of planting the perennial crop, as determined by the Secretary; and

(iii) in the case of nonindustrial private forestland, the costs of site preparation and tree planting.

(C) AMOUNT OF ANNUAL PAYMENTS.—
(i) IN GENERAL.—Subject to clause (ii), the amount of an annual payment under this subsection shall be determined by the Secretary.

(ii) REDUCTION.—The Secretary shall reduce an annual payment by an amount determined to be appropriate by the Secretary, if—

(I) an eligible crop is used for purposes other than the production of energy at the biomass conversion facility; — (II) an eligible crop is delivered to the biomass conversion facility; — (III) the producer receives a payment under another project section—

(A) the producer violates a term of the contract; or — (V) there are such other circumstances, as determined by the Secretary to be necessary to carry out this section.

(D) ASSISTANCE WITH COLLECTION, HARVEST, STOR-AGE, TRANSPORTATION.—

(1) IN GENERAL.—The Secretary shall make a payment for the delivery of eligible material to a biomass conversion facility for—

(A) a producer of an eligible crop that is produced on BCAP contract acreage; or

(B) a person with the right to collect or harvest eligible material.

(2) PAYMENTS.—

(A) COSTS COVERED.—A payment under this subsection shall be in an amount described in subparagraph (B) for—

(i) collection;

(ii) harvest;

(iii) storage; and

(iv) transportation to a biomass conversion facility.

(B) AMOUNT.—Subject to paragraph (3), the Secretary may provide matching payments at a rate of $1 for each $1 per ton pro-vided by the biomass conversion facility, in an amount equal to not more than $45 per ton for a period of 2 years.

(5) LIMITATION.—The Secretary shall not make payments under this section to a producer if the amount of annual payments under this subsection for collection, harvest, storage or transportation of an eligible crop produced on BCAP acreage shall agree to a re-duction in the annual payment.

(6) REPORT.—Not later than 4 years after the date of enactment of the Food, Conservation, and Energy Act of 2008, the Secretary shall submit to the Committee on Agri-culture and Forestry of the Senate a report on the dissemination by the Secretary of the best practice data and information gathered from participants receiving assistance under this section.

(7) FUNDS.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section such sums as are necessary for each of fiscal years 2008 through 2012.

SEC. 9012. FUTURE BIOMASS FOR ENERGY.

(a) IN GENERAL.—The Secretary, acting through the Forest Service, shall conduct a competitive research and development program to encourage use of forest biomass for energy.

(b) ELIGIBLE ENTITIES.—Entities eligible to compete under the program under this section include—

(1) the Forest Service (acting through Research and Development);

(2) other Federal agencies;

(3) State and local governments;

(4) Indian tribes;

(5) land-grant colleges and universities; and

(6) private entities.

(c) PRIORITY FOR PROJECT SELECTION.—In carrying out this section, the Secretary shall give priority to projects that—

(1) develop technology and techniques to use low-value forest biomass, such as byproducts of forest health treatments and hazardous fuels reduction, for the production of energy;

(2) develop processes that integrate production of energy from forest biomass into biofuels or other existing manufacturing streams;

(3) develop new transportation fuels from forest biomass; and

(4) improve the growth and yield of trees intended for renewable energy production.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 2009 through 2012.

SEC. 9013. COMMUNITY WOOD ENERGY PROGRAM.

(a) DEFINITIONS.—In this section:

(1) COMMUNITY WOOD ENERGY PLAN.—The term ‘‘community wood energy plan’’ means an assessment of—

(A) available feedstocks necessary to supply a community wood energy system; and

(B) the long-term feasibility of supplying and operating a community wood energy sys-tem.

(2) COMMUNITY WOOD ENERGY SYSTEM.—

(A) IN GENERAL.—The term ‘‘community wood energy system’’ means an energy sys-tem that—

(i) primarily services public facilities owned or operated by State or local govern-ments, including schools, town halls, libraries, and other public buildings; and

(ii) uses woody biomass as the primary fuel.

(B) INCLUSIONS.—The term ‘‘community wood energy system’’ includes single facility central heating, district heating, combined heat and energy systems, and other related biomass energy systems.

(b) GRANT PROGRAM.

(1) IN GENERAL.—The Secretary, acting through the Chief of the Forest Service, shall establish a program to be known as the ‘‘Community Wood Energy Program’’ to pro-vide—

(A) grants of up to $50,000 to State and local governments (or designees) to develop community wood energy plans; and

(B) competitive grants to State and local governments to acquire or upgrade commun-ity wood energy systems.

(2) CONSIDERATIONS.—In selecting applicants for grants under paragraph (1)(B), the Secretary shall consider—

(A) the energy efficiency of the proposed system; and

(B) the cost effectiveness of the proposed system; and

(C) other conservation and environmental criteria that the Secretary considers appro-priate.

(3) USE OF PLAN.—A State or local govern-ment applying for a competitive grant shall submit to the Secretary as part of the grant application the applicable community wood en-ergy plan.

(C) LIMITATION.—A community wood en-ergy system acquired with grant funds pro-vided under subsection (b)(1)(B) shall not exceed a total output of—

(1) $5,000,000 Btu per hour for heating; and

(2) 2 megawatts for electric power produc-tion.

(d) MATCHING FUNDS.—A State or local government that receives a grant under subsection (b) shall contribute an amount of non-Federal funds towards the development of the community wood energy plan, or ac-quisition of the community wood energy sys-tems that is at least equal to the amount of grant funds received by the State or local government under that subsection.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2009 through 2012.

(f) CONFORMING AMENDMENT.—The Biomass Research and Development Act of 2000 (7 U.S.C. 8011 et seq.) is repealed. SEC. 9002. BIOFUELS INFRASTRUCTURE STUDY.

(a) IN GENERAL.—The Secretary of Agri-culture, the Secretary of Energy, the Admin-istrator of the Environmental Protection Agency, and the Secretary of Transportation shall jointly conduct a study that includes—
may issue a solicitation for a competition to select a contractor to support the Secretaries.

SEC. 9003. RENEWABLE FERTILIZER STUDY.

(a) IN GENERAL.—Not later than 1 year after the date of appropriations to carry out this section, the Secretary shall—

(1) conduct a study to assess the current state of knowledge regarding the potential for the production of renewable fertilizer from renewable energy sources in rural areas, including—

(A) identification of the critical challenges to commercialization of rural production of nitrogen and phosphorus-based fertilizer from renewables;

(B) the most promising processes and technologies for renewable fertilizer production;

(C) the potential cost-competitiveness of renewable fertilizer; and

(D) the potential impacts of renewable fertilizer on fossil fuel use and the environment;

and

(2) submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the results of the study.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000 for fiscal year 2009.

TITLE X—HORTICULTURE AND ORGANIC AGRICULTURE

SEC. 10001. DEFINITIONS.

In this title:

(1) SPECIalty CROP.—The term "specialty crop" has the meaning given the term in section 3 of the Specialty Crops Competitive Grant Act of 2004 (7 U.S.C. 1621 note; Public Law 108-465).

(2) STATE DEPARTMENT OF AGRICULTURE.—The term "State department of agriculture" means the agency, commission, or department of a State government responsible for protecting and promoting agriculture in the State.

Subtitle A—Horticulture and Organic Agriculture

SEC. 10101. INDEPENDENT EVALUATION OF DEPARTMENT OF AGRICULTURE COMMODITY PURCHASE PROCESS.

(a) EVALUATION REQUIRED.—The Secretary shall arrange to have performed an independent evaluation of the purchasing processes used by the Department of Agriculture to implement the requirements that funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 621c), shall be principally devoted to perishable agricultural commodities.

(b) SUBMISSION OF RESULTS.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the results of the evaluation.

SEC. 10102. QUALITY REQUIREMENTS FOR CLEMENTINES.

Section 6(a) of the Agricultural Adjustment Act (7 U.S.C. 608e–1(a)), as amended in the matter preceding the first proviso in the first sentence by inserting "clementines." it after "nectarines.

SEC. 10103. INCLUSION OF SPECIALTY CROPS IN CENSUS OF AGRICULTURE.

Section 2(a) of the Census of Agriculture Act of 1977 (7 U.S.C. 228g(a)) is amended—

(1) by striking "1998" and inserting the following:

"(1) IN GENERAL.—In 1998;" and

(2) by adding at the end the following:

"(2) INCLUSION OF SPECIALTY CROPS.—Effective beginning with the census of agriculture required to be conducted in 2009, the Secretary shall conduct as part of each census of agriculture a census of specialty crops (as that term is defined in section 3 of the Specialty Crops Competitiveness Act of 2004 (7 U.S.C. 1621 note; Public Law 108-465)).".

SEC. 10104. MUSHROOM PROMOTION, RESEARCH, AND CONSUMER INFORMATION.

(a) REGIONS AND MEMBERS.—Section 1926(b)(2) of the Mushroom Promotion, Research, and Consumer Information Act of 1990 (7 U.S.C. 610(b)(2)) is amended—

(1) in subparagraph (B), by striking "4 regions" and inserting "3 regions"; and

(2) in subparagraph (D), by striking "35,000,000 pounds" and inserting "50,000,000 pounds";

and

(3) by striking subparagraph (E) and inserting the following:

"(E) ADDITIONAL MEMBERS.—In addition to the members appointed pursuant to paragraph (1), and subject to the 9-member limit of members of the Council provided in that paragraph, the Secretary shall appoint additional members to the council from regions that attain additional pounds of production as follows:

(i) If the annual production of a region is greater than 110,000,000 pounds, but less than or equal to 180,000,000 pounds, the region shall be represented by 1 additional member.

(ii) If the annual production of a region is greater than 180,000,000 pounds, but less than or equal to 260,000,000 pounds, the region shall be represented by 2 additional members.

(iii) If the annual production of a region is greater than 260,000,000 pounds, the region shall be represented by 3 additional members.

(b) POWERS AND DUTIES OF COUNCIL.—Section 1926(c) of the Mushroom Promotion, Research, and Consumer Information Act of 1990 (7 U.S.C. 610(c)) is amended—

(1) by redesignating paragraphs (6), (7), and (8) as paragraphs (7), (8), and (9), respectively; and

(2) by inserting after paragraph (5) the following:

"(6) To develop and propose to the Secretary programs for good agricultural and good handling practices and related activities for mushrooms;".

SEC. 10105. FOOD SAFETY EDUCATION INITIATIVES.

(a) INITIATIVE AUTHORIZED.—The Secretary may carry out a food safety education program to educate the public and persons in the fresh produce industry about—

(1) scientifically proven practices for reducing microbial pathogens on fresh produce; and

(2) methods of reducing the threat of cross-contamination of fresh produce through sanitary handling practices.

(b) COOPERATION.—The Secretary may carry out the education programs in cooperation with public and private partners.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $1,000,000 for each of fiscal years 2008 through 2012, to remain available until expended.

SEC. 10106. FARMERS’ MARKET PROMOTION PROGRAM.

Section 6 of the Farmer-to-Consumer Direct Marketing Act of 1976 (7 U.S.C. 3005) is amended—

(1) in subsection (a), by inserting "and to promote direct producer-to-consumer marketing" before the period end;

and

(2) in subsection (b)(1)—
(A) in subparagraph (A), by inserting “agri-tourism activities,” after “programs,”; and
(B) in subparagraph (B)—
(1) by inserting “agri-tourism activities,” after “programs,”; and
(2) by striking “infrastructure” and inserting “marketing opportunities”;
(3) by inserting “or a producer network or association” after “cooperative”; and
(4) by striking subsection (e) and inserting the following:
‘‘(e) FUNDING.—
‘‘(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use such funds—
(A) $3,000,000 for fiscal year 2008;
(B) $5,000,000 for each of fiscal years 2009 through 2010; and
(C) $10,000,000 for each of fiscal years 2011 and 2012.

(2) USE OF FUNDS.—Not less than 10 percent of the funds used to carry out this section in a fiscal year under paragraph (1) shall be used to support the use of electronic benefits transfers for Federal nutrition programs at farmers’ markets.

(3) INTERAGENCY COORDINATION.—In carrying out this subsection, the Secretary shall ensure coordination between the various agencies to the maximum extent practicable.

(4) LIMITATION.—Funds described in paragraph (2) shall be used only to install or construct nurseries.

SEC. 1007. SPECIETY CROPS MARKET NEWS ANALYSIS.

(a) IN GENERAL.—The Secretary shall—
(1) carry out market news activities to provide timely price and shipment information of specialty crops in the United States; and
(2) use funds made available under subsection (b) to increase the reporting levels for specialty crops in effect on the date of enactment of this Act.

(b) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other funds made available through annual appropriations for market news activities, the Secretary is authorized to appropriate to carry out this section $9,000,000 for each of fiscal years 2008 through 2012, to remain available until expended.

SEC. 1010. EXPEDITED MARKETING ORDER FOR HASS AVOCADOS FOR GRADES AND STANDARDS AND OTHER PURPOSES.

(a) IN GENERAL.—The Secretary shall initiate procedures under the Agricultural Adjustment Act (7 U.S.C. 601 et seq.), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, the Agricultural Marketing Agreement Act of 1946, the Agricultural Marketing Agreement Act of 1954, the Citrus Act (7 U.S.C. 1621 et seq.), and the Agricultural Marketing Agreement Act of 1959, to determine whether it would be appropriate to establish a Federal marketing order for Hass avocados relating to grades and standards for other purposes under that Act.

(b) EXPEDITED PROCEDURES.—
(1) PROPOSAL FOR AN ORDER.—An organization of Hass avocado producers in existence on the date of enactment of this Act may request the issuance of, and submit to the Secretary a proposal for, an order described in subsection (a).

(2) PUBLICATION OF PROPOSAL.—Not later than 60 days after the date on which the Secretary receives a proposed order under paragraph (1), the Secretary shall publish in the Federal Register, for the term ‘early plant pest detection and surveillance’ means the full range of activities undertaken to detect early pest introductions, whether the plant pests are new to the United States or new to certain areas of the United States, before—

(b) the plant pests become established; or

(c) the plant pests become established and costly to eradicate or control.

(2) SPECIETY CROP.—The term ‘speciety crop’ means—
(A) in section 3(c) of the Specialty Crops Competitive-
“(i) the number of international ports of entry in the State; 
(ii) the volume of international passenger and cargo entry into the State; 
(iii) the number of international airports, ports of entry, or State facilities to serve as clean plant centers for diagnostic and pathogen elimination services to—
(A) develop risk assessments of the potential threat to the agricultural industry of the United States from foreign sources; 
(B) collaborate with the National Plant Board; and 
(C) implement action plans for high consequence plant pest and diseases to assist in preventing the introduction and widespread dissemination of new plant pest and disease threats in the United States. 

(3) REPORTS.—Not later than 1 year after the date of enactment of this paragraph, and annually thereafter, the Secretary shall submit to the Committee on Agriculture, Nutrition, and Forestry of the Senate and to the Committee on Agriculture of the House of Representatives a report describing the purposes and results of the activities. 

(c) Threat Identification and Mitigation Program. 

(1) ESTABLISHMENT.—The Secretary shall establish a threat identification and mitigation program to determine and address threats to the domestic production of crops. 

(2) REQUIREMENTS.—In conducting the program established under paragraph (1), the Secretary shall—
(A) develop risk assessments of the potential threat to the agricultural industry of the United States from foreign sources; 
(B) collaborate with the National Plant Board; and 
(C) implement action plans for high consequence plant pest and diseases to assist in preventing the introduction and widespread dissemination of new plant pest and disease threats in the United States. 

(3) REPORTS.—Not later than 1 year after the date of enactment of this paragraph, and annually thereafter, the Secretary shall submit to the Committee on Agriculture, Nutrition, and Forestry of the Senate and to the Committee on Agriculture of the House of Representatives a report describing the purposes and results of the activities. 

(d) Specialty Crop Certification and Risk Management Programs. 

(1) ESTABLISHMENT.—The Secretary shall provide funds and technical assistance to specialty crop growers, organizations representing specialty crop growers, and State and local agencies working with specialty crop growers and organizations for the development and implementation of—
(A) audit-based certification systems, such as those that use third-party certifiers; 
(B) to mitigate the risk of plant pests in the movement of plants and plant products; and 
(C) to reduce the risk of and mitigate those pests, pests, and diseases. 

(2) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this section—
(i) $12,000,000 for fiscal year 2009; 
(ii) $50,000,000 for fiscal year 2010; 
(iii) $50,000,000 for fiscal year 2011; and 
(iv) $50,000,000 for fiscal year 2012 and each fiscal year thereafter.”. 

(b) Congressional Disapproval.—Conforms the rule submitted by the Secretary of Agriculture relating to cost-sharing for animal and plant health emergency programs (66 Fed. Reg. 40541 (2005)), and each rule shall have no force or effect. 

SEC. 10202. NATIONAL CLEAN PLANT NETWORK. 

(a) In General.—The Secretary shall establish a program to be known as the “National Clean Plant Network” (referred to in this section as the “Program”). 

(b) Requirements.—Under the Program, the Secretary shall establish a network of clean plant centers for diagnostic and pathogen elimination services to—
(1) produce clean propagative plant material; and 
(2) maintain blocks of pathogen-tested plant material in sites located throughout the United States. 

(c) Availability of Clean Plant Source Material.—Clean plant source material may be made available to—
(1) a State for a certified plant program of the State; and 
(2) private nurseries and producers. 

(d) Consultation and Collaboration.—In carrying out the Program, the Secretary shall—
(1) consult with States, agricultural land grant universities, and NGLCA Institutions (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)); and 
(2) to the extent practicable and with input from the appropriate State officials and industry representatives, including existing Federal or State facilities to serve as clean plant centers. 

(e) Funding.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out the Program $5,000,000 for each of fiscal years 2009 through 2012, to remain available until expended. 

SEC. 10203. REGULATIONS TO IMPROVE MANAGEMENT AND OVERSIGHT OF CERTAIN REGULATED ARTICLES. 

(a) In General.—Not later than 18 months after the date of enactment of this Act, the Secretary shall—
(1) take action on each issue identified in the document entitled “Lessons Learned and Recommendations under Consideration for APHIS’ Biotechnology Framework”, dated October 4, 2007; and 
(2) as the Secretary considers appropriate, promulgate regulations to improve the management and oversight of articles regulated under the Plant Protection Act (7 U.S.C. 7701 et seq.). 

(b) Inclusions.—In carrying out subsection (a), the Secretary shall take actions that are designed to enhance—
(1) the quality and completeness of records; 
(2) the availability of representative samples; 
(3) the maintenance of identity and control in the event of an unauthorized release; 
(4) corrective actions in the event of an unauthorized release; 
(5) protocols for conducting molecular forensics; 
(6) clarity in contractual agreements; 
(7) the use of the latest scientific techniques for isolation and confinement distances; 
(8) standards for quality management systems and effective research; and 
(9) the design of electronic permits to store documents and other information relating to the permit and notification processes. 

(c) Consideration.—In carrying out subsection (a), the Secretary shall—
(1) establish a system of risk-based categories to classify each regulated article; 
(2) a means to identify regulated articles (including the retention of seed samples); and 
(3) standards for isolation and containment distances; and 
(4) require permit holders—
(A) to maintain a positive chain of custody; 
(B) to provide for the maintenance of records; 
(C) to provide for the accounting of material; 
(D) to conduct periodic audits; 
(E) to establish an appropriate training program; 
(F) to provide contingency and corrective action plans; and 
(G) to submit reports as the Secretary considers to be appropriate. 

SEC. 10205. PEST AND DISEASE REVOLVING LOAN FUND. 

(a) Definitions.—In this section: 

(1) Authorized Equipment.—(A) In General.—The term “authorized equipment” means any equipment necessary for the management of forest land; 
(B) Inclusions.—The term “authorized equipment” includes—
(i) cherry pickers; 
(ii) equipment necessary for—
(I) the construction of staging and marshallings; 

(b) in the second sentence, by striking “question or to produce documentary evidence” and inserting “question, produce evidence, or permit the inspection of premises”.”. 

Section 612(b)(1)(A) of the Plant Protection Act (7 U.S.C. 7734(b)(1)(A)) is amended by striking “$500,000 for all violations adjudicated in a single proceeding if the violations do not include a willful violation, and $1,000,000 for all violations adjudicated in a single proceeding if the violations include a willful violation”. 

SEC. 10204. REGULATIONS TO IMPROVE MANAGEMENT AND OVERSIGHT OF CERTAIN REGULATED ARTICLES. 

(a) In General.—In this section: 

(A) to address plant pests; and 
(B) to provide for the maintenance of 
(C) to provide for the accounting of material; 
(D) to conduct periodic audits; 
(E) to establish an appropriate training program; 
(F) to provide contingency and corrective action plans; and 
(G) to submit reports as the Secretary considers to be appropriate.
(II) the planting of trees; and
(III) the surveying of forest land;
(iii) vehicles capable of transporting harvested trees;
(iv) tools and chippers; and
(v) any other appropriate equipment, as determined by the Secretary.

(2) FUND.—The term ‘‘Fund’’ means the Pest and Disease Revolving Loan Fund established by subsection (b).

(3) SECRETARY.—The term ‘‘Secretary’’ means the Secretary of Agriculture, acting through the Deputy Chief of the State and Private Forestry organization.

(b) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a revolving fund, to be known as the ‘‘Pest and Disease Revolving Loan Fund,’’ consisting of such amounts as are appropriated to the Fund under subsection (f).

(c) USES OF FUND.—The Secretary shall use the Fund such sums as are necessary to provide loans under subsection (e).

(1) IN GENERAL.—Subject to paragraph (2), on request by the Secretary, the Secretary of the Treasury shall transfer from the Fund to the Secretary such amounts as are appropriated to the Fund under subsection (f).

(2) ADMINISTRATIVE EXPENSES.—An amount not exceeding 2 percent of the amounts in the Fund shall be available for each fiscal year to pay the administrative expenses necessary to carry out this section.

(d) EXPENDITURES FROM FUND.—(1) IN GENERAL.—The amounts required to be transferred to the Fund under this section shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

(2) ADJUSTMENTS.—Proper adjustment shall be made by subsequently transferring to the prior estimate or estimate in excess of or less than the amounts required to be transferred.

(e) LOANS.—(1) LOANS.—(A) IN GENERAL.—The Secretary shall use amounts in the Fund to provide loans to eligible units of local government to finance purchases of authorized equipment to monitor, remove, dispose of, and replace infested trees that are located—
(i) on land under the jurisdiction of the eligible units of local government; and
(ii) within the borders of quarantine areas infested by plant pests.

(B) MAXIMUM AMOUNT.—The maximum amount of a loan that may be provided by the Secretary to an eligible unit of local government under this subsection shall be the lesser of—
(i) the amount that the eligible unit of local government has appropriated to finance purchases of authorized equipment in accordance with subparagraph (A); or
(ii) $5,000,000.

(2) REQUIREMENTS.—(A) engaged in any activity relating to the eradication, prevention, control, or suppression of the plant pest infestation covered under the cooperative agreement between the Secretary and the State; and

(B) capable of documenting each plant pest infestation eradication, prevention, control, or suppression activity generally carried out by—
(i) the Department of Agriculture; or
(ii) the State department of agriculture that has jurisdiction over the unit of local government.

Subtitle C—Organic Agriculture

SEC. 13031. NATIONAL ORGANIC CERTIFICATION COST-SHARE PROGRAM.

Section 1006 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 6523) is amended—

(1) in subsection (a), by striking ‘‘$5,000,000 for fiscal year 2002’’ and inserting ‘‘$22,000,000 for fiscal year 2008’’;

(2) in subsection (b)(2), by striking ‘‘$500’’ and inserting ‘‘$5,000’’;

(3) by adding at the end the following:

(c) REPORT.—Not later than 180 days after the date on which the eligible unit of local government has appropriated to finance purchases of authorized equipment to monitor, remove, dispose of, and replace infested trees that are located—
(i) on land under the jurisdiction of the eligible units of local government; and
(ii) within the borders of quarantine areas infested by plant pests.

(B) MAXIMUM AMOUNT.—The maximum amount of a loan that may be provided by the Secretary to an eligible unit of local government under this subsection shall be the lesser of—
(i) the amount that the eligible unit of local government has appropriated to finance purchases of authorized equipment in accordance with subparagraph (A); or
(ii) $5,000,000.

(C) INTEREST RATE.—The interest rate on any loan made by the Secretary under this paragraph shall be a rate equal to 2 percent.

(D) REPORT.—Not later than 180 days after the date on which an eligible unit of local government receives a loan provided by the Secretary under subparagraph (A), the eligible unit of local government shall submit to the Secretary a report that describes each purchase made by the eligible unit of local government using assistance provided through the loan.

(2) LOAN REPAYMENT SCHEDULE.—(A) IN GENERAL.—To be eligible to receive a loan provided under paragraph (1), an eligible unit of local government shall enter into an agreement with the Secretary to establish a loan repayment schedule relating to the repayment of the loan.
(iv) ensure that the existing Honey Board continues in operation until such time as the Secretary determines that—

(1) any 1 or more successor boards, if approved, are operational; and

(II) the interests of producers, importers, packers, and handlers of honey can be equitably protected during any remaining period in which a referendum on a successor board or the establishment of such a board is pending; and

(3) notwithstanding the timing of the referendum required under clauses (1) and (II) of subsection (a), the Secretary shall conduct a continuation referendum on the order in existence on the date of enactment of this Act and on or after the date that is 1 year after the date of enactment of this Act.

(b) Effective date—

(1) in section 203(h) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1636(g)), as amended—

(2) in section 251(g) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.)—

(3) in section 281(2)(A) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1665(b)(2)(A)), each as amended by section 10404 of this Act—

(b) STUDY AND REPORT.—

(1) STUDY.—The Secretary shall conduct a study on the effects of requiring packer processors to report to the Secretary information on wholesale pork cuts (including price and volume information), including—

(A) the positive or negative economic effects on producers and consumers; and

(B) the effects of a confidentiality requirement on mandatory reporting.

(2) INFORMATION.—During the period preceding the submission of the report under paragraph (3), the Secretary may collect, and each packer processing plant shall provide, such information as is necessary to enable the Secretary to conduct the study required under paragraph (1).

(3) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the results of the study conducted under paragraph (1).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 11002. COUNTRY OF ORIGIN LABELING.

Subtitle D of the Agricultural Marketing Act of 1946 (7 U.S.C. 158 et seq.) is amended—

(1) in section 281(2)(A)—

(A) by striking paragraphs (1), (2), (3), and (4), and inserting the following:

(B) in clause (vi), by striking the period at the end and inserting “; and”;

(C) by adding at the end the following:

(vii) meat produced from goats;

(viii) chicken, in whole and in part;

(ix) ginseng;

(x) pecans; and

(xi) macadamia nuts; and

(D) by adding a new section to read as follows:

(A) United States Country of Origin.—A retailer of a covered commodity that is beef,
lamb, pork, chicken, or goat meat may designate the covered commodity as exclusively having a United States country of origin only if the covered commodity is derived from an animal that is—

(i) exclusively born, raised, and slaughtered in the United States;

(ii) born and raised in Alaska or Hawaii and therefore in a period of not more than 60 days through Canada to the United States and slaughtered in the United States or in—

(iii) present in the United States on or before July 15, 2008, and once present in the United States, remained continuously in the United States;

(B) MULTIPLE COUNTRIES OF ORIGIN.—

(1) IN GENERAL.—A retailer of a covered commodity that is a perishable agricultural commodity, ginseng, peanuts, pecans, and macadamia nuts—

(A) in general.—A retailer of a covered commodity that is a perishable agricultural commodity, ginseng, peanut, pecan, or macadamia nut may designate the covered commodity as having a United States country of origin only if the covered commodity is exclusively produced in the United States.

(B) STATE, REGION, LOCALITY OF THE UNITED STATES.—A retailer to a covered commodity that is a perishable agricultural commodity, ginseng, peanut, pecan, or macadamia nut produced exclusively in the United States, designation by a retailer of the State, region, or locality of the United States where such commodity was produced shall be sufficient to identify the United States as the country of origin.”; and

(B) by striking subsection (d) and inserting the following:

(1) IN GENERAL.—The Secretary may con-duct an audit of any person that prepares, stores, handles, or distributes a covered commodity for retail sale to verify compliance with this subtitle (including the regulations promulgated under section 294(b)).

(2) RECORD REQUIREMENTS.—

(A) IN GENERAL.—A retailer subject to an audit under paragraph (1) shall provide the Secretary with verification of the country of origin of covered commodities. Records maintained in the course of the normal conduct of the business of the person, including animal health papers, import or custom documents, or producer affidavits, may serve as such verification.

(B) EXCLUSION FROM REQUIREMENT OF ADDI-TIONAL RECORDS.—The Secretary may not re-quire a person that prepares, stores, handles, or distributes a covered commodity to maintain a record of the country of origin of a covered commodity other than those main-tained in the course of the normal conduct of the business of such person.”; and

(3) in section 283(b)—

(A) by striking subsections (a) and (c); and

(B) by redesignating subsection (b) as sub-section (a);

(C) in subsection (a) (as so redesignated), by striking “retailer and” inserting “retailer or person engaged in the business of sup-plying a covered commodity to a retailer”;

(D) by adding at the end the following new subsection:

(2) FINES.—If, on completion of the 30-day period described in subsection (a)(2), the Secre-tary determines that the retailer or person engaged in the business of supplying a covered commodity to a retailer has—

(1) not made faith effort to comply with section 282, and

(2) continues to willfully violate section 282 with respect to the violation about which the retailer or person received notification under subsection (a)(1), after providing notice and an opportunity for a hearing before the Secretary with respect to the violation, the Secretary may fine the retailer or person in an amount of not more than $1,000 for each violation.

SEC. 11004. ANNUAL REPORT.

(a) IN GENERAL.—The Packers and Stockyards Act, 1921, is amended—

(1) by redesigning section 416 (7 U.S.C. 229) as section 417; and

(b) by inserting after section 415 (7 U.S.C. 229d) the following:

SEC. 416. ANNUAL REPORT.

(a) IN GENERAL.—Not later than March 1 of each year, the Secretary shall submit to Congress and make publicly available a report that—

(1) states, for the preceding year, separ-ately for livestock and poultry and sepa-rately by enforcement area category (finan-cial, trade practice, or competitive acts and practices), with respect to investigations in possible violations of this Act—

(A) the number of investigations opened;

(B) the number of investigations that were closed or settled without a referral to the General Counsel of the Department of Agriculture;

(C) for investigations described in sub-paragraph (B), the length of time from initi-ation of the investigation to when the inves-tigation was closed or settled without the filing of an enforcement complaint;

(D) the number of investigations that re-sulted in referral to the General Counsel of the Department of Agriculture for further action, the number of such referrals resolved without administrative enforcement action, and the number of such enforcement actions filed by the General Counsel;

(E) for referrals to the General Counsel that resulted in an administrative enforce-ment action being filed, the time from the referral to the filing of the adminis-trative action;
(F) for referrals to the General Counsel that resulted in an administrative enforce-
ment action being filed, the length of time from filing to resolution of the administra-
tive enforcement action; and
(G) the number of investigations that re-
sulted in referral to the Department of Just-
tice for further action, and the number of civil or criminal enforcement actions filed by the De-
partment of Justice on behalf of the Sec-
retary pursuant to such a referral;
(H) for referrals that resulted in a civil enforce-
ment action being filed by the Depart-
ment of Justice, the length of time from
the referral to the filing of the enforcement
action;
(I) for referrals that resulted in a civil en-
forcement action being filed by the Depart-
ment of Justice, the length of time from
the filing of the enforcement action to resolu-
tion;
(J) the average civil penalty imposed in
administrative or civil enforcement actions for
violations of this Act, and the total amount of civil penalties imposed in all such enforce-
ment actions; and
(K) includes any other additional informa-
tion the Secretary considers important to in-
clude in an annual report.

(b) Format of Information Provided.—
For subparagraphs (C), (E), (F), and (H) of sub-
section (a)(1), the Secretary may, if appro-
ciable, refer to the number of complaints for a
given category, provide summary statis-
tics (including range, maximum, mini-
mum, mean, and average times) and graph-
ical representations.

(b) Sunset.—Effective September 30, 2012,
section 416 of the Packers and Stockyards Act,
1921 (7 U.S.C. 198 et seq.) is amended by add-
ing the Secretary considers important to in-
dicate the following:

 SEC. 208. PRODUCTION CONTRACTS.

(a) Right of Contract Producers to Cancel Production Contracts.—
(1) In general.—A poultry grower or swine production contract grower may can-
cel a poultry growing arrangement or swine production contract by mailing a cancel-
lation notice to the other poultry producer or swine contractor not later than the later of—
(A) the date that is 3 business days after the date the poultry growing arrange-
ment or swine production contract is executed; or

(B) any cancellation date specified in the poultry growing arrangement or swine pro-
duction contract.

(2) Disclosure.—A poultry growing ar-
range ment or swine production contract shall clearly disclo-
se—
(A) the right of the poultry grower or swine production contract grower to cancel
the poultry growing arrangement or swine production contract;

(B) the method by which the poultry grower or swine production contract grower
may cancel the poultry growing arrange-
ment or swine production contract; and

(C) the deadline for canceling the poultry
growing arrangement or swine production contract;

(b) Required Disclosure of Additional Capital Investments in Production Con-
tracts.—
(1) In general.—A poultry growing ar-
range ment or swine production contract shall contain on the first page a statement
identified as ‘‘Additional Capital Investments Disclosure Statement,’’ which shall conspicu-
ously disclose the amount of additional capital in-
vestments may be required of the poultry grower or swine production contract grower
during the term of the poultry growing ar-
range ment or swine production contract.

(2) Application.—Subsection (b) shall apply to any poultry growing arrangement or swine pro-
duction contract entered into, amended, altered, modified, renewed, or ex-
tended after the date of the enactment of
this section.

SEC. 209. JURISDICTION OF LAW AND VENUE.

(a) Location of Forum.—The forum for resolv-
ing any dispute among the parties to a
poultry growing arrangement or swine pro-
duction contract shall be located in the Federal judicial district in which the principal
party to the performance takes place under the arrangement or contract.

(b) Choice of Law.—A poultry growing arrangement or swine production or mar-
ket contract may specify which State’s law is to apply to issues governed by State
law in any dispute arising out of the ar-
range ment or contract, except to the extent
that doing so is prohibited by the law of the State in which the principal party to the
performance takes place under the arrangement or contract.

SEC. 210. ARBITRATION.

(a) In General.—Any livestock or poultry
contract that contains a provision requiring
the use of arbitration shall contain terms
that conspicuously disclose the right of the
contract producer or grower, prior to entering the contract, to decline the require-
ment of arbitration pursuant to subsection
(b) has the right, to nonetheless seek to re-
solve any controversy that may arise under
the livestock or poultry contract, if, after
the controversy arises, both parties consent
in writing to use arbitration to settle the con-
troversy.

(b) Disclosure.—Any livestock or poultry
contract that contains a provision requiring
the use of arbitration shall contain terms
that conspicuously disclose the right of the
contract producer or grower, prior to entering
the contract, to decline the requirement of
arbitration.

(c) Dispute Resolution.—Any contract
producer or grower that declines a require-
ment of arbitration pursuant to subsection
(b) has the right to resolve any controversy that may arise under the livestock or poultry
contract, if, after the controversy arises, both parties consent in writing to use arbitration to settle the controversy.

(d) Application.—Subsections (a), (b), and
(c) shall apply to any contract entered into,
amended, altered, modified, renewed, or en-
tended after the date of the enactment of

(e) Unlawful Practice.—Any action by
or on behalf of a contract producer, or live
poultry dealer that violates this section
(including any action that has the intent or
effect of limiting the ability of a producer or
grower described in subsection (b) to use its
right under this Act).

(f) Regulations.—The Secretary shall promulgate
regulations to—
(1) carry out this section; and

(2) establish criteria that the Secretary will consider in determining whether the ar-
bitration process provided in a contract pro-
vides a meaningful opportunity for the grow-
er or producer to participate fully in the ar-
bitration process.

SEC. 11006. REGULATIONS.

As soon as practicable, but not later than 2 years after the date of the enactment of
this Act, the Secretary shall promulgate regulations with respect to the Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.) to establish criteria that the Sec-
retary will consider in determining—
(1) whether a reasonable prefer-
ence or advantage has occurred in viola-
tion of such Act; and

SEC. 11007. Sense of Congress regarding Pseudorabies Eradication Program.

It is the sense of Congress that—
(1) the Secretary of Agriculture should rec-
ognize the threat feral swine pose to the do-
mestic swine population and the entire live-
estock industry;
(2) keeping the United States commercial swine herd free of pseudorabies is essential to
maintaining and growing pork export markets;
(3) the establishment and continued sup-
port of a swine surveillance system will as-
sist the swine industry in the monitoring, early detec-
tion, and eradication of pseudorabies; and
(4) pseudorabies eradication is a high pri-
ority that the Secretary should carry out in close coordination with the authorities of the Animal Health Protection Act.

SEC. 11008. Sense of Congress regarding Cattle Fever Tick Eradication Program.

It is the sense of Congress that—
(1) the cattle fever tick and the southern cattle tick are vectors of the causal agent of babesiosis, a severe and often fatal disease of
cattle; and
(2) implementing a national strategic plan for the cattle fever tick eradication program is a high priority that the Secretary of Agri-
iculture should carry out in order to—

(A) prevent the entry of cattle fever ticks into the United States;

(B) enhance and maintain an effective surve-
illance program to rapidly detect any cattle fever tick incursions; and

(C) identify, evaluate, and procure the tools and knowledge necessary to prevent and eradicate cattle fever ticks in the United States.

SEC. 11009. National Sheep Industry Im-
provement Center.

(a) Funding.—Section 375(e)(6) of the Con-
solidated Farm and Rural Development Act (7 U.S.C. 2008j(e)(6)) is amended by striking
subparagraphs (B) and (C) and inserting the following:

(b) Mandatory Funding.—Of the funds of the Commodity Credit Corporation, the Sec-
retary shall use to carry out this section $1,000,000 for fiscal year 2008, to remain avail-
able until expended.

(c) Authorization of Appropriations.—
There is authorized to be appropriated to the Secretary to carry out this section $10,000,000 for each of fiscal years 2009 through 2012.

(e) Repeal of Requirement to Privi-
lege Revolving Fund.

(1) General.—Section 375 of the Con-
solidated Farm and Rural Development Act (7 U.S.C. 2008j(e)(6)) is amended by striking
subsection (j).

(2) Effective Date.—The amendment made by paragraph (1) takes effect on May 1, 2007.
the Secretary of Agriculture shall establish a voluntary trichinae certification program. Such program shall include the facilitation of the export of pork products and certification services related to such products.

(2) REGULATIONS.—The Secretary shall issue final regulations to implement the program under paragraph (1) not later than 90 days after the date of the enactment of this Act.

(3) REPORT.—If final regulations are not published in accordance with paragraph (2) within 90 days of the date of the enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report containing:

(A) an explanation of why the final regulations have not been issued in accordance with paragraph (2); and

(B) the date on which the Secretary expects to issue such final regulations.

(b) FUNDING.—Subject to the availability of appropriations under subsection (d)(1)(A) of section 10405 of the Animal Health Protection Act (7 U.S.C. 8304), as added by subsection (c), the Secretary shall use not less than $6,200,000 of the funds made available under such subsection to carry out such section (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—

Section 10405 of the Animal Health Protection Act (7 U.S.C. 8304) is amended by adding at the end the following new subsection:

(1) IN GENERAL.—There is authorized to be appropriated—

(A) $5,000,000 for each of fiscal years 2008 through 2012 to carry out section 10106 of the Food, Conservation, and Energy Act of 2008; and

(B) such sums as may be necessary for each of fiscal years 2008 through 2012 to carry out this section.

(2) AVAILABILITY.—Funds appropriated under paragraph (1) shall remain available until expended.

SEC. 11011. LOW PATHOGENIC DISEASES.

The Animal Health Protection Act (7 U.S.C. 8301 et seq.) is amended—

(1) in section 10407(d)(2)(C) (7 U.S.C. 8306(d)(2)(C)), by striking “of longer than 60 days”; and

(2) in section 10409(b) (7 U.S.C. 8308(b))—

(A) by redesignating paragraph (2) as paragraph (3); and

(B) by inserting after paragraph (1) the following paragraph:

“(2) SPECIFIC COOPERATIVE PROGRAMS.—The Secretary shall compensate industry participants and State agencies that cooperate with the Secretary in carrying out operations and measures under subsection (a) for 100 percent of eligible costs relating to cooperative programs involving Federal, State, and industry participants to control diseases of low pathogenicity in accordance with regulations issued by the Secretary.”; and

(C) in paragraph (3) (as so redesignated), by striking “60 days” and inserting “60 days”.

SEC. 11012. ANIMAL PROTECTION.

(a) VIOLATIONS.—Section 10414(b)(1)(A) of the Animal Health Protection Act (7 U.S.C. 8316(b)(1)(A)) is amended by striking clause (ii) and inserting the following:

“(ii) all violations adjudicated in a single proceeding;”.

(1) $1,000,000 if the violations do not include a willful violation; or

(2) $1,000,000 if the violations include 1 or more willful violations.

(b) AUTHORITY.—Section 10415(a)(2) of the Animal Health Protection Act (7 U.S.C. 8314) is amended

(1) by striking subparagraph (A) and inserting the following:

“(A) IN GENERAL.—The Secretary shall have the power to subpoena the attendance and testimony of all persons and to require the production of all evidence (including books, papers, documents, electronically stored information, and other tangible things that are the subject of the investigation), or require the person to whom the subpoena is directed to permit the inspection of premises relating to the administration or enforcement of this title or any matter under investigation in connection with this title.”;

(2) in subparagraph (B), by striking “documentary”; and

(3) in subparagraph (C)—

(A) in clause (i), by striking “testimony of any witness and the production of documentary evidence” and inserting “testimony of any witness, the production of evidence, or the inspection of premises”;

(B) in clause (ii), by striking “question or to produce documentary evidence” and inserting “question, produce evidence, or permit the inspection of premises”.

SEC. 11013. NATIONAL AQUATIC ANIMAL HEALTH PROTECTION ACT.

(a) IN GENERAL.—The Secretary of Agriculture may enter into a cooperative agreement with an eligible entity to carry out a national aquatic animal health plan under the authority of the Secretary under section 10411 of the Animal Health Protection Act (7 U.S.C. 8310) for the purpose of developing or eradicating diseases of aquaculture species and promoting species-specific best management practices.

(b) COOPERATIVE AGREEMENTS BETWEEN ELIGIBLE ENTITIES AND THE SECRETARY.—

(1) DUTIES.—As a condition of entering into a cooperative agreement with the Secretary under this section, an eligible entity shall agree to—

(A) assume responsibility for the non-Federal share of the cost of carrying out the project under the national aquatic animal health plan, as determined by the Secretary in accordance with paragraph (2); and

(B) act in accordance with applicable disease and species specific best management practices relating to activities to be carried out under such project.

(2) NON-FEDERAL SHARE.—The Secretary shall determine the non-Federal share of the cost of carrying out a project under the national aquatic animal health plan on a case-by-case basis for each project. Such non-Federal share may be provided in cash or in-kind.

(c) APPLICABILITY OF OTHER LAWS.—In carrying out this section, the Secretary may use the authorities under the Animal Health Protection Act (7 U.S.C. 8301 et seq.), including the authority to carry out operations and measures to detect, control, and eradicate animal diseases and the authority to pay claims arising out of the destruction of any animal, article, or means of conveyance.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section for each of fiscal years 2008 through 2012.

(e) ELIGIBLE ENTITY DEFINED.—In this section, the term ‘eligible entity’ means a State agency of the State in which the establishment is located; a State, a political subdivision of a State, Indian tribe, or other appropriate entity, as determined by the Secretary of Agriculture.

SEC. 11014. STUDY ON BIOENERGY OPERATIONS.

(a) STUDY.—The Secretary of Agriculture shall conduct a study to evaluate the role of animal manure as a source of fertilizer and its potential additional uses. Such study shall include—

(1) a determination of the extent to which animal manure is utilized as fertilizer in agricultural operations by type (including species and agronomic practices employed) and size;

(2) an evaluation of the potential impact on feedstock or a replacement for fossil fuels;

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate the results of the study conducted under subsection (a).

SEC. 11015. INTERSTATE SHIPMENT OF MEAT AND POULTRY INSPECTED BY FEDERAL AND STATE AGENCIES FOR CERTAIN SMALL ESTABLISHMENTS.

(a) MEAT AND MEAT PRODUCTS.—The Federal Meat Inspection Act (21 U.S.C. 611 et seq.) is amended by adding at the end the following:

“TITLE V—INSPECTIONS BY FEDERAL AND STATE AGENCIES

SEC. 501. INTERSTATE SHIPMENT OF MEAT INSPECTED BY FEDERAL AND STATE AGENCIES FOR CERTAIN SMALL ESTABLISHMENTS.

(1) APPROPRIATE STATE AGENCY.—The term ‘appropriate State agency’ means a State agency described in section 301(b).

(2) DESIGNATED PERSONNEL.—The term ‘designated personnel’ means inspection personnel of a State agency that have undergone all necessary inspection training and certification to assist the Secretary in the administration and enforcement of this Act, including rules and regulations issued under this Act.

(3) ELIGIBLE ESTABLISHMENT.—The term ‘eligible establishment’ means an establishment that is in compliance with—

(A) the State inspection program of the State in which the establishment is located; and

(B) this Act, including rules and regulations issued under this Act.

(4) MEAT ITEM.—The term ‘meat item’ means—

(A) a portion of meat; and

(B) a meat food product.

(5) SELECTED ESTABLISHMENT.—The term ‘selected establishment’ means an eligible establishment that is selected by the Secretary, in coordination with the appropriate State agency of the State in which the eligible establishment is located, under subsection (b) to ship carcasses, portions of carcasses, and meat items in interstate commerce.

(b) AUTHORITY OF SECRETARY TO ALLOW SHIPMENTS.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary, in coordination with the appropriate State agency of the State in which an establishment is located, may select the establishment to ship carcasses, portions of carcasses, and meat items in interstate commerce, and place on each carcass, portion of a carcass, and meat item shipped in interstate commerce a Federal mark, stamp, tag, or label of inspection, if—

(A) the carcass, portion of carcass, or meat item qualified for the mark, stamp, tag, or label of inspection under the requirements of this Act;

(B) the establishment is an eligible establishment; and

(C) inspection services for the establishment are provided by designated personnel.

SEC. 502. OPERATION AND ADMINISTRATION OF THE INDIAN TRIBES.

(a) AUTHORITY.—The Secretary of Agriculture shall carry out a report containing—

(1) the results of all necessary inspection training and certification of inspection personnel of an eligible establishment for the purpose of the operation and administration of this Act.

(2) the results of the implementation of this Act by an eligible establishment; and

(3) the determination of whether an eligible establishment is in compliance with this Act; and

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the person to whom the subpoena is directed shall conduct a study to evaluate the role of animal manure as a source of fertilizer and its potential additional uses. Such study shall include—

(1) a determination of the extent to which animal manure is utilized as fertilizer in agricultural operations by type (including species and agronomic practices employed) and size;

(2) an evaluation of the potential impact on feedstock or a replacement for fossil fuels;

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the person to whom the subpoena is directed shall conduct a study to evaluate the role of animal manure as a source of fertilizer and its potential additional uses. Such study shall include—

(1) a determination of the extent to which animal manure is utilized as fertilizer in agricultural operations by type (including species and agronomic practices employed) and size;

(2) an evaluation of the potential impact on feedstock or a replacement for fossil fuels;
"(2) Prohibited establishments.—In carrying out paragraph (1), the Secretary, in coordination with an appropriate State agency, shall not select an establishment that—

(A) employs more than 25 employees (including supervisory and non-supervisory employees), as defined by the Secretary;

(B) on the date of the enactment of this section, ships in interstate commerce carcasses, portions of carcasses, or meat items that are inspected by the Secretary in accordance with this Act; or

(C) is a Federal establishment;

(D) is in violation of this Act; or

(E) is located in a State that does not have a State inspection program; or

(F) is the subject of a transition carried out in accordance with a procedure developed by the Secretary under paragraph (1).

"(3) Establishments that employ more than 25 employees.—

(A) Development of procedure.—The Secretary may develop a procedure to transition to a Federal establishment any establishment under this section that, on average, consistently employs more than 25 employees.

(B) Eligibility of certain establishments.—

(I) In general.—A State establishment that employs more than 25 employees but less than 35 employees as of the date of the enactment of this section may be selected as a selected establishment under this subsection.

(II) Procedures.—A State establishment shall be subject to the procedures established under paragraph (1) beginning on the date that is 3 years after the effective date described in subsection (j), and not less often than every 3 years thereafter, under the jurisdiction of the Secretary with respect to the level of compliance of each selected establishment with the requirements of this Act.

(3) Eligible establishment.—

(A) In general.—A poultry establishment that employs more than 25 employees but less than 35 employees as of the date of the enactment of this section may be selected as a selected establishment under this subsection.

(B) Eligibility criteria.—

(I) In general.—A poultry establishment that is in compliance with applicable Federal and State laws and regulations, as determined by the Secretary, in coordination with the appropriate State agency, may be selected as a selected establishment under this section.

(II) Procedures.—The Secretary shall develop a procedure to transition to a Federal establishment any establishment under this section that, on average, employs more than 25 employees but less than 35 employees.

(C) Suspension.—If a State coordinator determines that, as determined by the Secretary, an establishment is in violation of any requirement of this Act, the State coordinator shall—

(i) immediately notify the Secretary of the violation;

(ii) deselect the selected establishment or suspend inspection at the selected establishment;

(D) Performance evaluations.—Performance evaluations of State coordinators designated under this subsection shall be conducted by the Secretary as part of the Federal agency management control system.

(E) Audits.—

(1) Periodic audits conducted by Inspector General of the Department of Agriculture.—Not later than 2 years after the effective date described in subsection (j), and not less often than every 3 years thereafter, the Inspector General of the Department of Agriculture shall audit each activity taken by the Secretary under this section for the period covered by the audit to determine compliance with this section.

(2) Audit conducted by Comptroller General of the United States.—Not earlier than 3 years, nor later than 5 years, after the date of the enactment of this section, the Comptroller General of the United States shall conduct an audit of the implementation of this section to determine—

(A) the effectiveness of the implementation of this section; and

(B) the number of selected establishments selected by the Secretary to ship carcasses, portions of carcasses, or meat items under this section.

(F) Technical assistance division.—

(1) Establishment.—Not later than 180 days after the effective date described in subsection (j), the Secretary shall establish in the Food Safety and Inspection Service of the Department of Agriculture a technical assistance division to coordinate the initiatives of any other appropriate agency of the Department of Agriculture to provide—

(A) outreach, education, and training to very small or certain small establishments (as defined by the Secretary); and

(B) grants to appropriate State agencies to provide outreach, technical assistance, education, and training to very small or certain small establishments (as defined by the Secretary).

(2) Personnel.—The technical assistance division shall be comprised of individuals that, as determined by the Secretary—

(A) are of a quantity sufficient to carry out the duties of the technical assistance division; and

(B) possess appropriate qualifications and expertise relating to the duties of the technical assistance division.

(G) Transition Grants.—The Secretary may provide grants to appropriate State agencies to assist the appropriate State agency in bringing establishments covered by title III to transition to selected establishments.

(2) Violations.—Any selected establishment that the Secretary determines to be in violation of any requirement of this Act shall be transitioned to a Federal establishment in accordance with a procedure developed by the Secretary under subsection (b)(3)(A).

(I) Effect.—Nothing in this section limits the authority of the Secretary, and with respect to the regulation of meat and meat products under this Act.

"(4) Poultry item.—The term ‘poultry item’ means—

(A) a portion of poultry; and

(B) a poultry product.

"(5) Selected establishment.—The term ‘selected establishment’ means an establishment that is in compliance with applicable Federal and State laws and regulations, as determined by the Secretary, in coordination with the appropriate State agency, and that is selected by the Secretary to ship poultry items in interstate commerce.

"(a) Definitions.—

(1) Appropriate State agency.—The term ‘appropriate State agency’ means a State agency described in section (a)(1).

(2) Designated personnel.—The term ‘designated personnel’ means inspection personnel of a State agency that have undergone all necessary inspection training and certification to assist the Secretary in the administration and enforcement of this Act, including rules and regulations issued under this Act.

(3) Eligible establishment.—The term ‘eligible establishment’ means an establishment that is in compliance with applicable Federal and State laws and regulations, as determined by the Secretary, in coordination with the appropriate State agency of the State in which the eligible establishment is located, under subsection (b) to ship poultry items in interstate commerce.

(4) Poultry item.—The term ‘poultry item’ means—

(A) a portion of poultry; and

(B) a poultry product.

"(5) Selected establishment.—The term ‘selected establishment’ means an eligible establishment that is selected by the Secretary to ship poultry items in interstate commerce, and place on each poultry item shipped in interstate commerce a Federal mark, stamp, tag, or label of inspection, if—

(A) the poultry item qualifies for the Federal mark, stamp, tag, or label of inspection under the requirements of this Act; and

(B) the establishment is an eligible establishment.

(C) Inspection services for the establishment are provided by designated personnel.

(2) Prohibited establishments.—In carrying out paragraph (1), the Secretary, in coordination with an appropriate State agency, shall not select an establishment that—

(A) on average, employs more than 25 employees (including supervisory and nonsupervisory employees), as defined by the Secretary; and

(B) as of the date of the enactment of this section, ships in interstate commerce carcasses, portions of carcasses, or poultry items.

(3) Procedures.—The Secretary shall develop a procedure to transition to a Federal establishment any establishment under this section that, on average, employs more than 25 employees and was reorganized on a later date under the same name or a different name or person by
the person, firm, or corporation that controlled the establishment as of the date of the enactment of this section; or

(iii) was a State establishment as of the date of the enactment of this section that—

(1) as of the date of the enactment of this section, employed more than 25 employees; and

(2) was reorganized on a later date by the person, firm, or corporation that controlled the establishment as of the date of the enactment of this section.

"(D) has a violation of this Act; and

(E) is located in a State that does not have a State inspection program; or

(F) is the subject of a transition carried out in accordance with a procedure developed by the Secretary under paragraph (3)(A).

"(3) ESTABLISHMENTS THAT EMPLOY MORE THAN 25 EMPLOYEES.—

(A) DEVELOPMENT OF PROCEDURE.—The Secretary may develop a procedure to transition to a Federal establishment any establishment under this section that, on average, consistently employs more than 25 employees.

(B) ELIGIBILITY OF CERTAIN ESTABLISHMENTS.—

(i) IN GENERAL.—A State establishment that employs more than 25 employees but less than 60 percent of eligible State costs.

(ii) PROCEDURES.—A State establishment shall be subject to the procedures established under subparagraph (A) beginning on the date that is 3 years after the effective date described in subsection (i).

(c) COMPENSATION OF STATE COSTS.—The Secretary shall reimburse a State for costs related to the inspection of selected establishments in the State in accordance with Federal requirements in an amount of not less than 60 percent of eligible State costs.

(d) COORDINATION BETWEEN FEDERAL AND STATE AGENCIES.—

(1) IN GENERAL.—The Secretary shall designate an employee of the Federal Government as State coordinator for each appropriate State agency.

(2) PROVISION OF SERVICES.—A State coordinator shall—

(A) have oversight and enforcement of this section; and

(B) oversee the training and inspection activities of designated personnel of the State agency.

(2) SUPERVISION.—A State coordinator shall be under the direct supervision of the Secretary.

(3) ROLES OF STATE COORDINATOR.—

(A) IN GENERAL.—A State coordinator shall visit selected establishments with a frequency that is appropriate to ensure that selected establishments are operating in a manner that is consistent with this Act (including regulations and policies under this Act).

(B) QUARTERLY REPORTS.—A State coordinator shall, on a quarterly basis, submit to the Secretary a report that describes the status of each selected establishment that is under the jurisdiction of the State coordinator with respect to the level of compliance of each selected establishment with the requirements of this Act.

(C) IMMEDIATE NOTIFICATION REQUIREMENT.—If a State coordinator determines that any selected establishment that is under the jurisdiction of the State coordinator in violation of any requirement of this Act, the State coordinator shall—

(i) immediately notify the Secretary of the violation; and

(ii) select the selected establishment or suspend inspection at the selected establishment.

(4) PERFORMANCE EVALUATIONS.—Performance evaluations of State coordinators designated under this subsection shall be conducted by the Secretary as part of the Federal agency management control system.

(e) AUDITS.—

(1) PERIODIC AUDITS CONDUCTED BY INSPECTOR GENERAL OF THE DEPARTMENT OF AGRICULTURE.—Not later than 3 years after the effective date described in subsection (i), and not less often than every 3 years thereafter, the Inspector General of the Department of Agriculture shall conduct an audit of each activity taken by the Secretary under this section for the period covered by the audit to determine compliance with this section.

(2) AUDITS CONDUCTED BY COMPTROLLER GENERAL OF THE UNITED STATES.—Not earlier than 3 years, nor later than 5 years, after the date of the enactment of this section, the Comptroller General of the United States shall conduct an audit of the implementation of this section to determine—

(A) the effectiveness of the implementation of this section; and

(B) the number of selected establishments selected by the Secretary to ship poultry items under this section.

(f) TRANSITION GRANTS.—The Secretary may provide grants to appropriate State agencies to assist the appropriate State agencies in helping establishments covered by this Act to transition to selected establishments.

(g) VIOLATIONS.—Any selected establishment that the Secretary determines to be in violation of any requirement of this Act shall be transitioned to a Federal establishment in accordance with a procedure developed by the Secretary under subsection (b)(3)(A).

"(1) EFFECTIVE DATE.—

(1) IN GENERAL.—This section takes effect on the date on which the Secretary, after providing a period of public comment (including through the conduct of public meetings or hearings), promulgates final regulations to carry out this section.

(2) EFFECTIVE DATE.—Not later than 18 months after the date of the enactment of this section, the Secretary shall promulgate final regulations in accordance with paragraph (1).

(h) EFFECT.—Nothing in this section limits the jurisdiction of the Secretary with respect to the regulation of poultry and poultry products under this Act.

(2) EFFECTIVE DATE.—

(1) IN GENERAL.—This Act is amended—

(A) by inserting after subsection (n) as subsection (o) and

(B) by inserting after subsection (m) the following new subsection:

("n) GRADING PROGRAM.—To establish within the Department of Agriculture a voluntary fee based grading program for—

(1) catfish, as defined by the Secretary; and

(2) any other species of farm-raised fish or farm-raised shellfish;

(2) by redesigning subsection (n) as subsection (o); and

(3) by inserting after subsection (m) the following new subsection:

(1) IN GENERAL.—The Federal Meat Inspection Act is amended—

(A) in section 1(w)(2) (21 U.S.C. 601(w))—

(i) by striking "and" at the end of paragraph (1); and

(ii) by redesigning paragraph (2) as paragraph (3); and

(2) by redesigning paragraph (1) the following new paragraph:

(2) catfish, as defined by the Secretary; and

(3) by striking section 6 (21 U.S.C. 606) and inserting the following new section:

"SEC. 6. (a) IN GENERAL.—For the purposes hereinafter set forth the Secretary shall be designated to carry out the provisions of this Act for that purpose, an examination and inspection of all meat food products prepared for consumption in any slaughtering, processing, freezing, salting, packing, rendering, or similar establishment, and for the purposes of any examination and inspection and inspectors shall have access at all times, by day or night, whether the establishment is operated or not, to every part of said establishment; and said inspectors shall mark, stamp, tag, or label as ‘Inspected and condemned’ all such products found to be not adulterated; and said inspectors shall label, mark, stamp, or tag as ‘Inspected and condemned’ all such products found to be not adulterated, and all such condemned meat food products shall be destroyed for food purposes, as hereinafter provided, and the Secretary may remove inspectors from any establishment and seize and destroy any article of food for which the Secretary has reason to believe that such article is not in compliance with the requirements of this Act, and the Secretary may grant such inspectors power to destroy such article of food for which the Secretary has reason to believe that such article is not in compliance with the requirements of this Act.

"SEC. 25. Notwithstanding any other provision of this Act, the requirements of sections 3, 4, 5, 10(b), and 23 shall not apply to catfish.

"(2) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by paragraph (1) shall not apply until the date on which the Secretary issues final regulations (after providing a period of public comment, including through the conduct of public meetings or hearings, and in accordance with chapter 5 of title 5, United States Code) to carry out such amendments.

(B) REGULATIONS.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Agriculture, in consultation with the Commissioner of Food and Drugs, shall issue final regulations to carry out the amendments made by paragraph (1).

(3) BUDGET REQUEST.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Agriculture shall submit to Congress an estimate of the costs of implementing the amendments made by paragraph (1), including the estimated—

(A) staff years;

(B) number of establishments;

(C) volume expected to be produced at such establishments; and

(4) OTHER INFORMATION.—Provide such other information as may be necessary.
SEC. 11017. FOOD SAFETY IMPROVEMENT.
(a) FEDERAL MEAT INSPECTION ACT.—Title I of the Federal Meat Inspection Act is further amended by inserting after section 11 (21 U.S.C. 611) the following:

"SEC. 12. NOTIFICATION.
"Any establishment subject to inspection under this Act that believes, or has reason to believe, that a patented or unpatented meat or meat food product received by or originating from the establishment has entered into commerce shall promptly notify the Secretary with regard to the type, amount, origin, and destination of the meat or meat food product.

"SEC. 13. PLANS AND REASSESSMENTS.
"The Secretary shall require that each establishment subject to inspection under this Act shall, at a minimum—

"(1) prepare and maintain current procedures for the recall of all meat or meat food products produced and shipped by the establishment;

"(2) document each reassessment of the process control plans of the establishment; and

"(3) upon request, make the procedures and reassessed process control plans available to inspectors appointed by the Secretary for review and copying.

"(b) Poultry Products Inspection Act.—Section 10 of the Poultry Products Inspection Act (21 U.S.C. 431) is amended—

"(1) by striking the section heading and all that follows through "SEC. 10. No establishment" and inserting the following:

"SEC. 10. COMPLIANCE BY ALL ESTABLISHMENTS.

"(a) IN GENERAL.—No establishment;

"(b) NOTIFICATION.—Any establishment subject to inspection under this Act that believes, or has reason to believe, that an adulterated or misbranded poultry or poultry product received by or originating from the establishment has entered into commerce shall promptly notify the Secretary with regard to the type, amount, origin, and destination of the poultry or poultry product;

"(c) PLANS AND REASSESSMENTS.—The Secretary shall require that each establishment subject to inspection under this Act shall, at a minimum—

"(1) prepare and maintain current procedures for the recall of all poultry or poultry food products produced and shipped by the establishment;

"(2) document each reassessment of the process control plans of the establishment; and

"(3) upon request, make the procedures and reassessed process control plans available to inspectors appointed by the Secretary for review and copying.

"(d) Definitions.—In this section, the term "poultry" includes—

"(1) poultry or poultry products produced and shipped by the establishment;

"(2) individuals or entities directly responsible under this paragraph shall only apply to the individuals or entities directly responsible for the certification required under subparagraph (C) or the failure to comply with the requirements of this paragraph.

"(ii) Sanctions.—No sanctions shall apply with respect to the rules or plans of insurance upon which compensation is received, including the reinstate for those policies or plans.

SEC. 12008. ADMINISTRATIVE FEE.

(a) IN GENERAL.—Section 508(b)(5) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)(5)) is amended—

"(1) by striking subparagraph (A) and inserting the following:

"(A) BASIC FEE.—Each producer shall pay an administrative fee for catastrophic risk protection in the amount of $300 per crop per county; and

"(2) in subparagraph (B)—

"(A) by striking "PAYMENT ON BEHALF OF PRODUCERS" and inserting "PAYMENT OF CATASTROPHIC RISK PROTECTION FEE ON BEHALF OF PRODUCERS";

"(B) in clause (i)—

"(i) by striking "or other payment"; and

"(ii) by striking "with catastrophic risk protection or additional coverage" and inserting "through the payment of catastrophic risk protection administrative fee; and

"(B) by striking clauses (ii) and (iv); and

"(D) by redesignating clauses (iii), (iv), and (v) as clauses (ii), (iii), and (iv), respectively; and

"(F) in clause (iv) as redesignated—

"(i) by striking "or other arrangement under this subparagraph"; and

"(ii) by striking "additional";

"(B) REPEAL.—Section 746 of the Agricultural, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (7 U.S.C. 1508 note; Public Law 105–277) is repealed.

"SEC. 12007. TIME FOR PAYMENT.

Section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) is amended—

"(1) in the first sentence of subsection (d), by striking "the date that premium" and inserting "the same date on which the premium";
SEC. 12008. CATASTROPHIC COVERAGE REIMBURSEMENT RATE.

Section 508(b)(11) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)(11)) is amended by adding at the end the following:

`(d)(2)(B)(i) for the coverage level selected; and

(iv) APPROPRIATE PRICING METHODOLOGY.—In the matter preceding subparagraph (A), by striking "paragraph (4)" and inserting "paragraph (3)"; and

(ix) CONSIDERATION.—The Corporation shall consider the recommendations under subparagraph (I) when determining the appropriate pricing methodology for grain sorghum under the production and revenue-based plans of insurance that is transparent and replicable.

(II) INTERIM METHODOLOGY.—Until the date on which the pricing methodology implemented by the Corporation is to continue to use the pricing methodology that the Corporation determined best establishes the expected market price.

(III) AVAILABILITY.—On an annual basis, the Corporation shall continue to use the pricing methodology that the Corporation determined best establishes the expected market price.

SEC. 12009. GRAIN SORGHUM PRICE ELECTION.

Section 508(c)(5) of the Federal Crop Insurance Act (7 U.S.C. 1508(c)(5)) is amended by adding at the end the following:

`(I) I N GENERAL.—The Corporation, in conjunction with the Secretary (referred to in this subparagraph as the 'Corporation'), shall:

`(i) Not later than 60 days after the date of enactment of this subparagraph, make available to the public, the recommendations under subclause (I) when determining the appropriate pricing methodology for grain sorghum under the production and revenue-based plans of insurance.

`(ii) request applicable data from the grain sorghum industry.

`(III) PUBLICATION.—(I) I N GENERAL.—The Corporation shall carry out a pilot program under which the Corporation pays a portion of the premiums for plans or policies of insurance for which the policyholder had purchased a basic or optional unit basis that is higher than 75 percent, of the recorded county yield indemnified at not greater than 100 percent of the expected market price, the amount shall be equal to the sum of—

`(a) 59 percent of the amount of the premium established under subsection (d)(2)(B)(i) for the coverage level selected; and

`(b) 2 percent of the total premium paid by the policyholder for the policy or plan of insurance that covers losses due to a reduction in revenue in an area, the amount of the premium paid by the Corporation shall be as follows:

`(A) In the case of additional area coverage equal to or greater than 70 percent, but less than 85 percent, of the recorded county yield indemnified at not greater than 100 percent of the expected market price, the amount shall be equal to the sum of—

`(i) 51 percent of the amount of the premium established under subsection (d)(2)(B)(i) for the coverage level selected; and

`(ii) the amount determined under subsection (d)(2)(B)(ii) for the coverage level selected to cover operating and administrative expenses.

`(B) In the case of additional area coverage equal to or greater than 85 percent, but less than 90 percent, of the recorded county yield indemnified at not greater than 100 percent of the expected market price, the amount shall be equal to the sum of—

`(i) 53 percent of the amount of the premium established under subsection (d)(2)(B)(i) for the coverage level selected; and

`(ii) the amount determined under subsection (d)(2)(B)(ii) for the coverage level selected to cover operating and administrative expenses.

`(C) In the case of additional area coverage equal to or greater than 90 percent, of the recorded county yield indemnified at not greater than 100 percent of the expected market price, the amount shall be equal to the sum of—

`(i) 54 percent of the amount of the premium established under subsection (d)(2)(B)(i) for the coverage level selected; and

`(ii) the amount determined under subsection (d)(2)(B)(ii) for the coverage level selected to cover operating and administrative expenses.
“(ii) the amount determined under subsection (d)(2)(B)(ii) for the coverage level selected to cover operating and administrative expenses.”

SEC. 12010. DENIAL OF CLAIMS.

Section 508(k)(2)(A) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)(2)(A)) is amended by adding at the end the following:

“(B) Exception.—Except as provided in subparagraph (A), notwithstanding section 508 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 1508 note), and section 148 of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1506 note; Public Law 106-224), the Corporation may renegotiate the financial terms and conditions of each Standard Reinsurance Agreement—

“(I) to be effective for the 2011 reinsurance year beginning July 1, 2010; and

“(II) once during each period of 5 reinsurance years thereafter.”

SEC. 12011. ADVISORY CIRCUMSTANCES.—

Subject to clause (ii), subparagraph (A) shall not apply in any case in which the approved insurance providers, as a whole, experience unexpected adverse circumstances, as determined by the Secretary.

“(ii) EFFECT OF FEDERAL LAW CHANGES.—If Federal law is enacted after the date of enactment of this paragraph that requires revisions in the financial terms of the Standard Reinsurance Agreement, and changes in the Agreement are made on a mandatory basis by the Corporation, those changes shall not be considered to be a renegotiation of the Agreement for purposes of subparagraph (A).”

SEC. 12012. NOTIFICATION REQUIREMENT.—

If the Corporation renegotiates a Standard Reinsurance Agreement under subparagraph (A)(ii), the Corporation shall notify the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that includes the findings of the study and any related policy recommendations.

SEC. 12013. DENIAL OF CLAIMS.

No later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Congress a report on the study conducted under section 12012 and any related policy recommendations.

SEC. 12014. SETTLEMENT OF CROP INSURANCE CLAIMS ON FARM-STORED PRODUCED.

(a) In general.—Section 508(j) of the Federal Crop Insurance Act (7 U.S.C. 1508(j)) is amended by adding at the end the following:

“(C) DE MINIMIS ACREAGE EXEMPTION.—

“(I) this section; and

“(II) section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7331).”

(b) APPLICATION.—Paragraph (2) may apply to native sod acreage in the Prairie Pothole National Priority Area at the election of the Governor of the respective State.

SEC. 12015. TIME FOR REIMBURSEMENT.

Section 508(k)(4) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)(4)) is amended by adding at the end the following:

“(D) Reimbursement rate.—Effective beginning with the 2012 reinsurance year, the Corporation shall reimburse approved insurance providers and agents for the allowable administrative and operating costs due to malting barley, taking into consideration any changes in quality factors, as required by applicable market conditions.”

SEC. 12016. REIMBURSEMENT RATE.

Section 508(k)(4) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)(4)) (as amended by section 12015) is amended—

(1) in subparagraph (A), by striking “Except as provided in subparagraph (B)” and inserting “Except as otherwise provided in this paragraph”;

(2) by adding at the end the following:

“(E) Reimbursement rate.—In the case of a policy of additional coverage authorized under subparagraph (A)(ii), the Corporation shall consider alternative methods to determine reimbursement rates for administrative and operating costs.

“(ii) ALTERNATIVE METHODS.—Alternatives considered under clause (i) shall include—

“(I) methods that consider—

“(aa) graduated and base reimbursement rates in a State on changes in premiums in that State;

“(bb) graduated and base reimbursement rates in a State on the loss ratio for crop insurance for that State; and

“(cc) graduated and base reimbursement rates on individual policies on the level of total premium for each policy; and

“(II) any other method that takes into account current financial conditions of the program and the sustained availability of the program to producers on a nationwide basis.”;

SEC. 12018. CHANGE IN DUE DATE FOR CORPORATION CONTRIBUTIONS FOR UNDERWRITING GAINS.

Section 508(k) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)) (as amended by section 12017) is amended by adding at the end the following:

“(D) Denial of claims.—In general.—Subject to clause (i) and subparagraph (C), native sod acreage that has never been tilled for the production of an annual crop after the date of enactment of this subsection shall be ineligible during the first 5 crop years of planting, as determined by the Secretary, for benefits under—

“(I) this title; and

“(II) section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7331).”

“(E) De minimis acreage exemption.—The Secretary shall exempt areas of 5 acres or less from subparagraph (A).

“(3) APPLICATION.—Subparagraph (B) may apply to native sod acreage in the Prairie Pothole National Priority Area at the election of the Governor of the respective State.

“(b) NONINSURED CROP DISASTER ASSISTANCE.—Section 196(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333(a)) is amended by adding at the end the following:

“(D) Denial of claims.—In general.—Subject to clause (i) and subparagraph (C), native sod acreage that has never been tilled for the production of a crop after the date of enactment of this subsection shall be ineligible during the first 5 crop years of planting, as determined by the Secretary, for benefits under—

“(I) this section; and

“(II) the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).”

“(E) De minimis acreage exemption.—The Secretary shall exempt areas of 5 acres or less from subparagraph (A).

“(4) APPLICATION.—Subparagraph (B) may apply to native sod acreage in the Prairie Pothole National Priority Area at the election of the Governor of the respective State."
The Board may submit a concept proposal described in subparagraph (C) to not less than 2 independent expert reviewers, whose services are appropriate for the type of concept proposal described in subparagraph (B). The Board may approve such a proposal if the Board determines that the proposed policy being developed will result in a viable and marketable policy, as determined by the Board.

(i) INFORMATION TECHNOLOGY.—To carry out subsection (j)(1), the Corporation may use, from amounts made available from the insurance fund established under section 516(c), not more than $15,000,000 for each of fiscal years 2008 through 2011.

(ii) DATA MINING.—To carry out subsection (j)(2), the Corporation may use, from amounts made available from the insurance fund established under section 516(c), not more than $4,000,000 for fiscal year 2009 and each subsequent fiscal year.

SEC. 12922. RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—Section 522(b) of the Federal Crop Insurance Act (7 U.S.C. 1522(b)) is amended by striking paragraphs (1) and (2) and inserting the following:

"(1) INFORMATION TECHNOLOGY.—To carry out subsection (j)(1), the Corporation may use, from amounts made available from the insurance fund established under section 516(c), not more than $15,000,000 for each of fiscal years 2008 through 2011.

(2) DATA MINING.—To carry out subsection (j)(2), the Corporation may use, from amounts made available from the insurance fund established under section 516(c), not more than $4,000,000 for fiscal year 2009 and each subsequent fiscal year."
retail and wholesale prices), as established using data collected and maintained by the Secretary or from other sources.

(ii) Timing.—The development of the procedure described in subsection (i) shall include a timeframe to allow the Corporation to begin offering the additional price election for organic crops with sufficient data for the 2010 crop year.

(iii) Expansion.—The procedure shall be expanded as quickly as practicable as additional data on prices of organic crops collected in the first full crop year that begins after the date of enactment of Food, Conservation, and Energy Act of 2008. (D) Reporting Requirements.—

(1) In general.—The Corporation shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate an annual report on progress made in developing and improving Federal crop insurance for organic crops, including—

(A) the numbers and varieties of organic crops insured;

(B) the development of new insurance approaches; and

(C) the progress of implementing the initiatives required under this paragraph, including the rate at which additional price elections are adopted for organic crops.

(ii) Research.—The report shall include such recommendations as the Corporation considers appropriate to improve Federal crop insurance for organic crops.

(11) Energy Crop Insurance Policy.—

(A) Definition of dedicated energy crop.—In this subsection, the term ‘dedicated energy crop’ means an annual or perennial crop that—

(i) is grown expressly for the purpose of producing a feedstock for renewable biofuel, renewable electricity, or biobased products; and

(ii) is not typically used for food, feed, or fiber.

(B) Authority.—The Corporation shall offer to enter into 1 or more contracts with qualified entities to carry out research and development regarding a policy to insure dedicated energy crops.

(C) Research and Development.—Research and development described in subparagraph (B) shall evaluate the effectiveness of risk management tools for the production of dedicated energy crops, including policies and plans of insurance for the production of dedicated energy crops that—

(i) are based on market prices and yields;

(ii) to the extent that insufficient data exists to develop a policy based on market prices and yields, evaluate the policies and plans of insurance based on the use of weather or rainfall indices to protect the interests of crop producers; and

(iii) provide protection for production or revenue losses, or both.

(12) Aquaculture Insurance Policy.—

(A) Definition of aquaculture.—In this subsection—

(i) In general.—The term ‘aquaculture’ means the propagation and rearing of aquatic species in controlled or selected environments, including shellfish cultivation on grants or leased bottom and ocean ranching.

(ii) Exclusion.—The term ‘aquaculture’ does not include the private ocean ranching of Pacific salmon for profit in any State in which private ocean ranching of Pacific salmon is prohibited by any law (including regulations).

(B) Authority.—

(i) In general.—As soon as practicable after the date of enactment of the Food, Conservation, and Energy Act of 2008, the Corporation shall offer to enter into 3 or more contracts with qualified entities to carry out research and development regarding a policy to insure aquacultural species in aquaculture operations.

(ii) Viable Species.—At least 1 of the contracts described in clause (i) shall address insurance for aquacultural species, including—

(A) American oysters (crassostrea virginica);

(B) hard clams (mercenaria mercenaria);

(C) Pacific oysters (crassostrea gigas);

(D) Manila clams (tapes philippinarum); or

(E) bivalve mollusks (mytilus edulis).

(F) Freshwater species.—At least 1 of the contracts described in clause (i) shall address insurance for freshwater species, including—

(A) catfish (icatolirude);

(B) rainbow trout (oncorhynchus mykiss); and

(C) largemouth bass (micropterus salmoides).

(iii) Sea species.—The Corporation shall also enter into a contract with a qualified entity to carry out research into needed modifications of policies to insure corn and sorghum produced in the Central Great Plains (as determined by the Agricultural Research Service) through use of skipper crop insurance practices.

(B) Research.—Research described in subparagraph (A) shall include—

(i) review existing research on skipper crop insurance practices and actual production history of producers using skipper crop insurance practices; and

(ii) evaluate the effectiveness of risk management tools for producers using skipper crop insurance practices, including—

(A) shelled insuranceềm policies; and

(B) whether policies for crops produced through skipper crop insurance practices reflect actual production capabilities.

SEC. 12024. FUNDING FROM INSURANCE FUND.

Section 522(e) of the Federal Crop Insurance Act (7 U.S.C. 1522(e)) is amended—

(1) in paragraph (1), by striking "$10,000,000" and all that follows through the period endning of "fiscal year 2008 and each subsequent fiscal year";

(2) in paragraph (2)(A), by striking "$10,000,000 for fiscal year 2003" and inserting "$12,500,000 for fiscal year 2008"; and

(3) in paragraph (3), by striking “the Corporation may— does not exceed $5,000,000 for each fiscal year to improve program integrity, including by—

(i) increasing compliance-related training;

(ii) improving analysis tools and technology regarding compliance; and

(iii) use of information technology, as determined by the Corporation; and

(iv) identifying and using innovative compliance strategies; and

(B) any excess amounts to carry out other activities authorized under this section.

SEC. 12025. PILOT PROGRAMS.

(a) In General.—Section 523 of the Federal Crop Insurance Act (7 U.S.C. 1523) is amended—

(1) CAMELINA PILOT PROGRAM.—

(A) In general.—The Corporation shall establish a pilot program under which producers or processors of camelina may propose for approval by the Board policies or plans of insurance for camelina, in accordance with section 523.

(B) Determination by Board.—The Board shall approve a policy or plan of insurance proposed under paragraph (1) if, as determined by the Board, the policy or plan of insurance—

(A) protects the interests of producers; and

(B) meets the requirements of this title.

(c) Sesame Insurance Pilot Program.—

(1) In general.—In addition to any other authority of the Corporation, the Corporation shall establish and carry out a pilot program under which a producer of nondehiscent sesame under contract may elect to obtain multiyear crop insurance, as determined by the Corporation.

(2) Terms and Conditions.—The multiyear crop insurance offered under the sesame insurance pilot program shall—

(A) be offered through reinsurance arrangements with private insurance companies;
“(B) be actuarially sound; and
“(C) require the payment of premiums and administrative fees by a producer obtaining the insurance.

(2) DURATION.—The Corporation shall commence the grass seed insurance pilot program as soon as practicable after the date of enactment of this section.

SEC. 12029. DETERMINATION OF CERTAIN SWEET POTATO PRODUCTION.

Section 9001(d) of the U.S. Troop Readiness, Veterans’ Care, Katrina Recovery, and Iraq Accountabililty Appropriations Act, 2007 (Public Law 110–28; 121 Stat. 211) is amended—
"(1) by redesigning paragraph (b) as paragraph (a); and
"(2) by inserting after paragraph (7) the following:
"‘‘(8) SWEET POTATOES.—
‘‘(A) DATA.—In the case of sweet potatoes, any data obtained under a pilot program carried out by the Risk Management Agency shall not be considered for the purpose of determining the disaster, under the crop disaster assistance program established under this section.
‘‘(B) EXTENSION OF DEADLINE.—If this paragraph is not implemented before the sign-up deadline for the crop disaster assistance program established under this section, the Secretary shall extend the deadline for producers of sweet potatoes to permit sign-up for the program in accordance with this paragraph.

SEC. 12030. DECLINING YIELD REPORT.

Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report containing details about activities and administrative options of the Federal Crop Insurance Corporation and Risk Management Agency that address the following—
"(1) declining yields on the actual production history for each commodity, of which 1 or more were established pursuant to section 508(g)(4)(B), the actual production history for the eligible producer as calculated without including the lowest of the yields established pursuant to section 508(g)(4)(B); and
"(2) in all other cases, the actual production history of the eligible producer on a farm that has less than 4 years of production history.

SEC. 12033. SUPPLEMENTAL AGRICULTURAL DISASTER ASSISTANCE.

(a) IN GENERAL.—The Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) is amended by adding at the end the following:

“Subtitle B—Supplemental Agricultural Disaster Assistance

SEC. 531. SUPPLEMENTAL AGRICULTURAL DISASTER ASSISTANCE

(a) DEFINITIONS.—In this section:
"(1) ACTUAL PRODUCTION HISTORY YIELD.—The term ‘actual production history yield’ means the weighted average of the actual production history for each insurable commodity or noninsurable commodity, as calculated under subtitle A or the uninsured crop disaster assistance program, respectively.
"(2) ADJUSTED ACTUAL PRODUCTION HISTORY YIELD.—The term ‘adjusted actual production history yield’ means:
‘‘(A) IN GENERAL.—The case of an eligible producer on a farm that has at least 4 years of actual production history yields for an insurable commodity that are established prior to the enactment of this Act.
‘‘(B) IN OTHER CASES.—In all other cases, the actual production history of the eligible producer on a farm that has at least 4 years of production history under the uninsured crop disaster assistance program that are not replacement yields.

SEC. 12035. SUPPLEMENTAL NONINSURED CROP ASSISTANCE PROGRAM.

The term ‘adjusted uninsured crop disaster assistance program yield’ means:
‘‘(A) IN GENERAL.—The case of an eligible producer on a farm that has at least 4 years of production history under the uninsured crop disaster assistance program that are replacement yields,
‘‘(B) IN OTHER CASES.—In all other cases, the uninsured crop disaster assistance program yield as calculated without including the lowest of the replacement yields.

SEC. 12039. COUNTER-CYCLICAL PROGRAM PAYMENT YIELD.

The term ‘counter-cyclical program payment yield’ means the weighted average payment yield established under section 1102 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7912), section 1102 of the Food, Conservation, and Energy Act of 2008, or a successor section.

SEC. 12040. DISASTER COUNTY.—

"(A) IN GENERAL.—The term ‘disaster county’ means a county included in the geographic area covered by a qualifying natural disaster declaration.

"(B) INCLUSION.—The term ‘disaster county’ includes:
‘‘(1) a county contiguous to a county described in subparagraph (A); and
‘‘(ii) any county in which, during a calendar year, the total loss of production of the farm relating to weather is greater than 50 percent of the normal production of the farm, as determined by the Secretary.

"(6) ELIGIBLE PRODUCER ON A FARM—
(A) In general.—The term ‘eligible producer on a farm’ means an individual or entity described in subparagraph (B) that, as determined by the Secretary, assumes the production and term ‘risk associations’ with the agricultural production of crops or livestock.

(1) a citizen of the United States;

(2) a resident alien; (iii) a partnership of citizens of the United States; or

(iv) a corporation, limited liability corporation, or other farm organizational structure organized under State law.

(7) Farm.—(A) In general.—The term ‘farm’ means, in relation to an eligible producer on a farm, the sum of all crop acreage in all counties that is planted or intended to be planted for harvest by the eligible producer.

(B) Aquaculture.—In the case of aquaculture, the term ‘farm’ means, in relation to an eligible producer on a farm, all fish being produced in all counties that are intended to be harvested for sale by the eligible producer.

(C) Honey.—In the case of honey, the term ‘farm’ means, in relation to an eligible producer on a farm, all bees and beehives in all counties that are intended to be harvested for a honey crop by the eligible producer.

(8) Farm-raised fish.—The term ‘farm-raised fish’ means any aquatic species that is propagated and reared in a controlled environment in the United States.

(9) Insurable commodity.—The term ‘insurable commodity’ means an agricultural commodity (excluding livestock) for which the producer on a farm is eligible to obtain a policy or plan of insurance under subtitle A.

(10) Livestock.—The term ‘livestock’ includes—

(a) cattle (including dairy cattle);

(b) bison;

(c) poultry;

(d) sheep;

(e) swine;

(x) horses; and

(G) other livestock, as determined by the Secretary.

(11) Noninsurable commodity.—The term ‘noninsurable commodity’ means a crop for which the eligible producers on a farm are eligible to obtain assistance under the noninsured crop assistance program.

(12) Noninsured crop assistance program.—The term ‘noninsured crop assistance program’ means the program carried out under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 8106).

(13) Qualifying natural disaster declaration.—The term ‘qualifying natural disaster declaration’ means a natural disaster declaration by the Secretary for production losses under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)).

(B) Secretary.—The term ‘Secretary’ means the Secretary of Agriculture.

(15) Socially disadvantaged farmer or rancher.—The term ‘socially disadvantaged farmer or rancher’ means the meaning given the term in section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(e)).

(16) The term ‘State’ means—

(a) a State;

(b) the District of Columbia;

(c) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

(17) Trust fund.—The term ‘Trust Fund’ means the Agricultural Disaster Relief Trust Fund established under section 902 of the Trade Act of 1974.

(18) United States.—The term ‘United States’ when used in a geographical sense, means all of the States.

(B) Supplemental revenue assistance payments.—

(1) In general.—The Secretary shall use such sums as are necessary from the Trust Fund to make disaster assistance payments to eligible producers on farms in disaster counties that have incurred crop production losses or crop quality losses, or both, during the crop year.

(2) Amount.—

(a) In general.—Subject to subparagraph (B), the Secretary shall provide crop disaster assistance payments to an eligible producer on a farm, in an amount equal to 60 percent of the difference between—

(i) the disaster assistance program guarantee, as described in paragraph (3); and

(ii) the total farm revenue for a farm, as described in paragraph (4).

(b) Limitation.—The disaster assistance program guarantee for a crop used to calculate the payments for a farm under subparagraph (A) shall not be less than 90 percent of the sum of the expected revenue, as described in paragraph (5) for each of the crops on a farm, as determined by the Secretary.

(3) Supplemental revenue assistance program guarantee.—

(a) In general.—Except as otherwise provided in this paragraph, the supplemental assistance program guarantee shall be the sum obtained by—

(i) the disaster assistance program guarantee, as described in paragraph (3); and

(ii) the total farm revenue for a farm, as described in paragraph (4).

(b) Modification.—The disaster assistance program guarantee shall be the sum obtained by multiplying—

(I) a payment rate for the commodity that is equal to the price received by producers from the Federal Government or from the market, as determined by the Secretary; or

(II) the payment acres for the commodity that is equal to the number of acres planted, or prevented from being planted, to the commodity;

(III) the product obtained by multiplying

(aa) the adjusted actual production history yield; or

(bb) the counter-cyclical program yield payment for each crop; and

(iii) for each noninsurable commodity on a farm, 120 percent of the product obtained by multiplying—

(I) a payment rate for the commodity that is equal to 100 percent of the noninsured crop assistance program established price for the commodity; or

(II) the payment acres for the commodity that is equal to the number of acres planted, or prevented from being planted, to the commodity;

(IV) the product obtained by multiplying

(aa) the adjusted noninsured crop assistance program yield guarantee; or

(bb) the counter-cyclical program payment yield for each crop.

(2) Adjustment.—The Secretary shall adjust the counter-cyclical program payment yields for each crop on the basis of the Secretary’s determination of the average price received by the eligible producer on a farm.

(i) the value of any other natural disaster assistance payments provided by the Federal Government to an eligible producer on a farm for each crop on the same loss for which the eligible producer is seeking assistance.

(B) Adjustment.—The Secretary shall adjust the counter-cyclical program payment yields for each crop on the basis of the average price received by the eligible producer on a farm.

(i) to reflect the average quality discounts applied to the local or regional market price of a crop or mechanically harvested forage due to a reduction in the intrinsic characteristics of the production resulting from adverse weather, as determined by the Secretary; or

(ii) to account for a crop the value of which is reduced due to excess moisture resulting from a disaster-related condition.

(C) Maximum amount for certain crops.—With respect to a crop for which an eligible producer on a farm receives assistance under the noninsured crop assistance program, the maximum national average price received during the marketing year shall be an amount not more than 100 percent of the adjusted insurance guarantee for the noninsured crop assistance program.

(5) Expected revenue.—The expected revenue for each crop on a farm shall be the average of the expected revenue for the Nation multiplied by the fraction of the crop planted and harvested under the noninsured crop assistance program.

(A) Product obtained by multiplying—

(i) the greatest of—
(I) the adjusted actual production history yield of the eligible producer on a farm; and
(II) the counter-cyclical program payment yield; 
(iii) the acreage planted or prevented from being planted for each crop, and
(iv) 100 percent of the insurance price guarantee; and
(B) The product obtained by multiplying—
(i) 100 percent of the adjusted noninsured crop assistance program yield; and
(ii) 100 percent of the noninsured crop assistance program price for each of the crops on a farm.
(c) Livestock Indemnity Payments.—
(1) Payments.—The Secretary shall use such funds as are available from the Disaster Fund to make livestock indemnity payments to eligible producers on farms that have incurred livestock death losses in excess of the normal mortality due to adverse weather, as determined by the Secretary, during the calendar year, including losses due to hurricanes, floods, blizzards, disease, wildfires, extreme heat, and extreme cold.
(2) Payment Rates.—Indemnity payments to an eligible producer on a farm under paragraph (1) shall be made at a rate of 75 percent of the product obtained as determined by the Secretary, the payment rate shall be 80 percent of the product obtained as determined by the Secretary, or as otherwise determined by the Secretary, the payment rate shall be 100 percent of the product obtained as determined by the Secretary.
(3) Conditions applying to the amount of the indemnity payment that an eligible producer shall receive under paragraph (1) shall be as follows:
(A) Drought Conditions.
(i) In general.—An eligible livestock producer, as determined under subsection (B), shall be eligible to receive an indemnity payment under this paragraph if—
(aa) the normal permitted livestock on the farm exceeds the carrying capacity or normal grazing period for the county as determined by the Secretary, 
(bb) the monthly feed cost per unit of the normal carrying capacity or normal grazing period for the county exceeds the monthly feed cost per unit of the normal carrying capacity or normal grazing period for the county as determined by the Secretary, 
(cc) for the period for which the indemnity payment shall be made, the monthly feed cost per unit of the normal carrying capacity or normal grazing period exceeds the monthly feed cost per unit of the normal carrying capacity or normal grazing period for the county as determined by the Secretary, or
(dd) the Secretary, the payment rate shall be 80 percent of the product obtained as determined by the Secretary, or as otherwise determined by the Secretary, the payment rate shall be 100 percent of the product obtained as determined by the Secretary.
(B) Drought Monitor.—The term ‘drought monitor’ means a system for classifying drought severity according to a range of abnormally dry to exceptional drought, as defined by the Secretary.
(C) Eligible Livestock Producer.—
(i) In general.—The term ‘eligible livestock producer’ means an eligible producer on a farm that—
(aa) is an owner, cash or share lessee, or contract grower of covered livestock that provides the pastureland or grazing land, including cash-leased pastureland or grazing land, for the livestock;
(bb) provides the pastureland or grazing land for covered livestock, including cash-leased pastureland or grazing land that is physically located in a county affected by drought;
(cc) Meets all other eligibility requirements established under this subsection.
(ii) Exclusion.—The term ‘eligible livestock producer’ does not include an owner, cash or share lessee, or contract grower of livestock that rents or leases pastureland or grazing land owned by another person on a rate-of-gain basis.
(D) Normal Carrying Capacity.—The term ‘normal carrying capacity’, with respect to each type of grazing land or pastureland in a county, means the normal carrying capacity, as determined under paragraph (3)(D)(i), that would be expected from the growth of covered livestock during the normal grazing period, in the absence of a drought or fire that diminishes the production of the grazing land or pastureland.
(E) Normal Grazing Period.—The term ‘normal grazing period’, with respect to a county, means the grazing period during the calendar year for the county, as determined under paragraph (3)(D)(i).
(F) Program.—The Secretary shall use such funds as are available from the Disaster Fund to provide compensation for losses to eligible livestock producers due to grazing losses for covered livestock due to—
(i) a drought condition, as described in paragraph (1);
(ii) a fire, as described in paragraph (4);
(iii) assistance for losses due to droughts or fires, as described in paragraphs (3)(D)(ii) and (4).
(G) Eligible Losses.—
(i) In general.—An eligible livestock producer may receive assistance under this subsection only for grazing losses for covered livestock.
(ii) Exclusions.—An eligible livestock producer may not receive assistance under this subsection for grazing losses that occur on land that—
(aa) is native or improved pastureland with permanent grass cover; or
(bb) is planted to a crop planted specifically for the purpose of providing grazing for covered livestock.
(A) Fire, as described in paragraph (4).
(B) Drought Monitor.—The term ‘drought monitor’ means a system for classifying drought severity according to a range of abnormally dry to exceptional drought, as defined by the Secretary.
(C) Eligible Livestock Producer.—
(i) In general.—The term ‘eligible livestock producer’ means an eligible producer on a farm that—
(aa) the normal permitted livestock on the farm exceeds the carrying capacity or normal grazing period for the county as determined by the Secretary, 
(bb) the monthly feed cost per unit of the normal carrying capacity or normal grazing period for the county exceeds the monthly feed cost per unit of the normal carrying capacity or normal grazing period for the county as determined by the Secretary, or
(cc) the monthly feed cost per unit of the normal carrying capacity or normal grazing period for the county exceeds the monthly feed cost per unit of the normal carrying capacity or normal grazing period for the county as determined by the Secretary, or as otherwise determined by the Secretary, the payment rate shall be 80 percent of the product obtained as determined by the Secretary, or as otherwise determined by the Secretary, the payment rate shall be 100 percent of the product obtained as determined by the Secretary.
(B) Drought Monitor.—The term ‘drought monitor’ means a system for classifying drought severity according to a range of abnormally dry to exceptional drought, as defined by the Secretary.
(C) Eligible Livestock Producer.—
(i) In general.—The term ‘eligible livestock producer’ means an eligible producer on a farm that—
(aa) is an owner, cash or share lessee, or contract grower of covered livestock that provides the pastureland or grazing land, including cash-leased pastureland or grazing land, for the livestock;
(bb) provides the pastureland or grazing land for covered livestock, including cash-leased pastureland or grazing land that is physically located in a county affected by drought;
(cc) Meets all other eligibility requirements established under this subsection.
(ii) Exclusion.—The term ‘eligible livestock producer’ does not include an owner, cash or share lessee, or contract grower of livestock that rents or leases pastureland or grazing land owned by another person on a rate-of-gain basis.
(D) Normal Carrying Capacity.—The term ‘normal carrying capacity’, with respect to each type of grazing land or pastureland in a county, means the normal carrying capacity, as determined under paragraph (3)(D)(i), that would be expected from the growth of covered livestock during the normal grazing period, in the absence of a drought or fire that diminishes the production of the grazing land or pastureland.
(E) Normal Grazing Period.—The term ‘normal grazing period’, with respect to a county, means the grazing period during the calendar year for the county, as determined under paragraph (3)(D)(i).
(F) Program.—The Secretary shall use such funds as are available from the Disaster Fund to provide compensation for losses to eligible livestock producers due to grazing losses for covered livestock due to—
(i) a drought condition, as described in paragraph (1);
(ii) a fire, as described in paragraph (4);
(iii) assistance for losses due to droughts or fires, as described in paragraphs (3)(D)(ii) and (4).
(G) Eligible Losses.—
(i) In general.—An eligible livestock producer may receive assistance under this subsection only for grazing losses for covered livestock.
(ii) Exclusions.—An eligible livestock producer may not receive assistance under this subsection for grazing losses that occur on land that—
(aa) is native or improved pastureland with permanent grass cover; or
(bb) is planted to a crop planted specifically for the purpose of providing grazing for covered livestock.
(A) Fire, as described in paragraph (4).
(B) Drought Monitor.—The term ‘drought monitor’ means a system for classifying drought severity according to a range of abnormally dry to exceptional drought, as defined by the Secretary.
(C) Eligible Livestock Producer.—
(i) In general.—The term ‘eligible livestock producer’ means an eligible producer on a farm that—
(aa) the normal permitted livestock on the farm exceeds the carrying capacity or normal grazing period for the county as determined by the Secretary, 
(bb) the monthly feed cost per unit of the normal carrying capacity or normal grazing period for the county exceeds the monthly feed cost per unit of the normal carrying capacity or normal grazing period for the county as determined by the Secretary, or
(cc) the monthly feed cost per unit of the normal carrying capacity or normal grazing period for the county exceeds the monthly feed cost per unit of the normal carrying capacity or normal grazing period for the county as determined by the Secretary, or as otherwise determined by the Secretary, the payment rate shall be 80 percent of the product obtained as determined by the Secretary, or as otherwise determined by the Secretary, the payment rate shall be 100 percent of the product obtained as determined by the Secretary.
(B) Drought Monitor.—The term ‘drought monitor’ means a system for classifying drought severity according to a range of abnormally dry to exceptional drought, as defined by the Secretary.
(C) Eligible Livestock Producer.—
(i) In general.—The term ‘eligible livestock producer’ means an eligible producer on a farm that—
(aa) the normal permitted livestock on the farm exceeds the carrying capacity or normal grazing period for the county as determined by the Secretary, 
(bb) the monthly feed cost per unit of the normal carrying capacity or normal grazing period for the county exceeds the monthly feed cost per unit of the normal carrying capacity or normal grazing period for the county as determined by the Secretary, or
(cc) the monthly feed cost per unit of the normal carrying capacity or normal grazing period for the county exceeds the monthly feed cost per unit of the normal carrying capacity or normal grazing period for the county as determined by the Secretary, or as otherwise determined by the Secretary, the payment rate shall be 80 percent of the product obtained as determined by the Secretary, or as otherwise determined by the Secretary, the payment rate shall be 100 percent of the product obtained as determined by the Secretary.
(B) Payment Rate.—The payment rate for assistance under this paragraph shall be equal to 50 percent of the monthly feed cost per unit of the normal carrying capacity or normal grazing period for the county, as determined by the Secretary, the payment rate shall be equal to the quotient obtained by dividing—
(i) the higher of—
(aa) the national average corn price per bushel for the 12-month period immediately preceding March 1 of the year for which the disaster assistance is calculated; or
(bb) the national average corn price per bushel for the 24-month period immediately preceding that March 1 by
(ii) 36.
(C) Payment Duration.—
(i) In general.—Subject to clause (ii), an eligible livestock producer shall be eligible
to receive assistance under this paragraph for the period.

"(I) beginning on the date on which the Federal agency excludes the eligible livestock producer from receiving the benefits of the program, or

"(II) ending on the last day of the Federal lease of the eligible livestock producer.

(b) Ineligible livestock producer may only receive assistance under this paragraph for losses that occur on not more than 180 days per year.

(c) MINDING RISK MANAGEMENT PURCHASE REQUIREMENTS.—

"(A) IN GENERAL.—Except as otherwise provided in this section, a livestock producer shall provide disaster assistance under this subsection if the livestock producer—

"(i) obtained a policy or plan of insurance under subtitle A for the grazing land incurring the losses for which assistance is being requested; or

"(ii) filed the required paperwork, and paid the administrative fee by the applicable State filing deadline, for the noninsured crop assistance program for the grazing land incurring the losses for which assistance is being requested.

"(B) MINIMUM SOCIALLY DISADVANTAGED, LIMITED RESOURCE, OR BEGINNING FARMER OR RANCHER.—In the case of an eligible livestock producer that is a socially disadvantaged, limited resource, or beginning farmer or rancher, as determined by the Secretary, the Secretary may—

"(i) waive subparagraph (A); and

"(ii) provide disaster assistance under this section at a level that the Secretary determines to be equitable and appropriate.

(d) WAIVER FOR 2008 CALENDAR YEAR.—In the case of an eligible livestock producer that suffered losses on grazing land during the 2008 calendar year but does not meet the requirements of subparagraph (A), the Secretary shall waive subparagraph (A) if the eligible livestock producer pays a fee in an amount equal to the applicable noninsured crop assistance program fee or catastrophic risk protection plan fee required under subparagraph (A) to the Secretary not later than 90 days after the date of enactment of this subtitle.

(e) EQUITABLE RELIEF.—

"(I) IN GENERAL.—The Secretary may provide equitable relief to an eligible livestock producer if the livestock producer is otherwise ineligible or unintentionally fails to meet the requirements of subparagraph (A) of paragraph (2) for the grazing land incurring the loss on a case-by-case basis, as determined by the Secretary.

"(II) 2008 CALENDAR YEAR.—In the case of an eligible livestock producer that suffered losses on grazing land during the 2008 calendar year, the Secretary shall take special consideration to provide equitable relief in cases in which the eligible livestock producer failed to meet the requirements of subparagraph (A) due to the enactment of this subtitle after the closing date of sales periods for crop insurance under subtitle A and the noninsured crop assistance program.

(f) IMPACT TO CROP YEAR.—

"(A) IN GENERAL.—An eligible livestock producer may elect to receive assistance for grazing or pasture feed losses due to drought conditions (as defined in paragraph (3) or livestock grower (4), but not both for the same loss, as determined by the Secretary.

"(B) RELATIONSHIP TO SUPPLEMENTAL REVENUE FROM ELIGIBLE LIVESTOCK PRODUCER.—In the case of an eligible livestock producer that receives assistance under this subsection, the Secretary may provide disaster assistance under this paragraph (1) to the Secretary not later than 90 days after the date of enactment of this subtitle.

"(C) ACRES.—The total quantity of acres planted to trees or tree seedlings for which a person or legal entity shall be entitled to receive disaster assistance under this subsection may not exceed 500 acres.

(g) RISK MANAGEMENT PURCHASE REQUIREMENTS.—

"(I) IN GENERAL.—Except as otherwise provided in this section, the eligible producers on a farm shall not be eligible for assistance under this section (other than subsection (c)) if the eligible producer fails to obtain insurance under this section.

"(A) In the case of each insurable commodity of the eligible producers on the farm, did not obtain a policy or plan of insurance under subtitle A (excluding a crop insurance pilot program under that subtitle); or

"(B) in the case of each noninsurable commodity of the eligible producers on the farm, did not file the required paperwork, and paid the administrative fee by the applicable State filing deadline, for the noninsured crop assistance program.

(h) PAYMENT LIMITATIONS.

"(A) ELIGIBLE ORCHARDIST OR NURSERY TREE GROWER.—Any funds made available under this subsection may not exceed $100,000 for any crop year, or an equivalent value in tree seedlings.

"(C) ACRES.—The total quantity of acres planted to trees or tree seedlings for which a person or legal entity shall be entitled to receive disaster assistance under this subsection may not exceed 500 acres.

"(D) TREE ASSISTANCE PROGRAM.—

"(I) IN GENERAL.—The Secretary shall use up to $50,000,000 per year from the Trust Fund to provide disaster assistance to eligible orchardists and nursery tree growers. The term ‘eligible orchardist’ means a person who produces annual crops from trees for commercial purposes.

"(II) Tree—The term ‘tree’ includes a fruit, bush, or vine.

(i) Loss.—The term ‘loss’ may be determined by the Secretary.

(ii) Loss.—Subject to subparagraphs (A) and (B), the Secretary shall provide assistance—

"(I) under paragraph (3) to eligible orchardists and nursery tree growers that planted trees for commercial purposes but lost the trees as a result of a natural disaster and, as determined by the Secretary:

"(A) ELIGIBLE ORCHARDIST.

"(1) In this section—

"(i) the term ‘eligible orchardist’ means a person that produces nursery, ornamental, fruit, nut, or Christmas trees for commercial sale, as determined by the Secretary;

"(ii) at the option of the Secretary, sufficient seedlings to reestablish a stand; and

"(B) LIMITATION.—An eligible orchardist or nursery tree grower shall qualify for assistance under subparagraph (A) only if the tree mortality of the eligible orchardist or nursery tree grower, as determined by the Secretary, exceeded 15 percent (adjusted for normal mortality). In the case of each noninsurable commodity of the eligible producers on the farm, did not obtain insurance under paragraph (1) to the Secretary not later than 90 days after the date of enactment of this subtitle.

"(B) EQUITABLE RELIEF.—

"(I) IN GENERAL.—The Secretary may provide equitable relief to eligible producers on a farm that are otherwise ineligible or unintentionally fail to meet the requirements of paragraph (1) if the eligible producer pays a fee in an amount equal to the applicable noninsured crop assistance program fee or catastrophic risk protection plan fee required under paragraph (1) to the Secretary not later than 90 days after the date of enactment of this subsection.

"(A) ELIGIBLE ORCHARDIST OR NURSERY TREE GROWER.—Any funds made available under this subsection may not exceed $100,000 for any crop year, or an equivalent value in tree seedlings.

"(C) ACRES.—The total quantity of acres planted to trees or tree seedlings for which a person or legal entity shall be entitled to receive disaster assistance under this subsection may not exceed 500 acres.
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‘‘(2) AMOUNT.—The total amount of disaster assistance payments received, directly
or indirectly, by a person or legal entity (excluding a joint venture or general partnership) under this section (excluding payments
received under subsection (f)) may not exceed $100,000 for any crop year.
‘‘(3) AGI LIMITATION.—Section 1001D of the
Food Security Act of 1985 (7 U.S.C. 1308–3a)
or any successor provision shall apply with
respect to assistance provided under this section.
‘‘(4) DIRECT ATTRIBUTION.—Subsections (e)
and (f) of section 1001 of the Food Security
Act of 1985 (7 U.S.C. 1308) or any successor
provisions relating to direct attribution
shall apply with respect to assistance provided under this section.
‘‘(i) PERIOD OF EFFECTIVENESS.—This section shall be effective only for losses that are
incurred as the result of a disaster, adverse
weather, or other environmental condition
that occurs on or before September 30, 2011,
as determined by the Secretary.
‘‘(j) NO DUPLICATIVE PAYMENTS.—In implementing any other program which makes
disaster assistance payments (except for indemnities made under subtitle A and section
196 of the Federal Agriculture Improvement
and Reform Act of 1996), the Secretary shall
prevent duplicative payments with respect
to the same loss for which a person receives
a payment under subsections (b), (c), (d), (e),
or (f).
‘‘(k) APPLICATION.—
‘‘(1) IN GENERAL.—Subject to paragraph (2)
and notwithstanding any provision of subtitle A, subtitle A shall not apply to this
subtitle.
‘‘(2) CROSS REFERENCES.—Paragraph (1)
shall not apply to a specific reference in this
subtitle to a provision of subtitle A.’’.
(b) TRANSITION.—For purposes of the 2008
crop year, the Secretary shall carry out subsections (f)(4) and (h) of section 531 of the
Federal Crop Insurance Act (as added by subsection (a)) in accordance with the terms and
conditions of sections 1001 through 1001D of
the Food Security Act of 1985 (16 U.S.C. 1308
et seq.), as in effect on September 30, 2007.
(c) CONFORMING AMENDMENTS.—
(1) Section 501 of the Federal Crop Insurance Act (7 U.S.C. 1501) is amended by striking the section heading and enumerator and
inserting the following:
‘‘Subtitle A—Federal Crop Insurance Act
‘‘SEC. 501. SHORT TITLE AND APPLICATION OF
OTHER PROVISIONS.’’.

(2) Subtitle A of the Federal Crop Insurance Act (as designated under paragraph (1))
is amended—
(A) by striking ‘‘This title’’ each place it
appears and inserting ‘‘This subtitle’’; and
(B) by striking ‘‘this title’’ each place it
appears and inserting ‘‘this subtitle’’.
SEC. 12034. FISHERIES DISASTER ASSISTANCE.

Of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall
transfer to the Secretary of Commerce
$170,000,000 for fiscal year 2008 for the National Marine Fisheries Service to distribute
to commercial and recreational members of
the fishing communities affected by the
salmon fishery failure in the States of California, Oregon, and Washington designated
under section 312(a) of the Magnuson-Stevens
Fishery Conservation and Management Act
(16 U.S.C. 1861a(a)) on May 1, 2008, in accordance with that section.
Subtitle B—Small Business Disaster Loan
Program
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SEC. 12051. SHORT TITLE.

This subtitle may be cited as the ‘‘Small
Business Disaster Response and Loan Improvements Act of 2008’’.
SEC. 12052. DEFINITIONS.

In this subtitle—

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(1) the terms ‘‘Administration’’ and ‘‘Administrator’’ mean the Small Business Administration and the Administrator thereof,
respectively;
(2) the term ‘‘disaster area’’ means an area
affected by a natural or other disaster, as determined for purposes of paragraph (1) or (2)
of section 7(b) of the Small Business Act (15
U.S.C. 636(b)), during the period of such declaration;
(3) the term ‘‘disaster loan program of the
Administration’’ means assistance under section 7(b) of the Small Business Act (15 U.S.C.
636(b)), as amended by this Act;
(4) the term ‘‘disaster update period’’
means the period beginning on the date on
which the President declares a major disaster (including any major disaster relating
to which the Administrator declares eligibility for additional disaster assistance
under paragraph (9) of section 7(b) of the
Small Business Act (15 U.S.C. 636(b)), as
added by this Act) and ending on the date on
which such declaration terminates;
(5) 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);
(6) the term ‘‘small business concern’’ has
the meaning given that term under section 3
of the Small Business Act (15 U.S.C. 632); and
(7) the term ‘‘State’’ means any State of
the United States, the District of Columbia,
the Commonwealth of Puerto Rico, the
Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any territory or possession of the United States.
PART I—DISASTER PLANNING AND
RESPONSE
SEC. 12061. ECONOMIC INJURY DISASTER LOANS
TO NONPROFITS.
(a) IN GENERAL.—Section 7(b)(2) of the

Small Business Act (15 U.S.C. 636(b)(2)) is
amended—
(1) in the matter preceding subparagraph
(A)—
(A) by inserting after ‘‘small business concern’’ the following: ‘‘, private nonprofit organization,’’; and
(B) by inserting after ‘‘the concern’’ the
following: ‘‘, the organization,’’; and
(2) in subparagraph (D) by inserting after
‘‘small business concerns’’ the following: ‘‘,
private nonprofit organizations,’’.
AMENDMENT.—Section
(b)
CONFORMING
7(c)(5)(C) of the Small Business Act (15 U.S.C.
636(c)(5)(C)) is amended by inserting after
‘‘business’’ the following: ‘‘, private nonprofit organization,’’.
SEC. 12062. COORDINATION OF DISASTER ASSISTANCE PROGRAMS WITH FEMA.

The Small Business Act (15 U.S.C. 631 et
seq.) is amended—
(1) by redesignating section 37 as section
44; and
(2) by inserting after section 36 the following:
‘‘SEC. 37. COORDINATION OF DISASTER ASSISTANCE PROGRAMS WITH FEMA.
‘‘(a) COORDINATION REQUIRED.—The Admin-

istrator shall ensure that the disaster assistance programs of the Administration are coordinated, to the maximum extent practicable, with the disaster assistance programs of the Federal Emergency Management Agency.
‘‘(b) REGULATIONS REQUIRED.—The Administrator, in consultation with the Administrator of the Federal Emergency Management Agency, shall establish regulations to
ensure that each application for disaster assistance is submitted as quickly as practicable to the Administration or directed to
the appropriate agency under the circumstances.
‘‘(c) COMPLETION; REVISION.—The initial
regulations shall be completed not later than

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270 days after the date of the enactment of
the Small Business Disaster Response and
Loan Improvements Act of 2008. Thereafter,
the regulations shall be revised on an annual
basis.
‘‘(d) REPORT.—The Administrator shall include a report on the regulations whenever
the Administration submits the report required by section 43.’’.
SEC. 12063. PUBLIC AWARENESS OF DISASTER
DECLARATION AND APPLICATION
PERIODS.
(a) IN GENERAL.—Section 7(b) of the Small

Business Act (15 U.S.C. 636(b)) is amended by
inserting immediately after paragraph (3),
the following:
‘‘(4) COORDINATION WITH FEMA.—
‘‘(A) IN GENERAL.—Notwithstanding any
other provision of law, for any disaster declared under this subsection or major disaster (including any major disaster relating
to which the Administrator declares eligibility for additional disaster assistance
under paragraph (9)), the Administrator, in
consultation with the Administrator of the
Federal Emergency Management Agency,
shall ensure, to the maximum extent practicable, that all application periods for disaster relief under this Act correspond with
application deadlines established under the
Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.),
or as extended by the President.
‘‘(B) DEADLINES.—Notwithstanding any
other provision of law, not later than 10 days
before the closing date of an application period for a major disaster (including any
major disaster relating to which the Administrator declares eligibility for additional
disaster assistance under paragraph (9)), the
Administrator, in consultation with the Administrator of the Federal Emergency Management Agency, shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on
Small Business of the House of Representatives a report that includes—
‘‘(i) the deadline for submitting applications for assistance under this Act relating
to that major disaster;
‘‘(ii) information regarding the number of
loan applications and disbursements processed by the Administrator relating to that
major disaster for each day during the period
beginning on the date on which that major
disaster was declared and ending on the date
of that report; and
‘‘(iii) an estimate of the number of potential applicants that have not submitted an
application relating to that major disaster.
‘‘(5) PUBLIC AWARENESS OF DISASTERS.—If a
disaster is declared under this subsection or
the Administrator declares eligibility for additional disaster assistance under paragraph
(9), the Administrator shall make every effort to communicate through radio, television, print, and web-based outlets, all relevant information needed by disaster loan
applicants, including—
‘‘(A) the date of such declaration;
‘‘(B) cities and towns within the area of
such declaration;
‘‘(C) loan application deadlines related to
such disaster;
‘‘(D) all relevant contact information for
victim services available through the Administration (including links to small business development center websites);
‘‘(E) links to relevant Federal and State
disaster assistance websites, including links
to websites providing information regarding
assistance available from the Federal Emergency Management Agency;
‘‘(F) information on eligibility criteria for
Administration loan programs, including
where such applications can be found; and
‘‘(G) application materials that clearly
state the function of the Administration as

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the Federal source of disaster loans for homeowners and renters.”.

(b) MARKETING AND OUTREACH.—Not later than 90 days after the date of enactment of this Act, the Administrator shall create a marketing and outreach plan that—

(1) encourages a proactive approach to the disaster relief efforts of the Administration; and

(2) services provided to disaster victims include the Administration, including contact information, application information, and timelines for submitting applications, the review of applications, and the disbursement of funds;

(3) describes the different disaster loan programs of the Administration, including how they are available and the eligibility requirements for each loan program;

(4) provides for regional marketing, focusing on disasters occurring in each region before the date of enactment of this Act, and likely scenarios for disasters in each such region; and

(5) ensures that the marketing plan is made available at small business development centers and on the website of the Administration.

c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 3 of the Small Business Act (15 U.S.C. 632) is amended by adding at the end the following:

“(a) In general.—In this Act, 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. 5121 et seq.).”

SEC. 12064. CONSISTENCY BETWEEN ADMINISTRATION REGULATIONS AND STANDARDS OPERATING PROCEDURES.

(a) IN GENERAL.—The Administrator shall, promptly following the date of enactment of this Act, conduct a study of whether the standard operating procedures of the Administration for loans offered under section 7(b) of the Small Business Act (15 U.S.C. 636(b)) are consistent with the regulations of the Administration for administering the disaster response plan of the Administration.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to Congress a report on the findings and recommendations of the study conducted under subsection (a).

SEC. 12065. INCREASING COLLATERAL REQUIREMENTS.

Section 7(c)(6) of the Small Business Act (15 U.S.C. 636(c)(6)) is amended by striking “$10,000 or less” and inserting “$15,000 or less (or such higher amount as the Administrator determines appropriate in the event of a major disaster).”

SEC. 12066. PROCESSING DISASTER LOANS.

(a) AUTHORITY FOR QUALIFIED PRIVATE CONTRACTORS TO PROCESS DISASTER LOANS.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (5), as added by this Act, the following:

“(6) AUTHORITY FOR QUALIFIED PRIVATE CONTRACTORS.—

“(A) DISASTER LOAN PROCESSING.—The Administrator may refer to a qualified private contractor, as determined by the Administrator, to process loans under this subsection in the event of a major disaster. The referral to which the Administrator refers eligibility for additional disaster assistance under paragraph (9), under which the Administrator shall pay the contractor a fee for each loan processed.

“(B) LOAN LOSS VERIFICATION SERVICES.—The Administrator may enter into an agreement with a qualified lender or loss verification professional, as determined by the Administrator, to verify losses for loans under this section that are made after the date of enactment of a major disaster (including any major disaster relating to which the Administrator determines eligibility for additional disaster assistance under paragraph (9)), under which the Administrator shall pay the lender or verification professional a fee for each loan for which such lender or verification professional verifies eligibility for disaster assistance.

“(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—The Small Business Act (15 U.S.C. 636(c)(6)) is amended by striking paragraph (5), as added by this Act, and inserting the following:

“(5) A summary of the subject matter of the communication.

“(6) The identity of the personnel.

“(7) A copy of any communications between personnel of the Administration and applicants for disaster assistance.

“(d) T ECHNICAL CORRECTION.—Section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)) is amended by striking “Disaster Relief and Emergency Assistance Act” and inserting “Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).”

SEC. 12067. INFORMATION TRACKING AND FOLLOW-UP SYSTEM.

(1) IN GENERAL.—The Administrator may develop, implement, or maintain a centralized information system to track communications between personnel of the Administration and applicants for disaster assistance.

(2) CALL CENTER.—The Administrator shall create a facility for disaster loan processing that, whenever the Administrator requests to verify losses for loans under this section that are made after the date of enactment of a major disaster (including any major disaster relating to which the Administrator determines eligibility for additional disaster assistance under paragraph (9)), under which the Administrator shall pay the contractor a fee for each loan processed.

(3) AUTHORITY FOR QUALIFIED PRIVATE CONTRACTORS TO PROCESS DISASTER LOANS.—Not later than 180 days after the date of enactment of this Act, the Administrator shall create a system required to process the application.

(4) REPORT.—The Administrator shall ensure that an applicant for disaster assistance submitted under paragraph (2), under which the Administrator shall pay the contractor a fee for each loan processed.

SEC. 12068. DISASTER PROCESSING REDUNDANCY.

The Small Business Act (15 U.S.C. 631 et seq.) is amended by inserting after section 38, as added by this Act, the following:

“SEC. 38. DISASTER PROCESSING REDUNDANCY.

“(a) IN GENERAL.—The Administrator shall ensure that the Administration has in place a facility for disaster loan processing that, whenever the Administration determines that the facility for disaster loan processing becomes unavailable, is able to take over all disaster loan processing from that primary facility within 2 days.

“(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.”

SEC. 12070. NET EARNINGS CLAUSES PROHIBITED.

Section 7 of the Small Business Act (15 U.S.C. 636) is amended by inserting after subsection (f), as added by this Act, the following:

“(f) NET EARNINGS CLAUSES PROHIBITED FOR 7(b) LOANS.—In making loans under subsection (b), the Administrator shall not require the borrower to pay any non-amortized amount for the first five years after repayment begins.”.

SEC. 12071. ECONOMIC INJURY DISASTER LOANS IN CASES OF ICE STORMS AND BLIZZARDS.

Section 3(k)(2) of the Small Business Act (15 U.S.C. 636(k)(2)) is amended—

(1) in subparagraph (a), by striking “and”; and

(2) in subparagraph (b) by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(C) Ice storms and blizzards.”

SEC. 12072. DEVELOPMENT AND IMPLEMENTATION OF MAJOR DISASTER RESPONSE PLAN.

(a) IN GENERAL.—Not later than 3 months after the date of enactment of this Act, the Administrator shall—

(1) by rule, make the 2006 Atlantic hurricane season disaster response plan of the Administration (in this section referred to as the “disaster response plan”) to apply to major disasters; and

(2) submit a report to the Committee on Small Business and Entrepreneurship of the House of Representatives detailing the amendments to the disaster response plan.

(b) CONTENTS.—The report required under subsection (a)(2) shall include—

(1) any updates or modifications made to the disaster response plan since the report regarding the disaster response plan submitted to Congress on July 14, 2006; and

(2) a description of how the Administration plans to use and integrate District Office personnel of the Administration in the response to major disasters, including the use of personnel for loan processing and loan disbursement;
(3) A description of the disaster scalability model of the Administration and on what basis or function the plan is scaled;
(4) A description of how the agency-wide Disaster Planning and Oversight council is structured, which offices comprise its membership, and whether the Associate Deputy Administrator for Entrepreneurial Development of the Administration is a member;
(5) A description of how the Administrator plans to coordinate the disaster efforts of the Administration with State and local government disaster planning offices, as necessary.
(6) Recommendations, if any, on how the Administration can better coordinate its disaster response operations with the operations of other Federal, State, and local entities;
(7) Any surge plan for the disaster loan program of the Administration in effect on or after August 29, 2005 (including surge plans for loss verification, loan processing, mailroom, customer service or call center operations, and a continuity of operations plan);
(8) A number of full-time equivalent employee and job descriptions for the planning and disaster response staff of the Administration;
(9) The in-service and preservice training procedures for disaster response staff of the Administration;
(10) Information on the logistical support plans of the Administration (including equipment and staffing needs, and detailed information on how such plans will be scalable depending on the size and scope of the major disaster);
(11) A description of the findings and recommendations of the Administrator, if any, based on a review of the response of the Administration to Hurricane Katrina of 2005, Hurricane Rita of 2005, and Hurricane Wilma of 2005; and
(12) A plan for how the Administration, in consultation with the Administrator of the Federal Emergency Management Agency, will coordinate the provision of accommodations and necessary resources for disaster assistance personnel to effectively perform their responsibilities in the aftermath of a major disaster.
(c) Biennial Disaster Simulation Exercise.—
(1) Exercise Required.—The Administrator shall conduct a disaster simulation exercise at least once every 2 fiscal years. The exercise shall include the participation of, at a minimum, not less than 50 percent of the individuals in the disaster reserve corps and shall test, at maximum capacity, all of the information technology and telecommunications systems of the Administration that are vital to the activities of the Administration during such a disaster.
(2) Report Required.—The Administrator shall include a report on the disaster simulation exercises conducted under paragraph (1) each time the Administration submits a report required under section 43 of the Small Business Act, as added by this Act.

SEC. 12073. DISASTER PLANNING RESPONSIBILITIES.—The disaster planning function of the Administration shall be assigned to an individual appointed by the Administrator who—
(1) is not an employee of the Office of Disaster Assistance of the Administration;
(2) has proven management ability;
(3) has knowledge in the field of disaster readiness and emergency response; and
(4) has demonstrated significant experience in the area of disaster planning.

SEC. 12074. ASSIGNMENT OF EMPLOYEES OF THE OFFICE OF DISASTER ASSISTANCE AND DISASTER CADRE.—
(a) In General.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting after subsection (3)(B), as added by this Act, the following:

(7) Disaster Assistance Employees.—
(A) In General.—In carrying out this section, the Administrator may, where practicable, ensure that the number of full-time equivalent employees—
(i) in the Office of the Disaster Assistance is not fewer than 21 days after the date on which that staffing level decreased below the level described in subparagraph (A) for that office on the basis or function the plan is scaled;
(ii) in the Disaster Cadre of the Administration is not fewer than 1,000.

(B) Report.—In carrying out this subsection, if the number of full-time employees for either the Office of Disaster Assistance or the Disaster Cadre of the Administration is below the level described in subparagraph (A) for that office on the basis or function the plan is scaled, the Administrator shall submit to the Committee on Appropriations and the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Appropriations and Committee on Small Business of the House of Representatives, a report—
(i) detailing staffing levels on that date;
“(8) INCREASED LOAN CAPS.—

“(A) AGGREGATE LOAN AMOUNTS.—Except as provided in subparagraph (B), and notwithstanding any other provision of law, the aggregate loan amount outstanding and committed to a borrower under this subsection may not exceed $2,000,000.

“(B) WAIVER AUTHORITY.—The Administrator may, at the discretion of the Administrator, increase the aggregate loan amount under subparagraph (A) for loans relating to a disaster to a level established by the Administrator, provided that no individual or business concern located within the disaster area, or in the region in which that disaster occurred, is compensated for by insurance or otherwise after “20 per cent”.

“(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to a loan or guarantee made after the date of enactment of this Act.

“(c) TECHNICAL AMENDMENTS.—Section 7(b)(1)(A) of the Small Business Act (15 U.S.C. 636(b)(1)(A)) is amended by inserting “of the aggregate costs of such damage or destruction (whether or not compensated for by insurance or otherwise)” after “20 per cent”.

“SEC. 12079. SMALL BUSINESS BONDING THRESHOLD.

“(a) IN GENERAL.—Except as provided in paragraph (b), and notwithstanding any other provision of law, for any procurement related to a major disaster, the Administrator may, upon such terms and conditions as the Administrator may prescribe, guarantee and enter into commitments to guarantee any surety against loss resulting from a breach of the terms of a bid bond, payment bond, performance bond, or bonds ancillary thereto, by a principal on any total work order or contract amount at the time of bond execution that does not exceed $5,000,000.

“(b) EFFECTIVE DATE.—For purposes of paragraph (a), the maximum amount of a loan guaranteed under this subsection shall be $2,000,000.

“SEC. 12081. ELIGIBILITY FOR ADDITIONAL DISASTER ASSISTANCE.

“Section 7(b)(A) of the Small Business Act (15 U.S.C. 636(b)(1)(A)) is amended by inserting immediately after paragraph (8), as added by this Act, the following: ”

“(9) DECLARATION OF ELIGIBILITY FOR ADDITIONAL DISASTER ASSISTANCE.—

“(A) IN GENERAL.—If the President declares a major disaster, the Administrator shall declare eligibility for additional disaster assistance in accordance with this paragraph.

“(B) THRESHOLD.—A major disaster for which the Administrator declares eligibility for additional disaster assistance under this paragraph shall—

“(i) have resulted in extraordinary levels of catastrophic physical damage or disruption severely affecting the population (including mass evacuations), infrastructure, environment, economy, national morale, or government functions in an area;

“(ii) be comparable to the description of a catastrophic incident in the National Response Plan, the Administrator, or any successor thereto, unless there is no successor to such plan, in which case this clause shall have no force or effect; and

“(iii) be comparable to the description of—

“(I) the disaster assistance programs under the other paragraphs under this subsection are incapable of providing adequate and timely disaster assistance to individuals or business concerns located within the disaster area; or

“(II) a significant number of business concerns outside the disaster area have suffered disaster-related economic injury as a result of the incident.”.

“SEC. 12082. ADDITIONAL ECONOMIC INJURY DISASTER LOAN ASSISTANCE.

“Paragraph (9) of section 7(b) of the Small Business Act (15 U.S.C. 636(b)(9)), as added by section 12081, is amended by adding at the end the following:

“(C) ADDITIONAL ECONOMIC INJURY DISASTER LOAN ASSISTANCE.

“(i) IN GENERAL.—If the Administrator declares eligibility for additional disaster assistance under this paragraph, the Administrator may, upon such terms and conditions as the Administrator determines appropriate to eligible business concerns located anywhere in the United States, (I) make loans under this subsection.

“(II) SUSPENSION OF APPLICATIONS FROM OUTSIDE DISASTER AREA.—If the Administrator determines that the average processing time for applications for disaster-related disaster assistance under this subparagraph relating to a specific major disaster is more than 15 days, the Administrator shall give priority to the processing of such applications submitted by eligible small business concerns located inside the disaster area, until the Administrator determines that the average processing time for such applications is not more than 15 days.

“(III) LOAN TERMS.—A loan under this subparagraph shall be made on the same terms as a loan under section (a)(2).

“(D) DEFINITIONS.—In this paragraph—

“(I) the term ‘disaster area’ means the area for which the applicable major disaster was declared;

“(II) the term ‘disaster-related substantial economic injury’ means economic harm to a business concern that results in the inability of such concern to continue to operate as a going concern or to produce, or provide a product or service ordinarily marketed, produced, or provided by the business concern because the business concern relies on materials, supplies, fuels, or services that are not readily available elsewhere.

“(a)(a) for which not less than 25 percent of the market share of that small business concern is from business transacted in the disaster area;

“(b) for which not less than 25 percent of an input into a production process of that small business concern is from the disaster area; or

“(c) that relies on a provider located in the disaster area for a service that is not readily available elsewhere.”.

“SEC. 12083. PRIVATE DISASTER LOANS.

“(a) IN GENERAL.—Section 7 of the Small Business Act (15 U.S.C. 636) is amended by inserting after subsection (b) the following:

“(c) PRIVATE DISASTER LOANS.

“(1) DEFINITIONS.—In this subsection—

“(A) the term ‘disaster area’ means any area for which the President declared a major disaster related to which the Administrator declares eligibility for additional disaster assistance under subsection (b)(9), during the period of that major disaster declaration;

“(B) the term ‘eligible individual’ means an individual who is eligible for disaster assistance under subsection (b)(1) relating to a major disaster related to which the Administrator declares eligibility for additional disaster assistance under subsection (b)(9);

“(C) the term ‘eligible small business concern’ means a business concern that is—

“(i) a small business, as defined under this Act; or

“(ii) a small business concern, as defined in section 103 of the Small Business Investment Act of 1958;

“(D) the term ‘preferred lender’ means a lender participating in the Preferred Lender Program;

“(E) the term ‘Preferred Lender Program’ has the meaning given that term in subsection (c)(1); and

“(F) the term ‘qualified private lender’ means any privately-owned bank or other lending institution that—

“(i) is not a preferred lender; and

“(ii) the Administrator determines meets the criteria established under paragraph (10).

“(2) PROGRAM REQUIRED.—The Administrator shall carry out a program, to be known as the Private Disaster Assistance program, under which the Administration may make disaster-related disaster assistance loans to eligible small business concerns located in a disaster area and to an eligible individual.

“(3) USE OF LOANS.—A loan guaranteed by the Administrator under this subsection may be used for any purpose authorized under subsection (b).

“(4) ONLINE APPLICATIONS.—

“(A) ESTABLISHMENT.—The Administrator may establish, directly or through an agreement with another entity, an online application process for loans guaranteed under this subsection.

“(B) OTHER FEDERAL ASSISTANCE.—The Administrator may coordinate the head of any other appropriate Federal agency so that any application submitted through an online application process established under this paragraph may be considered for any other Federal assistance program for disaster relief.

“(C) CONSULTATION.—In establishing an online application process under this paragraph, the Administrator shall consult with appropriate persons from the public and private sectors, including private lenders.

“(2) IN GENERAL.—The Administrator may guarantee not more than 85 percent of a loan under this subsection.

“(4) MAXIMUM AMOUNT.—The maximum amount of a loan guaranteed under this subsection shall be $2,000,000.
"(6) TERMS AND CONDITIONS.—A loan guaranteed under this subsection shall be made under the same terms and conditions as a loan under subsection (b)."

"(7) Liability.—"(A) IN GENERAL.—A loan guaranteed under this subsection made to—

(i) a qualified individual may be made by a preferred lender; and

(ii) a qualified small business concern may be made by a qualified private lender or by a preferred lender that also makes loans to qualified small business concerns.

(B) COMPLIANCE.—If the Administrator determines that a preferred lender knowingly failed to comply with the underwriting standards contained in a loan made under the regulations promulgated after section 41, as added by this Act, the Administrator shall do 1 or more of the following:

(i) Exclude the preferred lender from participating in the program under this subsection.

(ii) Exclude the preferred lender from participating in the Preferred Lender Program for a period of not more than 5 years.

(C) TERMINATION.—"(A) IN GENERAL.—The Administrator may not collect a guarantee fee under this subsection.

(B) DISQUALIFICATION PER.—The Administrator may pay a qualified private lender or preferred lender an origination fee for a loan guaranteed under this subsection in an amount agreed upon in advance between the qualified private lender or preferred lender and the Administrator.

(9) DOCUMENTATION.—A qualified private lender or preferred lender may use its own loan documentation for a loan guaranteed by the Administrator under this subsection, to the extent authorized by the Administrator. The Administrator may not use its own loan documentation for a loan guaranteed under this subsection that shall not be considered part of the criteria for becoming a qualified private lender under the regulations promulgated under paragraph (10).

(10) IMPLEMENTATION REGULATIONS.—"(A) IN GENERAL.—Not later than 1 year after enactment of the Small Business Disaster Response and Loan Improvements Act of 2008, the Administrator shall promulgate regulations establishing permanent criteria for qualified private lenders.

(B) REPORT TO CONGRESS.—Not later than 6 months after the date of enactment of the Small Business Disaster Response and Loan Improvements Act of 2008, the Administrator shall submit a report on the progress of the regulations required by subparagraph (A) to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives.

(11) AUTHORIZATION OF APPROPRIATIONS.—"(A) IN GENERAL.—Not later than 1 year after enactment of the Small Business Disaster Response and Loan Improvements Act of 2008, funds appropriated to the Administration to carry out subsection (b) or (c) of section 7 of the Small Business Act (15 U.S.C. 636(b)), as amended by this Act, shall be appropriated to the Administrator for carrying out the program created under this section.

(12) PURCHASE OF LOANS.—The Administrator may purchase loans made under this section from a qualified private lender or preferred lender to purchase any loan guaranteed under this subsection.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to any major disaster declared on or after the date of enactment of this Act.

SEC. 12084. IMMEDIATE DISASTER ASSISTANCE PROGRAM.

The Small Business Act is amended by inserting after section 41, as added by this Act, the following:

"SEC. 42. IMMEDIATE DISASTER ASSISTANCE PROGRAM.

("(a) Program Authorized.—The Administrator shall carry out a program, to be known as the Immediate Disaster Assistance program, under which the Administrator participates in a deferment (guaranteed basis) in 85 percent of the balance of the financing outstanding at the time of disbursement of the loan if such balance is less than or equal to $25,000 for businesses affected by a disaster.

(b) ELIGIBILITY REQUIREMENT.—To receive a loan guarantied under subsection (a), the applicant shall apply for, and meet basic eligibility standards for, a loan under subsection (b) or (c) of section 7.

(c) USE OF PROCEEDS.—A person who receives a loan under subsection (b) or (c) of section 7 shall use the proceeds of that loan to repay all loans guaranteed under subsection (a), if any, before using the proceeds for any other purpose.

(d) LOAN TERMS.—"(1) NO PREPAYMENT PENALTY.—There shall be no prepayment penalty on a loan guarantied under subsection (a).

(2) REPAYMENT.—A person who receives a loan guaranteed under subsection (a) and who is disapproved for a loan under subsection (b) or (c) of section 7, as the case may be, shall repay the loan guaranteed under subsection (a) not later than the date established by the Administrator, which may not be earlier than 10 years after the date on which the loan guaranteed under subsection (a) is disbursed.

(e) APPROVAL OR DISAPPROVAL.—The Administrator shall ensure that each applicant for a loan under the program receives a decision approving or disapproving of the application within 36 hours after the Administrator receives the application.

SEC. 12085. EXPEDITED DISASTER ASSISTANCE LOAN PROGRAM.

(a) DEFINITION.—In this section, the term "program" means the expedited disaster assistance business loan program established under subsection (b).

(b) CREATION OF PROGRAM.—The Administrator shall take such administrative action as is necessary to establish and implement an expedited disaster assistance business loan program under this section. The Administrator may, on an expedited basis, guarantee timely payment of principal and interest, as scheduled on any loan made to an eligible small business concern under paragraph (f) of section 7(b) of the Small Business Act (15 U.S.C. 636(b)), as added by this Act.

(c) CONSENT TO EXEMPTION.—In establishing the program, the Administrator shall consult with—

(1) appropriate personnel of the Administration (including, Office of the Administrator);

(2) appropriate technical assistance providers (including small business development centers);

(3) appropriate lenders and credit unions;

(4) the Committee on Small Business and Entrepreneurship of the Senate; and

(5) the Committee on Small Business of the House of Representatives.

(d) RULES.—"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall issue rules in final form establishing and implementing the program in accordance with this section. Such rules shall be in effect for in such program beginning 90 days after their issuance in final form.

(2) CONTENTS.—The rules promulgated under paragraph (1) shall—

(A) identify whether appropriate uses of funds under the program may include—

(i) paying employees;

(ii) paying bills and other financial obligations;

(iii) making repairs;

(iv) purchasing inventory;

(v) restarting or operating a small business concern in the community in which it was conducting operations prior to the applicable disaster; or

(vi) covering additional costs until the small business concern is able to obtain operating capital, Federal assistance programs, or other sources;

(B) set the terms and conditions of any loan made under the program, subject to paragraph (3); and

(C) specify the terms and conditions of any loan made under the program.

(3) TERMS AND CONDITIONS.—A loan guarantied by the Administrator under this section—

(A) shall be for not more than $150,000;

(B) shall be a short-term loan, not to exceed 180 days, except that the Administrator may extend such term as the Administrator determines necessary for a case-by-case basis;

(C) shall have an interest rate not to exceed 350 basis points above the interest rate charged by the Board of Governors of the Federal Reserve System that 1 bank charges another for reserves that are lent on an overnight basis on the date the loan is made;

(D) may have no prepayment penalty;

(E) may only be made to a borrower that meets the requirements for a loan under section 7(b) of the Small Business Act (15 U.S.C. 636(b)), as amended by this Act;

(F) may be refinanced as part of any subsequent disaster assistance provided under section 7(b) of the Small Business Act (15 U.S.C. 636(b)), as amended by this Act; and

(G) may receive expedited loss verification and loan processing, if the applicant is—

(i) a major source of employment in the disaster area (which shall be determined in the same manner as under section 7(b)(3)(B) of the Small Business Act (15 U.S.C. 636(b)), as amended by this Act);

(ii) vital to recovery efforts in the region (including providing debris removal services, manufacturing housing, or building materials);

(iii) shall be subject to such additional terms as the Administrator determines necessary or appropriate.

(4) REPORT TO CONGRESS.—Not later than 5 months after the date of enactment of this Act, the Administrator shall report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives on the progress of the Administrator in establishing the program.

(5) AUTHORIZATION.—There are authorized to be appropriated to the Administrator such sums as are necessary to carry out this section.

SEC. 12086. GULF COAST DISASTER LOAN REFINANCING PROGRAM.

(a) IN GENERAL.—The Administrator may carry out a program to refinance Gulf Coast disaster loans (in this section referred to as the "program")

(b) PURPOSE.—The terms of a Gulf Coast disaster loan refinanced under the program shall be identical to the terms of the original loan, except that the Administrator may provide an option to defer payment on the loan. A deferment under the program shall end not later than 4 years after the date on which the initial disbursement under the original loan was made.

(c) AMOUNT.—The amount of a Gulf Coast disaster loan refinanced under the program..."
shall not exceed the amount of the original loan.

(d) Disclosure of Accrued Interest.—If the Administrator provides an option to defer payments on the program, the Administrator shall disclose the accrued interest that must be paid under the option.

(e) DEFINITION.—In this section, the term “Gulf Coast disaster loan” means a loan—

(I) made under section 7(b) of the Small Business Act (15 U.S.C. 636(b));

(II) made to a covered individual or entity in a countylevel area designated by the Administrator as a disaster area by reason of a hurricane described in paragraph (2) under disaster declaration 10176, 10177, 10178, 10179, 10190, 10191, 10093, 10094, 10095, 10096, 10222, or 10223;

(III) made during a Government declared major disaster.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

### PART III—MISCELLANEOUS

#### SEC. 1055. REPORTS ON DISASTER ASSISTANCE.

(a) MONTHLY ACCOUNTING REPORT TO CONGRESS.—

(1) REPORTING REQUIREMENTS.—Not later than the fifth business day of each month during the period for which the major disaster shall exist, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and to the Committee on Small Business and Entrepreneurship of the House of Representatives a report on the operation of the disaster loan program of the Administration for the area in which the President declared it a disaster.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include—

(A) the number of Administration staff performing field processing, field inspection, and other duties for the declared disaster, and the allocations of such staff in the disaster field offices, disaster recovery centers, workshops, and other Administration offices nationwide;

(B) the daily number of applications received from applicants in the relevant area, as well as a breakdown of such figures by State;

(C) the daily number of applications pending application entry from applicants in the relevant area, as well as a breakdown of such figures by State;

(D) the daily number of applications withdrawn by applicants in the relevant area, as well as a breakdown of such figures by State;

(E) the daily number of applications summarily declined by the Administration from applicants in the relevant area, as well as a breakdown of such figures by State;

(F) the daily number of applications declined by the Administration from applicants in the relevant area, as well as a breakdown of such figures by State;

(G) the daily number of applications in process from applicants in the relevant area, as well as a breakdown of such figures by State;

(H) the daily number of applications approved by the Administration from applicants in the relevant area, as well as a breakdown of such figures by State;

(I) the daily dollar amount of applications approved by the Administration from applicants in the relevant area, as well as a breakdown of such figures by State;

(J) the daily number of loans dispersed, both partially and fully, by the Administration, by category and by State, as well as a breakdown of such figures by State;

(K) the daily dollar amount of loans disbursed, both partially and fully, from the relevant area, as well as a breakdown of such figures by State;

(L) the number of applications approved, including dollar amount approved, as well as applications partially and fully disbursed, including dollar amounts, since the last report under paragraph (1); and

(M) the average date of physical damage closing date, economic injury closing date, and number of counties included in the declaration of a major disaster.

(b) WEEKLY DISASTER UPDATES TO CONGRESS FOR PRESIDENTIALLY DECLARED DISASTERS.—

(1) IN GENERAL.—Each week during a declared major disaster the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and to the Committee on Small Business of the House of Representatives a report on the operation of the disaster loan program of the Administration for the area in which the President declared it a disaster.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include—

(A) the number of Administration staff performing field processing, field inspection, and other duties for the declared disaster, and the allocations of such staff in the disaster field offices, disaster recovery centers, workshops, and other Administration offices nationwide;

(B) the weekly number of applications received from applicants in the relevant area, as well as a breakdown of such figures by State;

(C) the weekly number of applications pending application entry from applicants in the relevant area, as well as a breakdown of such figures by State;

(D) the weekly number of applications withdrawn by applicants in the relevant area, as well as a breakdown of such figures by State;

(E) the weekly number of applications summarily declined by the Administration from applicants in the relevant area, as well as a breakdown of such figures by State;

(F) the weekly number of applications declined by the Administration from applicants in the relevant area, as well as a breakdown of such figures by State;

(G) the weekly number of applications in process from applicants in the relevant area, as well as a breakdown of such figures by State;

(H) the weekly number of applications approved by the Administration from applicants in the relevant area, as well as a breakdown of such figures by State;

(I) the weekly dollar amount of applications approved by the Administration from applicants in the relevant area, as well as a breakdown of such figures by State;

(J) the weekly number of loans dispersed, both partially and fully, by the Administration, by category and by State, as well as a breakdown of such figures by State;

(K) the weekly dollar amount of loans disbursed, both partially and fully, from the relevant area, as well as a breakdown of such figures by State;

(L) the number of applications approved, including dollar amount approved, as well as applications partially and fully disbursed, including dollar amounts, since the last report under paragraph (1); and

(M) the average date of physical damage closing date, economic injury closing date, and number of counties included in the declaration of a major disaster.

(c) LEGISLATIVE CHANGES.—The Administrator shall disclose the accrued interest and the amount of funds available for salaries and expenses will last, based on the spending rate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

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Disaster Response Initiative of the Administration; and
(vi) a description of how the Administration plans to integrate and coordinate the response to a natural disaster, including, but not limited to, the administrative assistance programs of the Administration; and
(B) the plans of the Administrator for implementing this recommendation made under subparagraph (A).
(g) REPORTS ON DISASTER ASSISTANCE.—The Small Business Act is amended by inserting after section 42, as added by this Act, the following:

"SEC. 43. ANNUAL REPORTS ON DISASTER Assistance.

"Not later than 45 days after the end of a fiscal year, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the disaster assistance operations of the Administration for that fiscal year. The report shall—

"(1) specify the number of Administration personnel involved in such operations;

"(2) describe any material changes to those operations as a result of changes to technologies used or to personnel responsibilities;

"(3) describe and assess the effectiveness of the Administration in responding to disasters that fiscal year, including a description of the number and amounts of loans made for damage and for economic injury; and

"(4) describe the plans of the Administration for preparing to respond to disasters during the next fiscal year.".

TITLE XIII—COMMODITY FUTURES

SEC. 13001. SHORT TITLE.

This title may be cited as the "CFTC Reorganization Act of 2008".

Subtitle A—General Provisions

SEC. 13101. COMMISSION AUTHORITY OVER AGREEMENTS, CONTRACTS OR TRANSACTIONS IN FOREIGN CURRENCY.

(a) IN GENERAL.—Section 2(c)(2) of the Commodity Exchange Act (7 U.S.C. 2(c)(2)) is amended by striking subparagraphs (B) and (C) and inserting the following:

"(B) AGREEMENTS, CONTRACTS, AND TRANSACTIONS IN FOREIGN CURRENCY.—

"(1) This Act applies to, and the Commission shall have jurisdiction over, an agreement, contract, or transaction in foreign currency

"(I) that is a contract of sale of a commodity for future delivery (or an option on such a contract) or an option (other than an option exercised on a national or other self-regulatory commodities exchange registered pursuant to section 6(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78f(a))); and

"(II) is entered into, or entered into with, a person that is not an eligible contract participant, unless the counterparty, or the person offering to be the counterparty, of the person

"(aa) a financial institution;

"(bb) a broker or dealer registered under section 15(b) (except paragraph (1) thereof) or 15C of the Securities Exchange Act of 1934 (15 U.S.C. 78o(a)); and

"(CC) any person who is not described in item (aa), (bb), (dd), (ee), or (ff) of clause (i)(I) of this subparagraph.

"(ii) a description of how the Administration plans to integrate and coordinate the activities in connection with transactions conducted on or subject to the rules of a contract market or a derivatives transaction execution facility.

"(III) Notwithstanding items (cc) and (gg) of clause (i)(II), the Commission may make, promulgate, and enforce such rules and regulations as, in the judgment of the Commission, are reasonably necessary to effectuate any of the purposes of, or to accomplish any of the purposes of, this Act in connection with the activities of persons subject to subclause (I).

"(III) Subclause (III) of this clause shall not apply to—

"(aa) any person described in any item (aa) through (ff) of clause (i)(II);

"(bb) any such person’s associated persons; or

"(cc) any person who would be exempt from registration if engaging in the same activities in connection with transactions conducted on or subject to the rules of a contract market or a derivatives transaction execution facility.

"(v) Notwithstanding items (cc) and (gg) of clause (i)(II), the Commission may make, promulgate, and enforce such rules and regulations as, in the judgment of the Commission, are reasonably necessary to effectuate any of the purposes of, or to accomplish any of the purposes of, this Act in connection with agreements, contracts, or transactions described in clause (i) which are offered, or entered into, by a person described in item (cc) or (gg) of clause (i)(II).

"(v) This clause shall not apply to any agreement, contract, or transaction in foreign currency that is—

"(aa) solicited or offered to, or entered into with, a person that is not an eligible contract participant, unless the counterparty, or the person offering to be the counterparty, of the person

"(aa) a broker or dealer registered under section 15(b) (except paragraph (1) thereof) or 15C of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b), 78o–5) or

"(BB) an associated person of a broker or dealer registered under section 15(b) (except paragraph (1) thereof) or 15C of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b), 78o–5) concerning the financial or securities activities of which the broker or dealer makes and keeps records under section 15C(b) or 17(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–5(b), 78o–7(h));

"(cc) any person who is not described in item (aa), (bb), (dd), (ee), or (ff) of clause (i)(I); or

"(bb) exercise discretionary trading authority with respect to any commodity futures contract market or a derivatives transaction execution facility.

"(vii) Notwithstanding items (cc) and (gg) of clause (i)(II), the Commission may make, promulgate, and enforce such rules and regulations as, in the judgment of the Commission, are reasonably necessary to effectuate any of the purposes of, or to accomplish any of the purposes of, this Act in connection with transactions described in clause (i) entered into with or to be entered into with a person who is not described in item (aa), (bb), (dd), (ee), or (ff) of clause (i)(II).

"(vii) This clause shall not apply to—

"(aa) any person described in any item (aa) through (ff) of clause (i)(II); or

"(bb) any such person’s associated persons; or

"(cc) any person who would be exempt from registration if engaging in the same activities in connection with transactions conducted on or subject to the rules of a contract market or a derivatives transaction execution facility.

"(x) Notwithstanding items (cc) and (gg) of clause (i)(II), the Commission may make, promulgate, and enforce such rules and regulations as, in the judgment of the Commission, are reasonably necessary to effectuate any of the purposes of, or to accomplish any of the purposes of, this Act in connection with agreements, contracts, or transactions described in clause (i) which are offered, or entered into, by a person described in item (cc) or (gg) of clause (i)(II).

"(x) This clause shall not apply to any agreement, contract, or transaction in foreign currency that is—

"(aa) solicited or offered to, or entered into with, a person that is not an eligible contract participant, unless the counterparty, or the person offering to be the counterparty, of the person

"(aa) a broker or dealer registered under section 15(b) (except paragraph (1) thereof) or 15C of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b), 78o–5) or

"(BB) an associated person of a broker or dealer registered under section 15(b) (except paragraph (1) thereof) or 15C of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b), 78o–5) concerning the financial or securities activities of which the broker or dealer makes and keeps records under section 15C(b) or 17(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–5(b), 78o–7(h));

"(cc) any person who is not described in item (aa), (bb), (dd), (ee), or (ff) of clause (i)(I); or

"(bb) exercise discretionary trading authority with respect to any commodity futures contract market or a derivatives transaction execution facility.
that sections 6(c) and 6(d) prohibit manipulation of the market price of any commodity in interstate commerce, or for future delivery on or subject to the rules of any market, 6(c), 6(d), 13(a)(1), and 13(b).

(II) Subclause (I) of this clause shall not apply to:

(a) any person described in any of item (aa), (bb), (dd), (ee), or (ff) of subparagraph (B)(i)(II); or

(b) any such person’s associated persons.

(III) The Commission may make, promulgate, and enforce such rules and regulations as, in the judgment of the Commission, are reasonably necessary to effectuate any of the purposes of this Act in connection with agreements, contracts, or transactions described in clause (i) of this subparagraph if the agreements, contracts, or transactions are offered, or entered into, by a person that is not described in item (aa) through (ff) of subparagraph (B)(i)(II).

(IV) Sections 4(b) and 4h shall apply to any agreement, contract, or transaction described in clause (i) of this subparagraph as if the agreement, contract, or transaction were a contract for sale of a commodity for future delivery.

(II) This subparagraph shall not be construed to limit any jurisdiction that the Commission may otherwise have under any other provision of this Act over an agreement, contract, or transaction that is a contract of sale of a commodity for future delivery.

(III) This subparagraph shall not be construed to limit any jurisdiction that the Securities and Exchange Commission may otherwise have under any other provision of this Act with respect to security futures products and persons effecting transactions in security futures products.

(b) Effective Date.—The provisions of the Commodity Exchange Act, as amended by subsection (a) of this section, shall be effective 120 days after the date of the enactment of this Act or at such other time as the Commodity Futures Trading Commission determines:

(1) Subparagraphs (B)(i)(II)(gg), (B)(i)(V), and (C)(i)(ii) of section 2(c)(2).

(2) The provisions of section 2(c)(2)(B)(i)(II)(gg) that set forth adjusted net capital requirements, and the provisions of such section that require a futures commission merchant to be primarily or substantially engaged in commodity transactions.

SEC. 13102. ANTI-FRAUD AUTHORITY OVER PRINCIPAL-TO-PRINCIPAL TRANSACTIONS.

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

(a) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively; and

(b) by striking all through the end of subsection (a) and inserting the following:

SEC. 4b. CONTRACTS DESIGNED TO DEFRAUD OR MISLEAD.

(a) Unlawful Actions.—It shall be unlawful—

(1) for any person, in or in connection with any order to make, or the making of, any contract of sale of any commodity in interstate commerce or for future delivery that is made, or that is subject to the rules of a designated contract market, for or on behalf of any other person; or

(2) for any person, in or in connection with any order to make, or the making of, any contract of sale of any commodity for future delivery, other agreement, contract, or transaction subject to paragraphs (1) and (2) of section 5(a)(g), that is made, or to be made, for or on behalf of, with, any other person, other than on or subject to the rules of a designated contract market—

(A) to act in bad faith; (B) to attempt to cheat or defraud the other person; or

(B) willfully to make or cause to be made to the other person any false report or statement, or willfully to enter or cause to be entered on the record of the other person any false record;

(C) willfully to deceive or attempt to deceive the other person by any means whatsoever in regard to any order or contract or the disposition or execution of any order or contract, or in regard to any act of agency performed, with respect to any order or contract for the other person under this paragraph (2), that is made, or to be made, for or on behalf of, with, any other person, other than on or subject to the rules of a designated contract market.

(d) VIOLATIONS GENERALLY.

(1) In general.—In any action brought under this section, the Commission may seek and the Court shall have jurisdiction to impose, on a proper showing, on any person found in the action to have committed any violation—

(A) a civil penalty in the amount of not more than the greater of $1,000,000 or triple the monetary gain to the person for each violation; or

(B) in any case of manipulation or attempted manipulation in violation of section 6c, 6d, or 9a(2), a civil penalty of not more than $1,000,000 for each such violation; and

(2) in any case of manipulation or attempted manipulation in violation of section 6a, 6b, 6c, 6d, or 9a(2), a civil penalty of not more than the greater of $1,000,000 or triple the monetary gain to the person for each violation.

(e) Action to Enjoin or Restrain Violations.

(a) Notwithstanding section 6(d) of such Act (7 U.S.C. 13a-1(d)) is amended by striking all that precedes paragraph (2) and inserting the following:

(d) Civil Penalties.

(1) In general.—In any action brought under this section, the Commission may seek and the court shall have jurisdiction to impose, on a proper showing, on any person found in the action to have committed any violation—

(A) a civil penalty in the amount of not more than the greater of $1,000,000 or triple the monetary gain to the person for each violation; or

(B) in any case of manipulation or attempted manipulation in violation of section 6, 6c, 6d, or 9a(2), a civil penalty in the amount of not more than the greater of $1,000,000 or triple the monetary gain to the person for each violation.

(d) Violations Generally.

(1) Notwithstanding section 6(a) of such Act (7 U.S.C. 13a-1) is amended by striking “five years” and inserting “10 years”.

(b) Clarification.—Subsection (a)(2) of this section shall not obligate any person, in or in connection with a transaction in a contract of sale of a commodity for future delivery, or any agreement, contract or transaction subject to paragraphs (1) and (2) of section 5(a)(g), with another person, to disclose to the other person nonpublic information that may be material to the market price, rate, or level of the commodity or transaction, except as necessary to make any statement made to the other person in or in connection with the transaction not misleading in any material respect.”.

SEC. 13103. CRIMINAL AND CIVIL PENALTIES.

(a) Enforcement Powers of the Commission.

—Section 6(c) of the Commodity Exchange Act (7 U.S.C. 13a) is amended in clause (3) of the 10th subsection—

(1) by inserting “(A) after “such person” and

(2) by inserting after “each such violation” the “(B)” and inserting “violating” —

(b) Enforcement of Rules of Government or Other Violations.

—Section 6(b) of such Act (7 U.S.C. 13a-1(d)) is amended by striking all that precedes paragraph (2) and inserting the following:

(1) Notwithstanding section 6(c), 6(d), or 9a(2), a civil penalty of not more than the greater of $1,000,000 or triple the monetary gain to the person for each such violation; and

(2) in the second sentence, by inserting before the period at the end the following: “, or, in any case of manipulation or attempted manipulation in violation of section 6c, 6d, or 9a(2), a civil penalty of not more than $1,000,000 for each such violation.”; and

(c) Action to Enjoin or Restrain Violations.

—Section 6(d) of such Act (7 U.S.C. 13a-1(d)) is amended by striking all that precedes paragraph (2) and inserting the following:

(e) Action to Enjoin or Restrain Violations.

—Section 6(d) of such Act (7 U.S.C. 13a-1(d)) is amended by striking all that precedes paragraph (2) and inserting the following:

(1) Notwithstanding section 6(a) of such Act (7 U.S.C. 13a-1) is amended by striking “five years” and inserting “10 years”.

(2) Notwithstanding section 6(a) of such Act (7 U.S.C. 13a-1) is amended by striking “five years” and inserting “10 years”.

(3) Notwithstanding section 6(a) of such Act (7 U.S.C. 13a-1) is amended by striking “five years” and inserting “10 years”. 
SEC. 13104. AUTHORIZATION OF APPROPRIATIONS.

Section 12(d) of the Commodity Exchange Act (7 U.S.C. 16d(d)) is amended to read as follows:

"(d) There are authorized to be appropriated such sums as are necessary to carry out this Act for each of the fiscal years 2008 through 2013.".

SEC. 13105. TECHNICAL AND CONFORMING AMENDMENTS.

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

(1) by inserting "or certified by a registered entity pursuant to section 5c(c)(1)" after "approved by the Commission"; and

(2) by striking "section 9(e)" and inserting "section 9(a)(5)".

(b) Section 4(c)(4)(B)(i) of such Act (7 U.S.C. 4c(4)(B)(i)) is amended by striking "compiled" and inserting "compiled".

(c) Section 4k of such Act (7 U.S.C. 6k) is amended by redesignating the second paragraph (5) as paragraph (6).

(d) The Commodity Exchange Act is amended—

(1) by redesignating the first section 4p (7 U.S.C. 6o–1), as added by section 121 of the Commodity Futures Modernization Act of 2000, as section 4q; and

(2) by moving section 4, as added by section 206 of Public Law 93–446, to the end of such Act.

(e) Sections (a)(1) and (d)(1) of section 5c of such Act (7 U.S.C. 6c(1), (d)(1)) are each amended by striking "5b(d)(2)" and inserting "5b(c)(2)".

(f) Sections 5(c)(2) and 17(r) of such Act (7 U.S.C. 6c(c)(2), 7a–2(r)) are each amended by striking "4d(3)" and inserting "4d(5)".

(g) Section 8(a)(1) of such Act (7 U.S.C. 12a(1)) is amended in the matter following subparagraph (B) thereof—

(1) by striking "commenced" in the 2nd place it appears; and

(2) by inserting "commenced" after "in a judicial proceeding".

(h) Section 9 of such Act (7 U.S.C. 13) is amended—

(1) in subsection (b)(1), by striking the period and inserting "; or"; and

(2) by redesigning subsection (f) as subsection (e).

(i) Section 23(a)(2) of such Act (7 U.S.C. 25a(a)(2)) is amended by striking "5b(b)(1)(E)" and inserting "5b(c)(2)(H)".

(j) Section 1a(33)(A) of such Act (7 U.S.C. 1a(33)(A)) is amended by striking "(I)" and inserting "(ii)".

(k) Section 14(d) of such Act (7 U.S.C. 18d(d)) is amended—

(1) by inserting "(1)" before "IF"; and

(2) by adding after and before the end the following:

"(2) A reparation award shall be directly enforceable in district court as if it were a judgment pursuant to section 1963 of title 28, United States Code. This paragraph shall operate prospectively from the effective date of its enactment, and shall apply to all reparation awards for which a proceeding described in paragraph (1) is commenced within 3 years of the date of the Commission’s order.".

SEC. 13106. PORTFOLIO MARGINING AND SECURITY INDEX ISSUES.

(a) The Secretary of the Treasury, the Chairman of the Board of Governors of the Federal Reserve System, the Chairman of the Securities and Exchange Commission, and the Chairman of the Commodity Futures Trading Commission shall work to ensure that the Securities and Exchange Commission (SEC), the Commodity Futures Trading Commission (CFTC), and other appropriate, have taken the actions required under sub-section (b).

(b) The SEC, the CFTC, or both, as appropriate, shall take action under their existing authorities to permit—

(1) by September 30, 2009, risk-based portfolio margins for security options and security future contracts listed in section 1a(22) of the Commodity Exchange Act; and

(2) by June 30, 2009, the trading of futures on certain security indexes by resolving issues related to index delivery.

Subtitle B—Significant Price Discovery Contracts on Exempt Commercial Markets

SECTION 13201. SIGNIFICANT PRICE DISCOVERY CONTRACTS.

(a) DEFINITIONS.—

(1) IN GENERAL.—An agreement, contract, or transaction subject to section 5c(c)(1) of such Act (7 U.S.C. 6c(c)(1)) is deemed an agreement, contract, or transaction subject to section 2(b)(7) of such Act (7 U.S.C. 2(b)(7)).

(2) STANDARDS APPLICABLE TO SIGNIFICANT PRICE DISCOVERY CONTRACTS.—

(A) IN GENERAL.—An agreement, contract, or transaction subject to section 5c(c)(1) of such Act (7 U.S.C. 6c(c)(1)) is deemed an agreement, contract, or transaction subject to section 2(b)(7) of such Act (7 U.S.C. 2(b)(7)) if—

(i) such agreement, contract, or transaction performs a significant price discovery function as described in subparagraph (B);

(ii) the Commission has designated the agreement, contract, or transaction as a significant price discovery contract; and

(iii) such contract is listed on an electronic trading facility as an exempt commercial contract.

(B) STANDARDS APPLICABLE TO SIGNIFICANT PRICE DISCOVERY CONTRACTS.—

(1) IN GENERAL.—An agreement, contract, or transaction subject to section 5c(c)(1) of such Act (7 U.S.C. 6c(c)(1)) is deemed an agreement, contract, or transaction subject to section 2(b)(7) of such Act (7 U.S.C. 2(b)(7)) if—

(i) the agreement, contract, or transaction performs a significant price discovery function as described in subparagraph (B); and

(ii) the electronic trading facility shall take action under their existing authorities to permit—

(A) by September 30, 2009, risk-based portfolio margins for security options and security future contracts listed in section 1a(22) of the Commodity Exchange Act; and

(B) by June 30, 2009, the trading of futures on certain security indexes by resolving issues related to index delivery.

"(c) Core Principles Related to Significant Price Discovery Contracts.—

(1) IN GENERAL.—An electronic trading facility on which significant price discovery contracts are traded or executed shall, with respect to those contracts, comply with the core principles specified in this subparagraph.

(2) Core Principles.—The electronic trading facility shall have reasonable discretion (including discretion to account for differences between cleared and uncleared significant price discovery contracts) in establishing the manner in which it complies with the following core principles:

(A) CONTRACTS NOT READILY SUSCEPTIBLE TO MANIPULATION.—The electronic trading facility shall list only significant price discovery contracts that are not readily susceptible to manipulation.

(B) MONITORING OF TRADING.—The electronic trading facility shall monitor significant price discovery contracts to ensure market maker market manipulation, and disruptions of the delivery or cash-settlement process through market surveillance, compliance, and disciplinary practices and procedures, including methods for conducting real-time monitoring of trading and comprehensive and accurate trade reconstructions.

(C) ABILITY TO OBTAIN INFORMATION.—The electronic trading facility shall—

(1) provide the information to the Commission upon request; and

(2) have the capacity to carry out such international information-sharing agreements as the Commission determines to be necessary.

(D) POSITION LIMITATIONS OR ACCOUNTABILITY.—The electronic trading facility shall adopt, where necessary and appropriate, position limitations or position accountability for speculators in significant price discovery contracts, taking into account positions in other agreements, contracts, and transactions that are treated by a derivatives clearing organization, whether registered or not registered, as fungible with such significant price discovery contracts to reduce the potential threat of market manipulation or congestion, especially during trading in the delivery month.

(E) EMERGENCY AUTHORITY.—The electronic trading facility shall adopt rules to provide for the exercise of emergency authority, in consultation or cooperation with the Commission, where necessary and appropriate, including the authority—

(1) to liquidate open positions in a significant price discovery contract; and

(2) to suspend or curtail trading in a significant price discovery contract.

(V) DAILY PUBLICATION OF TRADING INFORMATION.—The electronic trading facility

"
shall make public daily information on price, trading volume, and other trading data to the extent appropriate for significant price discovery contracts.

(8) Market Access Rules.—The electronic trading facility shall monitor and enforce compliance with any rules of the electronic trading facility applicable to significant price discovery contracts, including terms and conditions of the contracts and any limitations on access to the electronic trading facility with respect to the contract.

(VIII) Conflict of Interest.—The electronic trading facility, with respect to significant price discovery contracts, shall—

(a) enforce rules to minimize conflicts of interest in its decision-making process; and

(b) establish a process for resolving the conflicts of interest.

(IX) Antitrust Considerations.—Unless necessary or appropriate to achieve the purposes of this Act, the electronic trading facility, with respect to significant price discovery contracts, shall endeavor to avoid—

(a) adopting any rules or taking any actions that result in any unreasonable restraint of trade; and

(b) imposing any material anticompetitive burden on trading on the electronic trading facility.

Implementation.

(i) Clearing.—The Commission shall take into consideration differences between cleared and uncleared significant price discovery contracts when reviewing the implementation of the core principles by an electronic trading facility.

(ii) Review.—As part of the Commission’s continuing surveillance activities, the Commission shall, not less frequently than annually, evaluate, as appropriate, all the agreements, contracts, or transactions conducted on an electronic trading facility in reliance on the exemption provided in paragraph (3) to determine whether they serve a significant price discovery function as described in subparagraph (B) of this paragraph.

SEC. 13202. LARGE TRADER REPORTING.

(a) Reporting and Recordkeeping.—Section 4(h) of the Commodity Exchange Act (7 U.S.C. 6g(a)) is amended by inserting “, and in any significant price discovery contract traded or executed on an electronic trading facility or any agreement, contract, or transaction that is treated by a derivatives clearing organization, whether registered or not registered, as fungible with a significant price discovery contract” after “subject to the rules of any contract market or derivatives transaction execution facility”; and

(b) Reports of Positions Equal to or in Excess of Trading Limits.—Section 4i of such Act (7 U.S.C. 6i) is amended—

(1) by inserting “, or any significant price discovery contract traded or executed on an electronic trading facility or any agreement, contract, or transaction that is treated by a derivatives clearing organization, whether registered or not registered, as fungible with a significant price discovery contract” after “subject to the rules of any contract market or derivatives transaction execution facility”; and

(2) in the matter following paragraph (2), by inserting “or electronic trading facility, after “subject to the rules of any other board of trade”.

SEC. 13203. CONFORMING AMENDMENTS.

(a) Section 1a(12)(A)(x) of the Commodity Exchange Act (7 U.S.C. 1a(12)(A)(x)) is amended by inserting “(other than an electronic trading facility with respect to a significant price discovery contract)” after “registered by the Commission.”

(b) Section 1a(29) of such Act (7 U.S.C. 1a(29)) is amended—

(1) in subparagraph (C), by striking “and” at the end;

(2) in subparagraph (D), by striking the period and inserting “; and”;

(3) by adding at the end the following:

“(E) with respect to a contract that the Commission determines is a significant price discovery contract, any electronic trading facility with respect to which the contract is executed or traded.”.

(c) Section 2(a)(1)(A) of such Act (7 U.S.C. 2(a)(1)(A)) is amended in subparagraph (A) to add “, or after “immediately after” the following: “following the” the following: “(including significant price discovery contracts)”.

(d) Section 2(b)(3) of such Act (7 U.S.C. 2(b)(3)) is amended by striking “paragraph (4)” and inserting “paragraphs (4) and (7)”.

(e) Section 2(b)(4) of such Act (7 U.S.C. 2(b)(4)) is amended—

(1) in subparagraph (B), by inserting “and, for a significant price discovery contract, requiring large trader reporting,” after “proscribing fraud”;

(2) by striking “and” at the end of subparagraph (C); and

(3) by striking subparagraph (D) and inserting the following:

“(D) such rules, regulations, and orders as the Commission may issue to ensure timely compliance with any of the provisions of this Act applicable to significant price discovery contract traded on or executed on any electronic trading facility; and

(E) such rules of this Act as are applicable by their terms to significant price discovery contracts or to registered entities or electronic trading facilities with respect to significant price discovery contracts.”.

(f) Section 2(h)(5)(B)(ii)(1) of such Act (7 U.S.C. 2(h)(5)(B)(ii)(1)) is amended by inserting “the” before “other provisions of this Act”

(i) in subparagraph (B), by inserting “or” and “,” before “clearinghouse”;

(j) in subparagraph (D), by striking the first sentence and all that follows through “the determination in paragraph (7) after “paragraph (4)”;

(k) Section 4a of such Act (7 U.S.C. 4a) is amended—

(1) in subsection (a)—

(A) in the first sentence, by inserting “, or on electronic trading facilities with respect to a significant price discovery contract” after “after “derivatives transaction execution facilities”;

(B) in the second sentence, by inserting “, on an electronic trading facility with respect to a significant price discovery contract” after “after “derivatives transaction execution facilities”;

(2) in subsection (b)—

(A) in paragraph (1), by inserting “or electronic trading facility with respect to a significant price discovery contract” after “facilities”; and

(B) in paragraph (2), by inserting “or electronic trading facility with respect to a significant price discovery contract” after “after “derivatives transaction execution facility”;

(3) in subsection (e)—

(A) in the first sentence—

(i) by inserting “or by any electronic trading facility” after “registered by the Commission”;

(ii) by inserting “or on an electronic trading facility” after “derivatives transaction execution facility”;

(B) in the second sentence, by inserting “or electronic trading facility” before “such board of trade” each place it appears; and

(iii) by inserting “or electronic trading facility” before “such board of trade” each place it appears;

(B) in the second sentence, by inserting “or electronic trading facility” before “such board of trade” each place it appears.

(2) Section 2(h)(7) of such Act (7 U.S.C. 2(h)(7)) is amended by striking “or” before “sections 5a.”.
SEC. 13204. EFFECTIVE DATE.
(a) IN GENERAL.—Except as provided in this section, this subtitle shall become effective on the date of enactment of this Act.
(b) SUBTITLE—PRICE DISCOVERY STANDARDS RULEMAKING.—
(1) The Secretary of Agriculture shall, to the extent practicable, promulgate rules to implement this subtitle not later than 180 days after the date of enactment of this Act.
(2) In promulgating rules pursuant to paragraph (1) of this section, the Secretary shall include the standards, terms, and conditions under which an electronic trading facility will have the responsibility to notify the Commission of an agreement, contract, or transaction conducted in reliance on the exemption provided in section 2(h)(3) of the Commodity Exchange Act, and may perform a price discovery function.
(c) SIGNIFICANT PRICE DISCOVERY DETERMINATIONS.—With respect to any electronic trading facility operating on the effective date of the final rule issued pursuant to subsection (b)(1), the Commission shall complete a review of the agreements, contracts, and transactions of the facility not later than 180 days after that effective date to determine whether any such agreement, contract, or transaction performs a significant price discovery function.

TITLE XIV—MISCELLANEOUS
Subtitle A—Socially Disadvantaged Producers and Limited Resource Producers

SEC. 14001. IMPROVED PROGRAM DELIVERY BY DEPARTMENT OF AGRICULTURE ON INDIAN RESERVATIONS.

Section 2501(g)(1) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(g)(1)) is amended—
(1) in the first sentence—
(A) by striking “Agricultural Stabilization and Conservation Service, Soil Conservation Service, Farm Service Agency, the Office of the Farm Service Agency, the Office of the Soil Conservation Service” and inserting “Farm Service Agency and Natural Resources Conservation Service”;
(B) by striking “Secretary” and inserting “Secretary of Agriculture”;
(2) by inserting “where there has been a need demonstrated” after “include”;
(3) by striking the second sentence.

SEC. 14002. FORECLOSURE.

(a) Section 331A of the Consolidated Farm and Rural Development Act of 1990 (7 U.S.C. 2279a) is amended—
(1) by inserting “Provided that the Commissioner of the Federal Farm Credit System to the effect that the court renders a final decision on the claim to a foreclosure proceeding on the effective date of the final rule of this section, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the determination of the Inspector General under paragraph (1).
(2) by striking the second sentence.

SEC. 14003. ACCURATE DOCUMENTATION IN THE DELIVERY OF CERTAIN AGRICULTURAL PROGRAMS.

(a) Section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279a) is amended—
(1) by striking subsection (c) and inserting the following:
(2) by striking “or by entities in trying to increase participation by current and prospective socially disadvantaged farmers or ranchers.”.

(b) The Commodity Credit Corporation, the Secretary shall make available to carry out this section—
(i) $15,000,000 for fiscal year 2009; and
(ii) $20,000,000 for each of fiscal years 2010 through 2013.

SEC. 14005. ACCURATE DOCUMENTATION IN THE CENSUS OF AGRICULTURE AND CERTAIN STUDIES.

Section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279a) is amended by striking at the end the following:

SEC. 14006. TRANSPARENCY ACCOUNTABILITY FOR SOCIAL DISADVANTAGED FARMERS OR RANCHERS.

(a) OUTREACH AND TECHNICAL ASSISTANCE PROGRAMS.

(1) PROGRAM REQUIREMENTS.—(Paraphragraph (2) of section 2501(a) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279a) is amended as follows:
(3) REQUIREMENTS.—(The outreach and technical assistance program under paragraph (1) shall be used exclusively—
(A) to enhance the implementation of the outreach, technical assistance, and education efforts authorized under agriculture programs; and
(B) to assist the Secretary in—
(i) reaching current and prospective socially disadvantaged farmers or ranchers in a linguistically appropriate manner; and
(ii) informing those farmers and ranchers in Department programs, as reported under section 2501a.

(2) GRANTS AND CONTRACTS UNDER PROGRAM.—Section 2501(a)(3) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279a(3)) is amended—

(a) popular entity provided that the Secretary shall—
(i) provide information and inserting “entity that has demonstrated an ability to carry out the requirements described in paragraph (2) to provide outreach”; and

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

(3) FUNDING AND LIMITATION ON USE OF FUNDS FOR ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the amounts made available under paragraph (a) for a fiscal year may be used for expenses related to administering the program under this section.

(4) ELIGIBLE ENTITY DEFINED.—Section 2501(e)(5)(A)(ii) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279a(5)(ii)) is amended by striking “work with socially disadvantaged farmers or ranchers during the 2-year period” and inserting “work with socially disadvantaged farmers or ranchers during the 3-year period”.

(5) ACCURATE DOCUMENTATION.—The Secretary shall ensure, to the maximum extent practicable, that the Census of Agriculture studies carried out by the Economic Research Service accurately document the number, location, and distribution of socially disadvantaged farmers or ranchers in agricultural production.

(6) TRANSPARENCY ACCOUNTABILITY FOR SOCIAL DISADVANTAGED FARMERS OR RANCHERS.

Section 2501(c)(4)(A) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279a(4)(A)) is amended by striking subsection (c) and inserting the following:

(7) ANNUAL REQUIREMENT.—For each county and State in the United States, the Secretary shall—
(i) for the fiscal year 2008 (as the ‘Secretary’) shall annually compile program application and participation
rate data regarding socially disadvantaged farmers or ranchers by computing for each program of the Department of Agriculture that serves agricultural producers and landowners:

(A) raw numbers of applicants and participants by race, ethnicity, and gender, subject to appropriate privacy protections, as determined by the Secretary; and

(B) the application and participation rate, by race, ethnicity, and gender, as a percentage of the total participation rate of all agricultural producers and landowners.

(2) Authority to collect data.—The heads of the agencies of the Department of Agriculture shall collect and transmit to the Secretary such data as the Secretary determines to be necessary to carry out paragraph (1).

(3) Public availability of data.—The data under this section shall be used exclusively for the oversight of and compliance with the Federal programs of the Department of Agriculture, shall not be used for any other purpose, and shall be made available to the public, via website and otherwise in electronic and paper form, the report described in paragraph (3).

(4) Limitation.—Except as otherwise provided, the data under this section shall not be used for the evaluation of individual applications for assistance.

SEC. 14007. OVERSIGHT AND COMPLIANCE.

The Secretary, acting through the Assistant Secretary for Civil Rights of the Department of Agriculture, shall use the reports described in subsection (c) of section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279), as amended by section 14006, in the conduct of oversight and evaluation of civil rights compliance.

SEC. 14008. MINORITY FARMER ADVISORY COMMITTEE.

(a) Establishment.—Not later than 18 months after the date of enactment of this Act, the Secretary of Agriculture shall establish an advisory committee, to be known as the “Advisory Committee on Minority Farmers” (in this section referred to as the “Committee”).

(b) Duties.—The Committee shall provide advice to the Secretary on:

(1) the implementation of section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279);

(2) methods of maximizing the participation of minority farmers and ranchers in Department of Agriculture programs; and

(3) civil rights activities within the Department as such activities relate to participants in such programs.

(c) Membership.—

(1) In General.—The Committee shall be composed of not more than 15 members, who shall be appointed by the Secretary, and shall include—

(A) not less than four socially disadvantaged farmers or ranchers (as defined in section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(e)(2)));

(B) not less than two representatives of nonprofit organizations with a history of working with minority farmers and ranchers;

(C) not less than two civil rights professionals;

(D) not less than two representatives of institutions of higher education with demonstrated experience in working with minority farmers and ranchers; and

(E) such other persons as the Secretary considers appropriate.

(2) Ex-Officio Members.—The Secretary may appoint such employees of the Department of Agriculture as the Secretary considers appropriate to serve as ex-officio members of the Committee described in paragraph (1).

SEC. 14009. NATIONAL APPEALS DIVISION.

Section 280 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 7000) is amended—

(1) by striking “On the return” and inserting the following:

(a) In General.—On the return; and

(b) by adding at the end the following:

(1) PIGFORD CLAIMANT.—The term “Pigford claimant” means an individual who previously submitted a late-filing request under section 5(g) of the consent decree.

(2) Determination on Merits.—Any Pigford claimant who has not previously obtained a determination on the merits of a Pigford claim may be entitled to a determination brought in the United States District Court for the District of Columbia, obtain that determination.

(c) Limitation.—

(1) In General.—Subject to paragraph (2), all payments or debt relief (including any limitation on foreclosure and other actions commenced under subsection (b) shall not exceed $100,000,000.

(2) Maximum Amount.—The total amount of payments and debt relief pursuant to actions commenced under subsection (b) shall not exceed $100,000,000.

(d) Intent of Congress as to Remedial Nature of Section.—It is the intent of Congress that this section be construed so as to effectuate its remedial purpose of giving a full determination on the merits for each Pigford claim previously denied that determination.

(e) Loan Data.—

(1) Report to Person Submitting Petition.—

(a) In General.—Not later than 120 days after the Secretary receives notice of a complaint filed by a claimant under subsection (b), the Secretary shall provide to the claimant a report on farm credit loans and noncredit benefits, as appropriate, made within the claimant’s county (or if no documents are found, within an adjacent county as determined by the claimant), by the Department during the period beginning on January 1 of the year preceding the period covered by the complaint and ending on December 31 of the year following the period.

(b) Requirements.—A report under subparagraph (A) shall contain information on all persons whose application for a loan or benefit was accepted, including—

(i) the name and address of the applicant;

(ii) the date of application; and

(iii) the status of implementation of the loan or benefit;

(c) Limitation.—Subject to paragraph (2), the loan report may not exceed $100,000,000.

(d) Intent of Congress as to Remedial Nature of Section.—It is the intent of Congress that this section be construed so as to effectuate its remedial purpose.

(e) LOAN DATA.—

(1) Report to Person Submitting Petition.—

(a) In General.—Not later than 120 days after the Secretary receives notice of a complaint filed by a claimant under subsection (b), the Secretary shall provide to the claimant a report on farm credit loans and noncredit benefits, as appropriate, made within the claimant’s county (or if no documents are found, within an adjacent county as determined by the claimant), by the Department during the period beginning on January 1 of the year preceding the period covered by the complaint and ending on December 31 of the year following the period.

(b) REQUIREMENTS.—A report under subparagraph (A) shall contain information on all persons whose application for a loan or benefit was accepted, including—

(i) the race of the applicant;

(ii) the date of application; and

(iii) the status of implementation of the loan or benefit.

(c) Limitation.—Subject to paragraph (2), the loan report may not exceed $100,000,000.

(d) Intent of Congress as to Remedial Nature of Section.—It is the intent of Congress that this section be construed so as to effectuate its remedial purpose.
provide to claimants the reports required under paragraph (1) as quickly as practicable after the Secretary receives notice of a complaint filed by a claimant under subsection (c).

(ii) devote such resources of the Department as are necessary to make provided the reports expeditiously a high priority of the Department.

(B) EXTENSION.—A court may extend the deadline for providing the report required in a particular case under paragraph (1) if the Secretary establishes that meeting the deadline is not feasible and demonstrates a continuing effort and commitment to provide the required report expeditiously.

(3) REMEDIES.—

(I) IN GENERAL.—Any person filing a complaint under this section for discrimination in the application for, or making or servicing of, a farm loan, at the discretion of the person, may seek liquidated damages of $50,000, discharge of the debt that was incurred under, or affected by, the 1 or more programs that were the subject of the 1 or more discrimination claims that are the subject of the person’s complaint, and a tax payment in the amount equal to 25 percent of the liquidated damages and loan principal discharged, in which case—

(A) if only such damages, debt discharge, and tax payment are sought, the claimant shall be able to prove the case of the complainant by substantial evidence (as defined in section 1(i) of the consent decree); and

(B) the court shall decide the case based on a review of documents submitted by the complainant and defendant relevant to the issues of liability.

(II) NONCREDIT CLAIMS.—

(A) STANDARD.—In any case in which a claimant asserts a noncredit claim under a program of the Department, the court shall determine the merits of the claim in accordance with section 9(b)(1) of the consent decree.

(B) RELIEF.—A claimant who prevails on a claim of discrimination involving a noncredit benefit program of the Department shall be entitled to a payment by the Department in a total amount of $3,000, without regard to the number of such claims on which the claimant prevails.

(III) ACTUAL DAMAGES.—A claimant who files a complaint under this section for discrimination under subsection (b) but not under subsection (f) and who prevails on the claim shall be entitled to actual damages sustained by the claimant.

(h) LIMITATION ON FORECLOSURES.—Notwithstanding any other provision of law, during the pendency of a Pigford claim, the Secretary may not begin acceleration on or foreclosure of a loan if—

(1) the borrower is a Pigford claimant; and

(2) a prima facie case in an appropriate administrative proceeding that the acceleration or foreclosure is related to a Pigford claim.

(I) ENSURING.—

(I) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available under subsection (i) are depleted, the Secretary shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that describes the status of available funds under subsection (i) and the number of pending claims under subsection (i).

(2) DEPLETION REPORT.—In addition to the reports required under paragraph (1), the Secretary shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that notifies the Committees when 75 percent of the funds made available under subsection (i)(1) have been depleted.

(3) TERMINATION OF AUTHORITY.—The authority to file a claim under this section terminates 2 years after the date of the enactment of this Act.

SEC. 14013. OFFICE OF ADVOCACY AND OUTREACH.

(a) IN GENERAL.—The Department of Agriculture Reorganization Act of 1994 is amended by inserting after section 228A (7 U.S.C. 6933) the following:

''SEC. 228F. OFFICE OF ADVOCACY AND OUTREACH.

''(a) DEFINITIONS.—In this section:

''(1) BEGINNING FARMER OR RANCHER.—The term ‘beginning farmer or rancher’ has the meaning given the term in section 343(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2279(b)).

''(2) OFFICE OF ADVOCACY AND OUTREACH.—The Office of Advocacy and Outreach established under this section.

''(3) SOCIALLY DISADVANTAGED FARMER OR RANCHER.—The term ‘socially disadvantaged farmer or rancher’ has the meaning given the term in section 2501(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(e)).


''(5) ADVISORY COMMITTEE.—The Secretary shall establish within the Department an office to be known as the Office of Advocacy and Outreach established under this section.

''(6) SMALL FARMS AND BEGINNING FARMERS AND RANCHERS GROUP.—

''(1) ESTABLISHMENT.—The Secretary shall establish within the Office the Small Farms and Beginning Farmers and Ranchers Group.

''(2) DUTIES.—

''(A) OVERSEER OFFICES.—The Small Farms and Beginning Farmers and Ranchers Group shall oversee the operations of the Office of Small Farms Coordination established by Departmental Regulation 5706-1 (August 3, 2006).

''(B) BEGINNING FARMER AND RANCHER DEVELOPMENT PROGRAM.—The Small Farms and Beginning Farmers and Ranchers Group shall consult with the Secretary of Agriculture on the administration of the Office of Small Farms Coordination established by Departmental Regulation 5706-1 (August 3, 2006).

''(C) ADVISORY COMMITTEE FOR BEGINNING FARMERS AND RANCHERS.—The Small Farms and Beginning Farmers and Ranchers Group shall coordinate the activities of the Group with the Advisory Committee for Beginning Farmers and Ranchers established under section 5(b) of the Agricultural Credit Improvement Act of 1992 (7 U.S.C. 1621 note; Public Law 102-554).

''(D) OTHER DUTIES.—The Small Farms and Beginning Farmers and Ranchers Group may carry out other duties to improve access to, and participation in, programs of the Department by socially disadvantaged farmers or ranchers, as determined by the Secretary.

''(f) FARMWORKER COORDINATOR.—

''(1) ESTABLISHMENT.—The Secretary shall establish within the Office the Farmworker Coordinator established under subsection (i).

''(2) OTHER DUTIES.—The Farmworker Coordinator shall—

''(A) assist in administering the programs established by section 105 of the Food, Agriculture, Conservation, and Trade Act of 1990 (42 U.S.C. 5177a).

''(g) SMALL FARMS BUSINESS CENTER.—

''(1) ESTABLISHMENT.—The Secretary shall establish within the Office a Program to be known as the Socially Disadvantaged Farmers Group.

''(2) OTHER DUTIES.—The Socially Disadvantaged Farmers Group shall—

''(A) carry out the functions and duties of the Office of Advocacy and Outreach established under this subsection.

''(B) coordinate the activities of the Group with the Advisory Committee for Beginning Farmers and Ranchers established under section 5(b) of the Agricultural Credit Improvement Act of 1992 (7 U.S.C. 1621 note; Public Law 102-554).

''(C) ADVISORY COMMITTEE.—The Advisory Committee shall—

''(A) assist in administering the programs established by section 105 of the Food, Agriculture, Conservation, and Trade Act of 1990 (42 U.S.C. 5177a).
“(B) Serving as a liaison to community-based nonprofit organizations that represent and have demonstrated experience serving low-income migrant and seasonal farmworkers.

“(C) Coordinating with the Department, other Federal agencies, and State and local governments to ensure that farmworker needs are listened to and met during declared disasters and other emergencies.

“(D) Consulting within the Office and with other entities to better integrate farmworker issues, concerns, and interests into the ongoing programs of the Department.

“(E) Consulting with appropriate institutions in research, program improvements, or agricultural education opportunities that assist low-income and migrant seasonal farmworkers.

“(F) Assisting farmworkers in becoming agricultural producers or landowners.

“(3) AUTHORIZATION OF APPOINTMENTS.—

There are authorized to be appropriated such sums as are necessary to carry out this subsection for each of fiscal years 2008 through 2012.

“(b) CONFORMING AMENDMENT.—Section 296(b) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 7014(b)), as amended by section 7511(b), is further amended by—

(1) in paragraph (5), by striking “;” or” and inserting “;”;

(2) in paragraph (6), by striking the period and inserting “;”;

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

“(7) The authority of the Secretary to establish in the Department the Office of Advocacy and Outreach in accordance with section 226b.”.

Subtitle B—Agricultural Security

SEC. 14101. SHORT TITLE.

This subtitle may be cited as the “Agricultural Security Improvement Act of 2008”.

SEC. 14102. DEFINITIONS.

In this subtitle—

(1) AGENT.—The term “agent” means a nucleic, biological, chemical, or radiological substance that causes agricultural disease or the adulteration of products regulated by the Secretary of Agriculture under any provision of law.

(2) AGRICULTURAL BIOSECURITY.—The term “agricultural biosecurity” means protection from an agricultural biosecurity threat to—

(A) plant or animal health;

(B) public health as it relates to the adulteration of products regulated by the Secretary of Agriculture under any provision of law that is caused by exposure to an agent; or

(C) the environment as it relates to agriculture facilities, farmland, and air and water within the immediate vicinity of an area associated with an agricultural disease or outbreak.

(3) AGRICULTURAL COUNTERMEASURE.—The term “agricultural countermeasure” means—

(A) a product, practice, or technology that is intended to enhance or maintain the agricultural biosecurity of the United States; and

(B) does not include a product, practice, or technology used solely in response to a human medical incident or public health emergency not related to agriculture.

(4) AGRICULTURAL DISEASE.—The term “agricultural disease” has the meaning given the term in the Secretary.

(5) AGRICULTURAL DISASTER EMERGENCY.—The term “agricultural disease emergency” means an incident of agricultural disease that requires action to prevent significant damage to people, plants, or animals. and inserting

...
(a) Definitions.—In this section: 

(1) Eligible entity means—

(A) a producer of agricultural commodities; 

(B) a cooperative association, a majority of the members of which produce or process agricultural commodities, that agrees to collect and remit the fees on behalf of producers; 

(C) a person in the trade or business of—

(i) selling an agricultural product (including an agricultural chemical) at retail, predominantly to farmers and ranchers; or 

(ii) aerial and ground application of an agricultural chemical; 

(D) a term ‘cotton-producing State’ means a State that is a cotton producing State as of the date of the enactment of this Act). 

(2) The term ‘cotton-producing State’ means a State that is a cotton producing State as of the date of the enactment of this Act). 

(3) A term ‘cotton classing service’ means—

(A) a classing service performed in accordance with the rules and procedures promulgated by the Cotton Classing Service Board; 

(B) a term ‘cotton classing service’ means a term ‘cotton classing service’ for the purpose of cotton classing services provided under this section, including administrative and supervisory costs. 

(2) ANNOUNCEMENT OF FEES.—The Secretary shall announce a uniform classification fee and any applicable surcharge for classification services not later than June 1 of the year in which fee applies. 

(c) CONSULTATION.—The Secretary shall consult with representatives of the United States cotton industry, the National Cotton Council of America, the American Cotton Growers, the National Cotton Ginners Association, and other cotton industry organizations in accordance with this Act. 

(d) CREDITING OF FEES.—Any fees collected under this section shall be credited to the Agricultural Research, Education, and Extension Programs account in the Revenue Administration account and shall be used for the classification of cotton in accordance with this Act. 

(e) AUTHORIZATION OF APPROPRIATIONS.—To the extent that the funds made available for the classification of cotton are not used as they are made available, the funds shall be used for the classification of cotton in accordance with this Act. 

(f) The term ‘cotton classing service’ means—

(A) a term ‘cotton classing service’ for the purpose of cotton classing services provided under this section, including administrative and supervisory costs. 

(2) The term ‘cotton classing service’ means—

(A) a classing service performed in accordance with the rules and procedures promulgated by the Cotton Classing Service Board; 

(B) a term ‘cotton classing service’ means a term ‘cotton classing service’ for the purpose of cotton classing services provided under this section, including administrative and supervisory costs. 

(2) The term ‘cotton classing service’ means—

(A) a classing service performed in accordance with the rules and procedures promulgated by the Cotton Classing Service Board; 

(B) a term ‘cotton classing service’ means a term ‘cotton classing service’ for the purpose of cotton classing services provided under this section, including administrative and supervisory costs. 

(3) A term ‘cotton classing service’ means—

(A) a classing service performed in accordance with the rules and procedures promulgated by the Cotton Classing Service Board; 

(B) a term ‘cotton classing service’ means a term ‘cotton classing service’ for the purpose of cotton classing services provided under this section, including administrative and supervisory costs. 

(4) The term ‘cotton classing service’ means—

(A) a classing service performed in accordance with the rules and procedures promulgated by the Cotton Classing Service Board; 

(B) a term ‘cotton classing service’ means a term ‘cotton classing service’ for the purpose of cotton classing services provided under this section, including administrative and supervisory costs. 

(5) The term ‘cotton classing service’ means—

(A) a classing service performed in accordance with the rules and procedures promulgated by the Cotton Classing Service Board; 

(B) a term ‘cotton classing service’ means a term ‘cotton classing service’ for the purpose of cotton classing services provided under this section, including administrative and supervisory costs. 

(6) The term ‘cotton classing service’ means—

(A) a classing service performed in accordance with the rules and procedures promulgated by the Cotton Classing Service Board; 

(B) a term ‘cotton classing service’ means a term ‘cotton classing service’ for the purpose of cotton classing services provided under this section, including administrative and supervisory costs. 

(7) The term ‘cotton classing service’ means—

(A) a classing service performed in accordance with the rules and procedures promulgated by the Cotton Classing Service Board; 

(B) a term ‘cotton classing service’ means a term ‘cotton classing service’ for the purpose of cotton classing services provided under this section, including administrative and supervisory costs. 

(8) The term ‘cotton classing service’ means—

(A) a classing service performed in accordance with the rules and procedures promulgated by the Cotton Classing Service Board; 

(B) a term ‘cotton classing service’ means a term ‘cotton classing service’ for the purpose of cotton classing services provided under this section, including administrative and supervisory costs. 

(9) The term ‘cotton classing service’ means—

(A) a classing service performed in accordance with the rules and procedures promulgated by the Cotton Classing Service Board; 

(B) a term ‘cotton classing service’ means a term ‘cotton classing service’ for the purpose of cotton classing services provided under this section, including administrative and supervisory costs. 

(10) The term ‘cotton classing service’ means—

(A) a classing service performed in accordance with the rules and procedures promulgated by the Cotton Classing Service Board; 

(B) a term ‘cotton classing service’ means a term ‘cotton classing service’ for the purpose of cotton classing services provided under this section, including administrative and supervisory costs. 

(11) The term ‘cotton classing service’ means—

(A) a classing service performed in accordance with the rules and procedures promulgated by the Cotton Classing Service Board; 

(B) a term ‘cotton classing service’ means a term ‘cotton classing service’ for the purpose of cotton classing services provided under this section, including administrative and supervisory costs. 

(12) The term ‘cotton classing service’ means—

(A) a classing service performed in accordance with the rules and procedures promulgated by the Cotton Classing Service Board; 

(B) a term ‘cotton classing service’ means a term ‘cotton classing service’ for the purpose of cotton classing services provided under this section, including administrative and supervisory costs. 

(13) The term ‘cotton classing service’ means—

(A) a classing service performed in accordance with the rules and procedures promulgated by the Cotton Classing Service Board; 

(B) a term ‘cotton classing service’ means a term ‘cotton classing service’ for the purpose of cotton classing services provided under this section, including administrative and supervisory costs. 

(14) The term ‘cotton classing service’ means—

(A) a classing service performed in accordance with the rules and procedures promulgated by the Cotton Classing Service Board; 

(B) a term ‘cotton classing service’ means a term ‘cotton classing service’ for the purpose of cotton classing services provided under this section, including administrative and supervisory costs. 

(15) The term ‘cotton classing service’ means—

(A) a classing service performed in accordance with the rules and procedures promulgated by the Cotton Classing Service Board; 

(B) a term ‘cotton classing service’ means a term ‘cotton classing service’ for the purpose of cotton classing services provided under this section, including administrative and supervisory costs. 

(16) The term ‘cotton classing service’ means—

(A) a classing service performed in accordance with the rules and procedures promulgated by the Cotton Classing Service Board; 

(B) a term ‘cotton classing service’ means a term ‘cotton classing service’ for the purpose of cotton classing services provided under this section, including administrative and supervisory costs.
(1) or (2) may not disclose or use the information, except for the purposes set forth in such paragraph."

SEC. 14206. REPORT ON STORED QUANTITIES OF PROPANE

(a) REPORT.—

(1) IN GENERAL.—Not later than 240 days after the date of enactment of this Act, the Secretary of Homeland Security (referred to in this section as the “Secretary”) shall submit to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives a report describing the effect of interim or final regulations issued by the Secretary pursuant to section 550(a) of the Department of Homeland Security Appropriations Act, 2007 (6 U.S.C. 121 note; Public Law 109-295), with respect to possession of quantities of propane that meet or exceed the screening threshold quantity for propane established in the final rule under that section.

(2) INCLUSIONS.—The report under paragraph (1) shall include a description of—

(A) the number of facilities that completed a top screen consequence assessment due to possession of quantities of propane that meet or exceed the listed screening threshold quantity for propane;

(B) the number of agricultural facilities that were held consequence assessment due to possession of quantities of propane that meet or exceed the listed screening threshold quantity for propane;

(C) the number of propane facilities identified to be high risk by the Secretary;

(D) the number of propane facilities required to complete a security vulnerability assessment or a site security plan; or

(ii) that submit to the Secretary an alternative security program;

(E) such other criteria as the Secretary determines to be high risk by the Secretary;

(F) the average cost of—

(i) completing a top screen consequence assessment requirement;

(ii) completing a security vulnerability assessment; and

(iii) completing and implementing a site security plan; and

(3) FORM.—The report under paragraph (1) shall be in an unclassified form, but may include a classified annex.

(b) EDUCATIONAL OUTREACH.—Not later than 180 days after the date of enactment of this Act, the Secretary shall conduct educational outreach activities for rural facilities that may be required to complete a top screen consequence assessment due to possession of propane in a quantity that meets or exceeds the listed screening threshold quantity for propane.

SEC. 14207. PROHIBITIONS ON DOG FIGHTING VENTURES.

(a) IN GENERAL.—Section 26 of the Animal Welfare Act (7 U.S.C. 2156) is amended—

(1) in subsection (A) in paragraph (1), by striking ‘‘, if any animal in the venture was moved in interstate or foreign commerce’’; and

(2) in the heading of paragraph (2), by striking ‘‘STATE’’ and inserting ‘‘STATE’’;

(b) in subsection (b)—

(1) by striking ‘‘(b) It shall be’’ and inserting the following:

‘‘(b) BUYING, SELLING, DELIVERING, POSSESSION, TRAINING, OR TRANSPORTING ANIMALS INVOLVED IN ANIMAL FIGHTING VENTURE.—It shall be;’’ and

(2) by striking ‘‘transport, deliver, and all that follows through ‘participate’ and inserting ‘transport, deliver, or receive any animal for purposes of having the animal participate’;”
(1) IMPORTER.—The term ‘importer’ means any person who, for purposes of resale, transports into the United States puppies from a foreign country.

(2) RESALE.—The term ‘resale’ includes any transfer of ownership or control of an imported dog of less than 6 months of age to another person, for more than de minimis consideration.

(b) REQUIREMENTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), no person shall import a dog into the United States for purposes of resale unless, as determined by the Secretary, the dog—

(A) is in good health;

(B) has received all necessary vaccinations; and

(C) is at least 6 months of age, if imported for resale.

(2) EXCEPTION.—

(A) IN GENERAL.—The Secretary, by regulation, shall provide an exception to any requirements under paragraph (1) in any case in which a dog is imported for—

(i) research purposes; or

(ii) veterinary treatment.

(B) LAWFUL IMPORTATION INTO HAWAII.—

Paragraph (1)(C) shall not apply to the lawful importation of a dog into the State of Hawaii from the British Isles, Australia, Guam, or New Zealand in compliance with the applicable regulations of the State of Hawaii and the other requirements of this section, if the dog is transported out of the State of Hawaii for purposes of resale at less than 6 months of age.

(c) IMPLEMENTATION AND REGULATIONS.—

The Secretary, the Secretary of Health and Human Services, the Secretary of Commerce, and the Secretary of Homeland Security shall promulgate such regulations as the Secretaries determine to be necessary to implement and enforce this section.

(d) ENFORCEMENT.—An importer that fails to comply with this section shall—

(1) be subject to penalties under section 19; and

(2) provide for the care (including appropriate veterinary care), forfeiture, and adoption of any applicable dog, at the expense of the importer.

(e) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on the date of the enactment of this Act.

SEC. 14211. PERMANENT DEBARMENT FROM PARTICIPATION IN FEDERAL AGRICULTURAL PROGRAMS FOR FRAUD.

(a) IN GENERAL.—Subject to subsection (b), the Secretary of Agriculture shall permanently debar an individual, corporation, or other entity convicted of a felony for knowingly defrauding the United States in connection with any program administered by the Department of Agriculture from any subsequent participation in Department of Agriculture programs.

(b) EXCEPTION.—

(1) SECRETARY DETERMINATION.—The Secretary may reduce a debarment under subsection (a) to a period not less than 10 years if the Secretary considers it appropriate.

(2) FOOD ASSISTANCE.—A debarment under subsection (a) shall not apply with respect to participating food assistance programs (as defined by the Secretary).

SEC. 14212. PROHIBITION ON CLOSURE OR RELocaTion OF COUNTY OFFICES FOR THE FARM SERVICE AGENCY.

(a) TEMPORARY PROHIBITION.—

(1) IN GENERAL.—Subject to paragraph (2), until the date that is two years after the date of the enactment of this Act, the Secretary of Agriculture may not close or relocate a county or field office of the Farm Service Agency.

(2) EXCEPTION.—Paragraph (1) shall not apply to—

(A) an office that is located not more than 20 miles from another office of the Farm Service Agency; or

(B) the relocation of an office within the same county in the course of routine leasing operations.

(b) LIMITATION ON CLOSURE; NOTICE.—

(1) LIMITATION.—After the period referred to in subsection (a), the Secretary shall, before closing any office of the Farm Service Agency that is located more than 20 miles from another office of the Farm Service Agency, to the maximum extent practicable, first close any offices of the Farm Service Agency that—

(A) are located less than 20 miles from another office of the Farm Service Agency; and

(B) have two or fewer permanent full-time employees.

(2) NOTICE.—After the period referred to in subsection (a)(1), the Secretary of Agriculture may not close a county or field office of the Farm Service Agency unless—

(A) not later than 30 days after the Secretary proposes to close such office, the Secretary holds a public meeting regarding the proposed closure in the county in which such office is located; and

(B) after the public meeting referred to in subparagraph (A), but not less than 90 days before the date on which the Secretary approves the closure of such office, the Secretary issues a written notice to the relevant Dog and Veterinary Service, the Committee on Appropriations of the House of Representatives, the Committee on Agriculture, Nutrition, and Forestry of the Senate, the Committee on Appropriations of the Senate, each Senator representing the State in which the office proposed to be closed is located, and the member of the Congress who represents the Congressional district in which the office proposed to be closed is located of the proposed closure of such office.

SEC. 14213. DEFINITION OF CENTRAL FILING SYSTEM.

(a) IN GENERAL.—

(1) L IMITATION.

The term ‘central filing system’ means any file, list, or registry of buyers, sellers, or intermediaries of farm products that contains data on any farm product at issue.

(2) R ESALE.

Paragraph (1) shall not apply to resale—

(A) an office that is located not more than 20 miles from another office of the Farm Service Agency; and

(B) the relocation of an office within the same county in the course of routine leasing operations.

(b) REQUIREMENTS.

(A) IN GENERAL.

The Secretary, the Secretary of Health and Human Services, the Secretary of Commerce, and the Secretary of Homeland Security shall promulgate such regulations as the Secretaries determine to be necessary to implement and enforce this section.

(b) OPERATION AS NONAPPROPRIATED FUND INSTRUMENTALITY.

(A) IN GENERAL.

The Secretary shall, after the period referred to in paragraph (2), operate the central filing system as an entity that is not a governmental and not a nonappropriated fund instrumentality of the United States, and is authorized to use funds available to it, including any funds made available to the Department of Education that are not otherwise inconsistent with law or regulation.

(B) TERMINATION OF AUTHORITY.

The authority under paragraph (1) shall terminate on the earlier of—

(i) the completion of the transition of the Graduate School to an entity that is non-governmental and not a nonappropriated fund instrumentality of the United States, as determined by the Secretary; or


(c) PROCUREMENT PROCEDURES.—Notwithstanding the amendment of subsection (a), the Secretary shall procure services of the central filing system in accordance with the Federal Acquisition Regulation and the Federal Acquisition Instruction 4615, as published by the Federal Acquisition Regulatory Council.

(d) ENFORCEMENT.

The Secretary shall enforce this section.

(e) IMPLEMENTATION AND REGULATIONS.

The Secretaries determine to be necessary to implement and enforce this section.

 SEC. 14214. PINES FOR VISIONS OF THE ANIMAL WELFARE ACT.

Section 12(b) of the Animal Welfare Act (7 U.S.C. 2149(b)) is amended in the sentence by striking ‘$2,500 for each such violation’ and inserting ‘not more than $10,000 for each such violation’.

SEC. 14215. DEFINITION OF CENTRAL FILING SYSTEM.

Section 1324(c)(2) of the Food Security Act of 1985 (7 U.S.C. 1631(c)(2)) is amended—

(1) in subparagraph (C) by striking ‘and’ and inserting ‘or’; and

(2) by striking ‘or’ and inserting ‘and’.

SEC. 14216. CONSIDERATION OF PROPOSED RECOMMENDATIONS ON USE OF CATS AND DOGS IN FEDERAL RESEARCH.

(a) IN GENERAL.—

(1) REVIEW.—

(A) any independent reviews conducted by a nationally recognized panel of experts of the use of Class B dogs and cats in federal research shall be submitted to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on how recommendations referred to in paragraphs (1)(B) and (2) can be applied within the Department of Agriculture by the Secretary of State provides a method by which an effective search of the encrypted master list can be conducted to determine whether the farm product at issue is subject to 1 or more liens; and

(B) if social security or taxpayer identification numbers are red by encryption of the master list, the Secretary of State may distribute the master list only by—

(i) by compact disc or other electronic media that contains—

(aa) the recorded list of debtor names; and

(bb) an encryption program that enables the buyer, commission merchant, and selling agent to enter a social security number for matching against the recorded list of encrypted social security or taxpayer identification numbers; and

(ii) to the extent the distribution of the portion of the master list may be in electronic, written, or printed form; and

(C) in subparagraph (C) by striking ‘and insert—’; and

(D) any recommendations proposed by such panel outlining the parameters of such use; and

(E) in paragraph (1) by striking ‘the Committee on Agriculture of the House of Representatives, the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on how recommendations referred to in paragraphs (1)(B) and (2) can be applied within the Department of Agriculture by the Secretary of State provides a method by which an effective search of the encrypted master list can be conducted to determine whether the farm product at issue is subject to 1 or more liens;’ and

(f) (1) ‘Class B dogs and cats’ means—

(A) any independent reviews conducted by a nationally recognized panel of experts of the use of Class B dogs and cats in federal research shall be submitted to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on how
CHAPTER 1—GENERAL PROVISIONS

Sec. 1. Definitions.

§ 15101. Definitions

In this subchapter, the following definitions apply:

(1) COMMISSION.—The term ‘Commission’ means a Commission established under section 15304.

(2) LOCAL DEVELOPMENT DISTRICT.—The term ‘local development district’ means an entity that—

(A) is a regional economic and infrastructure development entity that is—

(I) in existence on the date of the enactment of this chapter; and

(ii) located in the region; or

(iii) if an entity described in clause (i) does not exist—

(1) is organized and operated in a manner that includes broad-based community participation and an effective opportunity for local officials, community leaders, and the public to contribute to the development and implementation of programs in the region;

(II) is governed by a policy board with at least a simple majority of members consisting of—

(aa) elected officials; or

(bb) designees or employees of a general purpose unit of local government that have been appointed to represent the unit of local government.

(III) is certified by the Governor or appropriate State official as having a charter or authority that includes the economic development of counties, portions of counties, or other political subdivisions within the region; and

(B) has not, as certified by the Federal Cochairperson, inappropriately used Federal grant funds from any Federal source; or

(ii) appointed an officer who, during the period in which another entity inappropriately used Federal grant funds from any Federal source, was an officer of the other entity.

(3) FEDERAL GRANT PROGRAM.—The term ‘Federal grant program’ means a Federal grant program to provide assistance in carrying out economic and community development activities.

(4) INDIAN TRIBE.—The term ‘Indian tribe’ has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(5) NONPROFIT ENTITY.—The term ‘nonprofit entity’ means any organization described in section 501(c) of the Internal Revenue Code of 1986 and exempt from taxation under 501(a) of that Code that has been formed for the purpose of economic development.

(6) REGION.—The term ‘region’ means the area covered by a Commission as described in subchapter II of chapter 157.
section, in accordance with applicable Federal

Federal agency shall

determination in its region as the Commission may se-

sion, or a person, firm, association, or cor-

States, a State (including a political subdivi-

actions as are necessary to carry out Com-

providing retirement and other employee

employee benefit system by making arrange-

employees in a suitable retirement and em-

requirements to carry out its duties, each

take or evidence received under oath;

(3) request from any Federal, State, or

available to or procurable by the agency that

 carrying out the duties of the Commission;

(4) adopt, amend, and repeal bylaws and

rules governing the conduct of business and

the performance of duties by the Commis-

sion;

(5) request the head of any Federal agen-

cy, State agency, or local government to de-

tail to the Commission such personnel as the

Commission requires to carry out its duties, each

without loss of seniority, pay, or other employee status;

(6) provide for coverage of Commission

employees in a suitable retirement and em-
ployment system by making arrange-

ments or entering into contracts with any

participating State government or otherwise

providing retirement and other employee

coverage;

(7) accept, use, and dispose of gifts or do-
nations or services or real, personal, tan-
gible, or intangible property;

(8) enter into and perform such contracts,

cooperative agreements, or other trans-

actions as are necessary to carry out Com-

mission duties, including any contracts or

cooperative agreements with a department, agency,

or instrumentality of the United States, a State (including a political subdivi-
sion, agency, or instrumentality of the State for a person, firm, association, or cor-
poration; and

(9) maintain a government relations of-

fice in the District of Columbia and establish

and maintain an office at such loca-
tion in its region as the Commission may se-

lect.

(b) FEDERAL AGENCY COOPERATION.—A

Federal agency shall—

(1) cooperate with a Commission; and

(2) provide, to the extent practicable, on

request of the Federal Cochairperson, appro-

priate assistance in carrying out this sub-
title, in accordance with applicable Federal

laws (including regulations).

(c) ADMINISTRATION.—

(1) In GENERAL.—Subject to paragraph (2), the admini-

strative expenses of a Commission shall be paid—

(A) by the Federal Government, in an amount equal to 50 percent of the administ-

rative expenses of the Commission; and

(B) by the States participating in the Commiss-

ion, an amount equal to 50 percent of the adminis-

trative expenses.

(2) EXPENSES OF THE FEDERAL COCHAIR-

PERSON.—All expenses of the Federal Co-

chairperson, including expenses of the alter-

nate and staff of the Federal Cochairperson, shall be paid by the Federal Government.

(3) STATE SHARE.—Subject to subparagraph (B), the share of administrative expenses of a Commission to be paid by each State of the

Commission shall be determined by a unani-
mous vote of the State members of the Com-

mission.

(b) NO FEDERAL PARTICIPATION.—The Fed-

eral Cochairperson shall not vote or vote in any decision under subparagraph (A).

(c) DELINQUENT STATES.—During any pe-

riod in which a State is more than 1 year de-

linquent in payment of its share of the admin-

istrative expenses of the Commission under this subsection—

(i) no assistance under this subsection shall be provided to the State (including assis-

tance to a political subdivision or a resident of the State) for any project not approved as

of the date of the commencement of the de-

linquency;

(ii) no member of the Commission from the State shall participate or vote in any ac-

tion by the Commission.

(d) INACTIVITY.—A State’s share of adminis-

trative expenses of a Commission under this subsection shall not be

taken into consideration when determining

eligibility, or other determination, contract, claim, controversy, or other matter in which, to

the individual’s knowledge, any of the following

has a financial interest:

(A) The individual;

(B) The individual’s spouse, minor child, or partner;

(C) An organization (except a State or po-

litical subdivision of a State) in which the individual is serving as an officer, director, trustee, partner, or employee.

(2) EXCEPTION.—Paragraph (1) shall not apply if the individual, in advance of the pro-

ceeding, application, request for a ruling or other determination, contract, claim,

controvery, or other particular matter pre-

senting a potential conflict of interest—

(A) advises the Commission of the nature and circumstances of the matter presenting

the conflict of interest;

(B) makes full disclosure of the financial interest; and

(C) receives a written decision of the Commission that the interest is not so sub-

stantial as to be considered likely to affect

the integrity of the services that the Com-

mission may expect from the individual.

(3) Penalties.—Any individual violating this subsection shall be fined under title 18,

imprisoned for not more than 1 year, and both.

(b) STATE MEMBER OR ALTERNATE.—A State

member or alternate shall not vote to re-

ceive any salary, or any contribution to, or sup-

plementation of, salary, for services on a

Commission from a source other than the

State of the member or alternate.

(c) DETAILED EMPLOYERS.—

(1) In GENERAL.—No person detailed to

serve a Commission shall be paid, directly or

indirectly, any salary, or any contribution to, or supplementation of, salary, for services provided to the Com-

mission from any source other than the

State of the member or alternate.

(2) VIOLATION.—Any person that violates

this subsection shall be fined under title 18,

imprisoned not more than 1 year, and both.

(d) FEDERAL COCHAIRMAN, ALTERNATE TO

FEDERAL COCHAIRMAN, AND FEDERAL OFF-

CIALS.—The Federal Cochairman, the alternate to the Federal Cochair-

man, and any Federal officer or employee de-

tiled to duty with the Commission are not

subject to this section but remain subject to sections 202 through 209 of title 18.

(e) RECUSION.—A Commission may de-

clare void any contract, loan, or grant of or

by the Commission in relation to which the

Commission determines that there has been a

violation of any provision under subsection (a) or (c), or any of the provisions of sections 202 through 209 of title 18.

§15307. Tribal participation

"Governments of Indian tribes in the re-

gion of the Southwest Border Regional Com-

mission shall be allocated in matters before that Commission in the same manner and to the same extent as State agencies and instrumentality in the region.

§15308. Annual report

(a) In GENERAL.—Not later than 90 days

after the last day of each fiscal year, each

Commission shall submit to the President

and Congress a report on the activities car-

ried out by the Commission under this sub-

title in the fiscal year.

(b) CONTENTS.—The report shall include—

(1) a description of the criteria used by

the Commission to determine the counties under section 15702 and a list of the counties design-

ated in each category;

(2) an evaluation of the progress of the

Commission in meeting the goals identified in

the Commission’s economic and infra-

structure development plan under section 15305 and State economic and infrastructure
development plans under section 15502; and

(3) any policy recommendations approved by the Commission.

CHAPTER 3—FINANCIAL ASSISTANCE

Sec.

15561. Economic and infrastructure
development grants.

15562. Comprehensive economic and infra-

structure development plans.

15563. Approval of applications for assist-

ance.

15564. Program development criteria.

15565. Local development districts and orga-

nizations.

15566. Supplements to Federal grant pro-

grams.

15501. Economic and infrastructure devel-

opment grants.

"In GENERAL.—A Commission may make grants to States and local govern-

ments, Indian tribes, and public and non-

profit organizations for projects, approved in advance, with section

(1) to develop the transportation infra-

structure of its region;

(2) to develop the basic public infra-

structure of its region;

(3) to develop the telecommunications infra-

structure of its region;

(4) to assist its region in obtaining job

skills training, skills development, em-

ployment-related education, entrepreneur-

ship, technology, and business development;
“(5) to provide assistance to severely economi- 
cally distressed and underdeveloped areas of its region that lack financial re-
sources for improving basic health care and other social services;
“(6) to promote research, conservation, 
tourism, recreation, and preservation of open
space in a manner consistent with economic development;
“(7) to promote the development of renew-
able and alternative energy sources; and
“(8) to otherwise achieve the purposes of this subtitle.

(b) ALLOCATION OF FUNDS.—A Commission
shall allocate at least 50 percent of any grant
amounts provided for the Comprehensive
and infrastructure development plan
may be provided entirely from appropri-
ations to carry out this subtitle, in combina-
tion with amounts available under other
Federal grant programs, or from any other
source.

(d) MAXIMUM COMMISSION CONTRIBU-
TIONS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the
Commission may contribute not
more than 50 percent of a project or activity
cost eligible for financial assistance under
this section, but may provide up to 50 percent of the
amounts appropriated to carry out this subtitle.

(2) DISTRESSED COUNTIES.—The maximum
Commission contribution for a project or activity
to be carried out in a county for which
a distressed county designation is in effect
under section 15702 may be increased to 80 percent.

(3) SPECIAL RULE FOR REGIONAL
PROJECTS.—A Commission may increase to 60
percent under paragraph (1) and 80 percent under
paragraph (2), the maximum Commission
contribution for a project or activity if—
(A) the project or activity involves 3 or more
counties or more than one State; and
(B) the Commission determines in accord-
ance with section 15302(a) that the project or
activity will bring significant interstate or
multicounty benefits to a region.

(e) MAINTENANCE OF EFFORT.—Funds may be
provided by a Commission for a program or
project in a State under this section only if the
Commission determines that the level of
Federal or State financial assistance pro-
vailed under a law other than this subtitle,
for the type of program or project in the
same area of the State within region,
will not be reduced as a result of funds
made available under this subtitle.

(f) NO RELOCATION ASSISTANCE.—Finan-
cial assistance authorized by this section
may not be used to assist a person or entity
in relocating from one area to another.

§ 15502. Comprehensive economic and infra-
structure development plans

(a) STATE PLANS.—In accordance with
policies established by a Commission, each
State member of a Commission shall
submit a comprehensive economic and infra-
structure development plan for the area of
the region represented by the State member.

(b) CONTENT OF PLAN.—A State economic
and infrastructure development plan shall
reflect the goals, objectives, and priorities
identified in any applicable economic and in-
rastructure development plan developed by
a Commission under section 15303.

(c) OPERATE AS LEAD ORGANIZATION.

(1) consult with local development dis-
tricts, local units of government, and local
colleges and universities; and

(2) develop strategies to achieve the goals, ob-
jectives, priorities, and recommendations of
the entities described in paragraph (1).

(d) PUBLIC PARTICIPATION.—

(1) IN GENERAL.—A Commission and applic-
able State and local development districts
shall encourage and assist, to the maximum
equipment, public participation in the
development, revision, and implementa-
tion of all plans and programs under this
subtitle.

(2) GUIDELINES.—A Commission shall de-
velop guidelines for providing public partici-
patation, including public hearings.

§ 15503. Approval of applications for assist-
ance

(a) EVALUATION BY STATE MEMBER.—An
application to a Commission for a grant or
any other assistance for a project under this
subtitle shall be made through, and evalu-
ated for approval by, the State member of the
Commission representing the applicant.

(b) CERTIFICATION.—An application to a
Commission for a grant or other assistance
under this subtitle, and in establishing a pri-
ority ranking of the requests for assistance
provided to the Commission, the Commission
shall follow procedures that ensure, to the
maximum extent practicable, consideration of—
(1) the relationship of the project or class
of projects to overall regional develop-
ment;
(2) the prospects that the project for
which assistance is sought will improve, on a
regional level of income, or the economic develop-
ment of the area to be served by the project;
and
(3) the extent to which the project design
provides for detailed outcome measurements
by which grant expenditures and the results of
the expenditures may be evaluated.

§ 15504. Program development criteria

In considering programs and projects to
be provided assistance by a Commission
under this subtitle, and in establishing a pri-
ority ranking of the requests for assistance
provided to the Commission, the Commission
shall follow procedures that ensure, to the
maximum extent practicable, consideration of—
(1) the relationship of the project or class
of projects to overall regional develop-
ment;
(2) the prospects that the project for
which assistance is sought will improve, on a
continuing rather than a temporary basis,
the opportunities for employment, the aver-
age level of income, or the economic develop-
ment of the area to be served by the project;
and
(3) the extent to which the project design
provides for detailed outcome measurements
by which grant expenditures and the results of
the expenditures may be evaluated.

§ 15505. Local development districts and or-
ganizations

(a) GRANTS TO LOCAL DEVELOPMENT DIS-
TRICTS.—A Commission may make grants to a
local development district to assist in the
payment of development planning and ad-
ministrative expenses.

(b) CONDITIONS FOR GRANTS.—

(1) MAXIMUM AMOUNT.—The amount of a
grant awarded under this section may not
exceed 80 percent of the administrative and
planning expenses of the local development
district receiving the grant.

(2) MAXIMUM PERIOD FOR STATE AGEN-
CIES.—In the case of a State agency certified
by a Commission as a local development district, a grant may
not be awarded to the agency under this sec-
tion for more than 3 fiscal years.

(3) LOCAL SHARE.—The contributions of a
local development district for administrative expenses may be in cash or in kind, fairly
evaluated, including space, equipment, and
services.

(d) DUTIES OF LOCAL DEVELOPMENT DIS-
TRICTS.—A local development district shall—

(1) operate as a lead organization serving
multicounty areas in the region at the local
level;

(2) assist the Commission in carrying out
outreach activities for local governments,
community development groups, the busi-
ness community, and the public;

(3) serve as a liaison between State and
local governments, nonprofit organizations
(including community-based groups and edu-
cational institutions), the business commu-
nity, and citizens; and

(4) assist the individuals and entities de-
scribed in paragraph (3) in identifying,
assisting, and facilitating programs to promote the economic development of the region.

§ 15506. Supplements to Federal grant pro-
grams

(a) FINDING.—Congress finds that certain
States and local communities of the region, including local development districts, may be
unable to take maximum advantage of Federal
grant programs for which the States and
communities are eligible because—

(1) they lack the economic resources to
provide the required matching share; or

(2) there are insufficient funds available
under the applicable Federal law with re-
spect to a project to be carried out in the
title.

(b) FEDERAL GRANT PROGRAM FUNDING.—A
Commission, with the approval of the Fed-
eral Cochairperson, may use amounts made
available for the purposes of this subtitle
for any part of a Federal share of the Federal
contribution to programs or activities authorized by the Federal
grant programs or activities otherwise author-
ized by the applicable law.

(c) CERTIFICATION REQUIRED.—For a pro-
gram, project, or activity for which any part of
the Federal contribution to the project or activity under a Federal
grant program is proposed to be made under
subsection (b), the Commission shall not be
able to make such Federal contribution
until the Chief Federal official administering the Federal law
authorizing the Federal contribution certifies that the
program, project, or activity meets the
applicable requirements of the Federal law
and could be approved for Federal contribu-
tion under that law if amounts were avail-
able under the law for the program, project, or activity.

(d) LIMITATIONS IN OTHER LAWS INAPPLI-
CABLE.—Amounts provided pursuant to this
subtitle are available without regard to any
limitations on assistance or authorizations for appropriation in any other
law.

(e) FEDERAL SHARE.—The Federal share
of the cost of a project or activity receiving as-
sistance under this section shall not exceed
80 percent.
§ 15703. Counties eligible for assistance in more than one region

(a) LIMITATION.—A political subdivision of a State may not receive assistance under this subtitle in a fiscal year from more than one Commission.

(b) SELECTION OF COMMISSION.—A political subdivision of more than one Commission shall select the Commission with which it will participate by notifying, in writing, the Federal Cochairperson of the States with which it will participate by no later than one Commission shall select the Commission with which the political subdivision will participate.

(2) EXCEPTIONS.

(A) I N GENERAL .—The political subdivision shall have the option of selecting the Commission with which it will participate if it determines that participation in the Commission with the other Federal Cochairperson of the States with which it will participate would not be in the best interest of the political subdivision.

(B) IN GENERAL.—The political subdivision shall have the option of selecting the Commission with which it will participate if it determines that participation in the Commission with the other Federal Cochairperson of the States with which it will participate would not be in the best interest of the political subdivision.

§ 15704. Inspector General; records

(a) APPOINTMENT OF INSPECTOR GENERAL.—There shall be an Inspector General for the Commission appointed in accordance with section 3(a) of the Inspector General Act of 1978 (5 U.S.C. App.). All of the Commissions shall be subject to the appointment of an Inspector General by the President.

(b) RECORDS OF A COMMISSION.

(1) IN GENERAL.—A Commission shall maintain accurate and complete records of all its transactions and activities.

(2) AVAILABILITY.—All records of a Commission shall be available for audit and examination by the Inspector General (including authorized representatives of the Inspector General).

(c) RECORDS OF RECIPIENTS OF COMMISSION ASSISTANCE.

(1) IN GENERAL.—A recipient of funds from a Commission under this subtitle shall maintain accurate and complete records of transactions financed with the funds and report to the Commission on the transactions and activities.

(2) AVAILABILITY.—All records required under paragraph (1) shall be available for audit by the Commission and the Inspector General (including authorized representatives of the Inspector General).

§ 15705. Biennial meetings of representatives of all Commissions

(a) IN GENERAL.—Representatives of each Commission, the Appalachian Regional Commission, and the Delta Regional Authority shall meet biennially to discuss issues confronting regions suffering from chronic and contiguous distress and successful strategies for promoting regional development.

(b) CHAIR OF MEETINGS.—The chair of each meeting shall rotate among the Commissions, with the Appalachian Regional Commission to host the first meeting.

SUBCHAPTER II—DESIGNATION OF REGIONS

§ 15733. Northern Border Regional Commission Commisison

The region of the Northern Border Regional Commission shall include the following counties:

(1) I N GENERAL.—The term ‘Commission’ includes the Appalachian Regional Commission, the Delta Regional Authority, and the Northern Border Regional Commission.

(2) NEW HAMPSHIRE.—The counties of Carroll, Coos, Grafton, and Sullivan in the State of New Hampshire.


(4) VERMONT.—The counties of Caledonia, Essex, Franklin, Grand Isle, Franklin, Middlesex, Northampton, Orleans, and Washington in the State of Vermont.

SUBCHAPTER III—AUTHORIZATION OF APPROPRIATIONS

§ 15751. Authorization of appropriations

(a) IN GENERAL.—There is authorized to be appropriated to each Commission to carry out this subtitle $30,000,000 for each of fiscal years 2008 through 2012.

(b) ADMINISTRATIVE EXPENSES.—Not more than 10 percent of the funds made available to a Commission in a fiscal year under this section may be used for administrative expenses.

(c) LEGISLATIVE AMENDMENT TO TABLE OF SUBTITLES.—The table of subtitles for chapter 40, United States Code, is amended by striking...
the item relating to subtitle V and inserting the following:

"V. REGIONAL ECONOMIC AND INFRASTRUCTURE DEVELOPMENT

V. REGIONAL ECONOMIC AND INFRASTRUCTURE DEVELOPMENT..." 15101.


(1) in paragraph (1), by striking "or the President of the Export-Import Bank;" and inserting "the President of the Export-Import Bank, or the Comptroller General of the United States;" and

(2) in paragraph (2), by striking "the Export-Import Bank," and inserting "the Export-Import Bank, or the Comptroller General of the United States;".

(d) Effective Date.—This section, and the amendments made by this section, shall take effect on the first day of the first fiscal year beginning after the date of the enactment of this Act.

SEC. 14218. COORDINATOR FOR CRONICALLY UNDERSERVED RURAL AREAS.

(a) Establishment.—The Secretary of Agriculture shall establish a Coordinator for Chronically Underserved Rural Areas in (in this section referred to as the "Coordinator").

(b) Mission.—The mission of the Coordinator shall be to direct Department of Agriculture programs to low income, high poverty rural areas.

(c) Duties.—The Coordinator shall consult with other offices in directing technical assistance, strategic regional planning, at the State and local level, for developing rural economic development that leverages the resources of State and local governments and non-profit organizations and community development organizations.

(d) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary such sums as necessary to carry out this section for fiscal years 2008 through 2012.

SEC. 14219. ELIMINATION OF STATUTE OF LIMITATIONS APPLICABLE TO COLOMCTION OF DEBT BY ADMINISTRATIVE OFFSET.

(a) Elimination.—Section 3716(e) of title 31, United States Code, is amended to read as follows:

"(e)(1) Notwithstanding any other provision of law, regulation, or administrative limitation on the period within which an offset may be initiated or taken pursuant to this section shall be effective.

(2) This section does not apply when a statute explicitly prohibits using administrative offset or offset to collect the claim or type of claim involved.

(b) Application of Amendment.—The amendment made by subsection (a) shall apply to debt outstanding on or after the date of the enactment of this Act.

SEC. 14220. AVAILABILITY OF EXCESS AND SURPLUS COMPUTERS IN RURAL AREAS.

In addition to any other authority, the Secretary of Agriculture may make available to an organization excess or surplus computers or other technical equipment of the Department of Agriculture for the purposes of distribution to a city, town, or local government entity in a rural area (as defined in section 502(a)(5) of the Consolidated Farm and Rural Development Act). Effective upon the date of enactment of this Act, section 3608 of the Water Resources Development Act of 2007 (Public Law 110-114; 121 Stat. 1123), and the item relating to section 3608 in the table of contents of that Act, are repealed.

SEC. 14222. DOMESTIC FOOD ASSISTANCE PROGRAMS.

(a) Definition of Section 32.—In this section, the term "section 32" means section 32 of the Act of June 12, 1948 (7 U.S.C. 608a).

(b) Transfer to Food and Nutrition Service.—

(1) In General.—Amounts made available for a fiscal year to carry out section 32 of the Act of June 12, 1948 (7 U.S.C. 608a), of the maximum amount calculated under paragraph (2) shall be transferred to the Secretary, acting through the Administration for Community Education, to be used to carry out the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

(2) Maximum Amount.—The maximum amount calculated under this paragraph for a fiscal year is the sum of—

(A) in the case of fiscal year 2009, $1,753,000,000;

(B) in the case of fiscal year 2010, $1,199,000,000;

(C) in the case of fiscal year 2011, $1,215,000,000;

(D) in the case of fiscal year 2012, $1,231,000,000;

(E) in the case of fiscal year 2013, $1,248,000,000;

(F) in the case of fiscal year 2014, $1,266,000,000;

(G) in the case of fiscal year 2015, $1,294,000,000;

(H) in the case of fiscal year 2016, $1,303,000,000;

(I) in the case of fiscal year 2017, $1,322,000,000; and

(J) for fiscal year 2018 and each fiscal year thereafter, the amount made available for the preceding fiscal year, as adjusted to reflect changes for the 12-month period ending on the preceding November 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor; and

(b) MAINTENANCE OF FUNDING.

(1) the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), and

(c) Fresh Fruit and Vegetable Program.—Of amounts made available to carry out section 32 subsection (b)(2)(A), the following may be carried out under section 32 of the Richard B. Russell National School Lunch Act the amounts specified in subsection (i) of that section:

(d) Whole Grain Products.—Of amounts made available to carry out subsection (b)(2)(A), the Secretary shall use to carry out section 3205 of $4,000,000 for fiscal year 2009.

(e) Maintenance of Funding.—The funding provided for under subsection (c) and (d) shall supplement (and not supplant) other Federal funding (including section 32 funding) for programs carried out under—

(1) the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), except for section 19 of that Act; and

(2) the Emergency Food Assistance Act of 1983 (7 U.S.C. 7001 et seq.).

(f) Section 3205 of the Farm Act of 1977 (7 U.S.C. 2036).

SEC. 14223. TECHNICAL CORRECTION.


(5) Description.—

(A) IN GENERAL.—The term ‘‘disaster county’’ means a county included in the geographic area covered by a qualifying natural disaster declared pursuant to an eligible producer on a farm, all fish harvesting, including all counties that are intended to be harvested by the eligible producer.

(B) INCLUSION.—The term ‘‘disaster county’’ includes—

(i) a county contiguous to a county described in subparagraph (A); and

(ii) any farm in which, during a calendar year, the total loss of production of the farm resulting from the weather is greater than 50 percent of the normal production of the farm, as determined by the Secretary.

(6) ELIGIBLE PRODUCER ON A FARM.—

(A) IN GENERAL.—The term ‘‘eligible producer on a farm’’ means an individual or entity described in subparagraph (B) that, as determined by the Secretary, assumes the production and market risks associated with the agricultural production of crops or livestock.

(B) DESCRIPTION.—An individual or entity referred to in subparagraph (A) is—

(i) a citizen of the United States;

(ii) a resident alien;

(iii) a partnership of citizens of the United States; or

(iv) a corporation, limited liability corporation, or other farm organizational structure described under State law.

(7) FARM.—

(A) IN GENERAL.—The term ‘‘farm’’ means, in relation to an eligible producer on a farm, the sum of all crop acreage in all counties that is planted or intended to be planted for harvest by the eligible producer.

(B) AQUACULTURE.—In the case of aquaculture, the term ‘‘farm’’ means, in relation to an eligible producer on a farm, all fish being produced in all counties that are intended to be harvested for sale by the eligible producer.

(C) HONEY.—In the case of honey, the term ‘‘farm’’ means, in relation to an eligible producer on a farm, all bee and beehives in all counties that are intended to be harvested for a honey crop by the eligible producer.

(D) FARM-RAISED FISH.—The term ‘‘farm-raised fish’’ means any aquatic species that is propagated and reared in a controlled environment.

(E) ININSURABLE COMMODITY.—The term ‘‘insurable commodity’’ means an agricultural commodity (excluding livestock) for which the producer on a farm is eligible to obtain a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(F) LIVESTOCK.—The term ‘‘livestock’’ includes—

(i) cattle (including dairy cattle);

(ii) bison;

(iii) poultry;

(iv) swine;

(v) horses; and

(vi) other livestock, as determined by the Secretary.

(G) NONINSURABLE COMMODITY.—The term ‘‘noninsurable commodity’’ means a crop for which the eligible producers on a farm are eligible to obtain assistance under the noninsured crop assistance program.

(H) NONINSURED CROP ASSISTANCE PROGRAM.—The term ‘‘noninsured crop assistance program’’ means the program carried out under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7383).

(I) QUALIFYING NATURAL DISASTER DECLARATION.—The term ‘‘qualifying natural disaster declaration’’ means a natural disaster declared by the Secretary for production losses under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)).

(J) SECRETARY.—The term ‘‘Secretary’’ means the Secretary of Agriculture.

(K) SOCIAALLY DISADVANTAGED FARMER OR RANCHER.—The term ‘‘socially disadvantaged farmer or rancher’’ has the meaning given in the term in section 2501(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2231(c)).

(L) STATE.—The term ‘‘State’’ means—

(i) a State;

(ii) the District of Columbia;

(iii) the Commonwealth of Puerto Rico; and

(iv) any other territory or possession of the United States.

(M) TRUST FUND.—The term ‘‘Trust Fund’’ means the Agricultural Disaster Relief Trust Fund established under section 902.

(N) UNITED STATES.—The term ‘‘United States’’ when used in a geographical sense, means all of the States.

(O) SUPPLEMENTAL REVENUE ASSISTANCE PAYMENTS.—

(1) IN GENERAL.—The Secretary shall use such sums as are necessary from the Trust Fund to make crop disaster assistance payments to eligible producers on farms in disaster counties that have incurred crop production losses or crop quality losses, or both, during the crop year.

(2) AMOUNT.

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall provide crop disaster assistance payments under this section to an eligible producer on a farm in an amount equal to 60 percent of the difference between—

(i) the disaster assistance program guarantee, as described in paragraph (3); and

(ii) the total farm revenue for a farm, as described in paragraph (4).

(B) LIMITATION.—The disaster assistance program guarantee for a crop used to calculate the payments for a farm under subparagraph (A) may not be greater than 90 percent of the amount of the disaster assistance program guarantee, as described in paragraph (5) for each of the crops on a farm, as determined by the Secretary.

(P) SUPPLEMENTAL REVENUE ASSISTANCE PROGRAM GUARANTEE.—

(A) IN GENERAL.—Except as otherwise provided in this paragraph, the supplemental assistance program guarantee shall be the sum obtained by adding—

(i) for each insurable commodity on the farm, 115 percent of the product obtained by multiplying—

(A) the average quality adjustment factor, as determined by the Secretary;

(B) the disaster assistance program guarantee for the commodity;

(C) the average market price, as determined by the Secretary, for the production of the commodity during the marketing year, as determined by the Secretary.

(ii) for each noninsurable commodity on the farm, 120 percent of the product obtained by multiplying—

(A) the adjusted actual production history yield; or

(B) the noninsurable commodity program payment yield for each crop; and

(iii) for each noninsurable commodity on the farm, 100 percent of the product obtained by multiplying—

(A) a payment rate for the commodity that is equal to the price election for the commodity elected by the eligible producer; or

(B) the counter-cyclical payment payment yield for each crop; and

(C) the noninsurable commodity program payment yield for each crop; and

(iv) the amount of any other agriculture disaster assistance payments made to the Federal Government by an eligible producer on a farm for each crop on a farm for the same loss for which the eligible producer is seeking assistance.

(B) ADJUSTMENT.—The Secretary shall adjust the average market price received by the eligible producer on a farm for each crop on a farm for the same loss for which the eligible producer is seeking assistance.

(i) to reflect the average quality discounts applied to the local or regional market price of a crop or mechanically harvested commodity due to the intrinsic characteristics of the production resulting from adverse weather, as determined...
annually by the State office of the Farm Service Agency; and

(ii) to account for a crop the value of which is reduced due to excessive moisture resulting from a government declared disaster condition.

(C) Maximum Amount for Certain Crops.—With respect to a crop for which an eligible producer on a farm receives assistance under an approved crop assistance program, the national average market price received during the marketing year shall be an amount not more than 100 percent of the price received during the disaster-related condition.

(5) Expected Revenue.—The expected revenue on a crop farm shall equal the sum obtained by adding—

(A) the product obtained by multiplying—

(i) the greatest of—

(I) the adjusted actual production history yield of the eligible producer on a farm; and

(ii) the counter-cyclical program payment yield; and

(ii) the acreage planted or prevented from being planted for each crop; and

(iii) 100 percent of the insurance price guarantee; and

(B) the product obtained by multiplying—

(i) 100 percent of the adjusted noninsured crop assistance program yield; and

(ii) 100 percent of the noninsured crop assistance program price for each of the crops on a farm.

(c) Livestock Indemnity Payments.—(1) The Secretary shall use such sums as are necessary from the Trust Fund to make livestock indemnity payments to eligible producers on farms that have incurred livestock death losses in excess of the normal mortality due to adverse weather, as determined by the Secretary, during the calendar year, including losses due to hurricanes, floods, blizzards, disease, wildfires, extreme heat, and extreme cold.

(2) Payment Rates.—Indemnity payments to an eligible producer on a farm under paragraph (1) shall be made at a rate of 75 percent of the market value of the applicable livestock on the day before the date of death of the livestock, as determined by the Secretary.

(d) Livestock Forage Disaster Program.—

(i) Definitions.—In this subsection:

(A) Covered Livestock.—

(i) in general.—The term ‘‘covered livestock’’ means livestock of an eligible livestock producer that are owned, cash or share leased, or contract grown by an eligible producer on a farm that—

(I) is an owner, cash or share lessee, or contract grower of covered livestock that provide pastureland or grazing land for grazing for the purpose of providing grazing for covered livestock due to drought or fire that diminishes the carrying capacity or normal grazing period for the county for at least 4 weeks during the calendar year for the county, as determined by the Secretary, or

(II) provides the pastureland or grazing land for covered livestock, including cash-leased pastureland or grazing land that is physically located in a county affected by drought;

(III) certifies grazing loss; and

(IV) meets all other eligibility requirements established under this subsection.

(ii) exclusion.—The term ‘‘eligible live- stock producer’’ does not include an owner, cash or share lessee, or contract grower of livestock that rents or leases pastureland or grazing land from another person on a rate-of-gain basis.

(B) Normal Carrying Capacity.—The term ‘‘normal carrying capacity’’, with respect to each type of grazing land or pastureland in a county, means the normal carrying capacity, as determined under paragraph (3)(D)(i), that would be expected from the grazing land or pastureland for livestock during the normal grazing period, in the absence of a drought or fire that diminishes the production of the grazing land or pastureland.

(2) Program.—The Secretary shall use such sums as are necessary from the Trust Fund to provide compensation for losses to eligible livestock producers due to grazing losses for covered livestock due to—

(A) a drought condition, as described in paragraph (3)(D);

(B) fire, as described in paragraph (4).

(3) Assistance for Losses Due to Drought or Fire.—

(A) Eligible Losses.—

(i) in general.—An eligible livestock producer may receive assistance under this subsection only for grazing losses for covered livestock that occur on land that—

(I) is native or improved pastureland with permanent vegetative cover; or

(II) is pastureland that is physically located in a county that is rated as having a D4 (exceptional drought) intensity or greater in any area of the county for at least 8 consecutive weeks during the current calendar year; or

(III) certifies grazing loss; and

(ii) partial compensation.—In the case of an eligible livestock producer that sold or otherwise disposed of covered livestock during the 60 days prior to the beginning date of a qualifying drought or fire condition, as determined by the Secretary, the eligible livestock producer—

(I) is an owner, cash or share lessee, or contract grower of covered livestock that provide pastureland or grazing land for grazing for the purpose of providing grazing for covered livestock due to drought or fire that diminishes the carrying capacity or normal grazing period for the county for at least 4 weeks during the calendar year for the county, or

(II) provides the pastureland or grazing land for covered livestock, including cash-leased pastureland or grazing land that is physically located in a county affected by drought;

(III) certifies grazing loss; and

(IV) meets all other eligibility requirements established under this subsection.

(ii) Expected Revenue.——

(a) the product obtained by multiplying—

(I) 100 percent of the insurance price guarantee; and

(ii) 100 percent of the adjusted noninsured crop assistance program yield; and

(b) the product obtained by multiplying—

(i) 100 percent of the adjusted noninsured crop assistance program yield; and

(ii) 100 percent of the noninsured crop assistance program price for each of the crops on a farm.

(5) Expected Revenue.—The expected revenue on a crop farm shall equal the sum obtained by adding—

(A) the product obtained by multiplying—

(i) the greatest of—

(I) the adjusted actual production history yield of the eligible producer on a farm; and

(ii) the counter-cyclical program payment yield; and

(ii) the acreage planted or prevented from being planted for each crop; and

(iii) 100 percent of the insurance price guarantee; and

(B) the product obtained by multiplying—

(i) 100 percent of the adjusted noninsured crop assistance program yield; and

(ii) 100 percent of the noninsured crop assistance program price for each of the crops on a farm.

(d) Livestock Forage Disaster Program.—

(i) Definitions.—In this subsection:

(A) Covered Livestock.—

(i) in general.—The term ‘‘covered livestock’’ means livestock of an eligible livestock producer that are owned, cash or share leased, or contract grown by an eligible producer on a farm that—

(I) is an owner, cash or share lessee, or contract grower of livestock that provide pastureland or grazing land for grazing for the purpose of providing grazing for covered livestock due to drought or fire that diminishes the carrying capacity or normal grazing period for the county for at least 4 weeks during the calendar year for the county, as determined by the Secretary, or

(II) provides the pastureland or grazing land for covered livestock, including cash-leased pastureland or grazing land that is physically located in a county affected by drought;

(III) certifies grazing loss; and

(IV) meets all other eligibility requirements established under this subsection.

(ii) Exclusions.—An eligible livestock producer may receive assistance under this subsection for grazing losses that occur on land used for haying or grazing under the conservation reserve program established under section 1241 of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.).

(B) Monthly Payment Rate.—

(i) in general.—The monthly payment rate determined under subparagraph (A) shall be equal to 80 percent of the lesser of—

(I) the monthly feed cost for all covered livestock owned or leased by the eligible livestock producer, as determined under subparagraph (A) or

(II) the monthly feed cost calculated by using the normal carrying capacity of the eligible grazing land of the eligible livestock producer;

(ii) Partial Compensation.—In the case of an eligible livestock producer that sold or otherwise disposed of covered livestock during the 60 days prior to the beginning date of a qualifying drought or fire condition, as determined by the Secretary, the payment rate shall be 80 percent of the lesser of—

(I) the monthly feed cost for all covered livestock owned or leased by the eligible livestock producer, as determined under subparagraph (A) or

(ii) the monthly feed cost calculated by using the normal carrying capacity of the eligible grazing land of the eligible livestock producer;

(iii) Assistance for Losses Due to Drought or Fire.—

(A) Eligible Losses.—

(i) in general.—An eligible livestock producer that owns or leases grazing land or pastureland that is physically located in a county that is rated by the U.S. Drought Monitor as having a D3 (severe drought) intensity in any area of the county for at least 8 consecutive weeks during the current calendar year, as determined by the Secretary, shall be eligible to receive assistance under this paragraph in an amount equal to 1 monthly payment using the monthly payment rate determined under subparagraph (B).

(ii) Drought Intensity.—

(1) D2.—An eligible livestock producer that owns or leases grazing land or pastureland that is physically located in a county that is rated by the U.S. Drought Monitor as having at least a D2 (moderate drought) intensity in any area of the county for at least 8 consecutive weeks during the current calendar year, as determined by the Secretary, shall be eligible to receive assistance under this paragraph in an amount equal to 2 monthly payments using the monthly payment rate determined under subparagraph (B); or

(bb) if the county is rated as having a D4 (exceptional drought) intensity in any area of the county for at least 4 weeks during the current calendar year, as determined by the Secretary, the payment rate shall be 80 percent of the lesser of—

(I) the monthly feed cost for all covered livestock owned or leased by the eligible livestock producer, as determined under subparagraph (A) or

(ii) the monthly feed cost calculated by using the normal carrying capacity of the eligible grazing land of the eligible livestock producer;

(iv) Assistance for Losses Due to Fire on Public Managed Land.—

(i) in general.—The monthly feed cost shall equal the product obtained by multiplying—

(A) the product obtained by multiplying—

(i) the greatest of—

(I) the adjusted actual production history yield of the eligible producer on a farm; and

(ii) the counter-cyclical program payment yield; and

(ii) the acreage planted or prevented from being planted for each crop; and

(iii) 100 percent of the insurance price guarantee; and

(B) the product obtained by multiplying—

(i) 100 percent of the adjusted noninsured crop assistance program yield; and

(ii) 100 percent of the noninsured crop assistance program price for each of the crops on a farm.

(5) Expected Revenue.—The expected revenue on a crop farm shall equal the sum obtained by adding—

(A) the product obtained by multiplying—

(i) the greatest of—

(I) the adjusted actual production history yield of the eligible producer on a farm; and

(ii) the counter-cyclical program payment yield; and

(ii) the acreage planted or prevented from being planted for each crop; and

(iii) 100 percent of the insurance price guarantee; and

(B) the product obtained by multiplying—

(i) 100 percent of the adjusted noninsured crop assistance program yield; and

(ii) 100 percent of the noninsured crop assistance program price for each of the crops on a farm.
“(A) IN GENERAL.—An eligible livestock producer may receive assistance under this paragraph if:

(i) the grazing losses occur on rangeland that is managed by a Federal agency; or

(ii) the eligible livestock producer is prohibited by the Federal agency from grazing the normal permitted livestock on the managed rangeland due to a fire.

(B) PAYMENT RATE.—The payment rate for assistance under this paragraph shall be equal to 50 percent of the monthly feed cost for the eligible livestock producer during the Federal agency lease of the eligible livestock producer, as determined under paragraph (3)(C).

(C) PAYMENT DURATION.—

(i) IN GENERAL.—Subject to clause (ii), an eligible livestock producer shall be eligible to receive assistance under this paragraph for the period—

(1) beginning on the date on which the Federal agency excludes the eligible livestock producer from the grazing land to replant trees as a result of damage or tree mortality due to a natural disaster, as determined by the Secretary, in excess of 15 percent of the total quantity of acres planted to trees for commercial purposes; and

(2) ending on the last day of the Federal agency lease of the eligible livestock producer.

(ii) IN GENERAL.—Subject to subparagraph (A), the Secretary may provide disaster assistance under this subsection if the eligible livestock producer may only receive assistance under this paragraph for losses that occur on not more than 180 days per year.

(D) MINIMUM RISK MANAGEMENT PURCHASE REQUIREMENTS.—

(A) IN GENERAL.—Except as otherwise provided in this subsection, a livestock producer shall only be eligible for assistance under this subsection if the livestock producer—

(i) obtained a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) for the grazing land incurring the losses for which assistance is being requested; or

(ii) provided the applicable paperwork and paid the administrative fee by the applicable State filing deadline, for the noninsured crop assistance program for the grazing land incurring the losses for which assistance is being requested.

(B) WAIVER FOR SOCIALLY DISADVANTAGED, LIMITED RESOURCE, OR BEGINNING FARMER OR RANCHER.—In the case of an eligible livestock producer that is socially disadvantaged farmer or rancher or limited resource or beginning farmer or rancher, as determined by the Secretary, the Secretary may—

(i) waive subparagraph (A); and

(ii) provide disaster assistance under this section to an eligible producer that is determined by the Secretary to be equitable and appropriate.

(C) WAIVE FOR 2008 CALENDAR YEAR.—In the case of an eligible livestock producer that suffered losses on grazing land during the 2008 calendar year but does not meet the requirements of subparagraph (A), the Secretary shall waive subparagraph (A) if the eligible livestock producer pays a fee in an amount equal to the applicable noninsured crop assistance program fee or catastrophic risk protection plan fee required under subparagraph (B) and—

(i) waived the requirements of subparagraph (A) by the Secretary not later than 90 days after the date of enactment of this subtitle.

(D) EQUITABLE RELIEF.—

(i) IN GENERAL.—The Secretary may provide equitable relief to an eligible livestock producer that is otherwise ineligible or unintentionally fails to meet the requirements of subparagraph (A) due to the enactment of this title after the closing date of sales periods for crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) and the noninsured crop assistance program.

(ii) No more than 50 percent of the cost of replanting trees lost due to a natural disaster, as determined by the Secretary, in excess of 15 percent of the total quantity of acres planted to trees for commercial purposes, to prepare the grazing land to replant trees as a result of damage or tree mortality due to a natural disaster, as determined by the Secretary, in excess of 15 percent of the total quantity of acres planted to trees for commercial purposes.

(E) NO DUPLICATIVE PAYMENTS.—

Subject to clause (ii), an eligible livestock producer pays a fee in an amount equal to the applicable noninsured crop assistance program fee or catastrophic risk protection plan fee required under paragraph (1) for losses described in paragraph (2) shall remain available until expended.

(F) EQUITY MANAGEMENT PURCHASE REQUIREMENTS.—

In this subsection:

(A) ELIGIBLE ORCHARDIST.—The term ‘‘eligible orchardist’’ means a person who produces annual crops from trees for commercial purposes.

(B) NATURAL DISASTER.—The term ‘‘natural disaster’’ means plant disease, insect infestation, drought, fire, freeze, flood, earthquake, lightning, or other occurrence, as determined by the Secretary.

(C) NURSERY TREE GROWER.—The term ‘‘nursery tree grower’’ means a person who produces nursery, ornamental, fruit, nut, or Christmas trees for commercial sale, as determined by the Secretary.

(D) TREE.—The term ‘‘tree’’ includes a tree, bush, and vine.

(E) ELIGIBILITY.—

(i) LOSS.—Subject to subparagraph (B), the Secretary shall determine eligibility as follows:

(A) under paragraph (3) to eligible orchardists and nursery tree growers that planted trees for commercial purposes but lost the trees as a result of a natural disaster, as determined by the Secretary; and

(B) under paragraph (3)(B) to eligible orchardists and nursery tree growers that have a policy or plan of insurance for the total number of livestock covered by subparagraph (A) for the grazing land incurred losses on grazing land during the 2008 calendar year.

(ii) ELIGIBILITY.—Subject to paragraph (4), the assistance provided to eligible orchardists and nursery tree growers for losses described in paragraph (2) shall consist of—

(A)(i) reimbursement of 70 percent of the cost of replanting trees lost due to a natural disaster, as determined by the Secretary, in excess of 15 percent mortality (adjusted for normal tree mortality)

(ii) in the case of an eligible producer that suffered losses on grazing land during the 2008 calendar year, the Secretary shall take special consideration to provide equitable relief in cases where the eligible livestock producer failed to meet the requirements of subparagraph (A) due to the enactment of this title after the closing date of sales periods for crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) and the noninsured crop assistance program.

(B) REIMBURSEMENT OF 50 PERCENT OF THE COST OF PRUNING, REMOVAL, AND OTHER COSTS INCURRED BY AN ELIGIBLE ORCHARDIST OR NURSERY TREE GROWER TO SALVAGE EXISTING TREES OR, IN THE CASE OF AN ELIGIBLE PRODUCER THAT IS MANAGED BY A FEDERAL AGENCY, TO REESTABLISH A STAND; AND

(C) EQUITY MANAGEMENT PURCHASE REQUIREMENTS.—

(A) IN GENERAL.—The Secretary may provide equitable relief to eligible producers on a farm that are otherwise ineligible or unintentionally fail to meet the requirements of paragraph (1) for 1 or more crops on a farm

(B) IN GENERAL.—An eligible livestock producer may elect to receive assistance for grazing or pasture feed losses due to drought conditions under paragraphs (1) and (4), but not both for the same loss, as determined by the Secretary.

(D) RELATIONSHIP TO SUPPLEMENTAL REVENUE ASSISTANCE PROGRAM.—An eligible livestock producer that receives assistance under this subsection may also receive assistance for losses for the same livestock on the same land with the same intended use under subsection (b).

(6) EMERGENCY ASSISTANCE FOR LIVE-STOCK, HONEY BEES AND FARM-RAISED FISH.

(1) IN GENERAL.—The Secretary shall use up to $50,000,000 per year from the Trust Fund to provide emergency relief to eligible producers of livestock, honey bees, and farm-raised fish.

(2) AMOUNT.—The total amount of payments received, directly or indirectly, by a person or legal entity (excluding a joint venture or general partnership) under this section may not exceed $100,000 for any crop year, or an equivalent value in tree seedlings.

(3) ACRES.—The total quantity of acres planted to trees or tree seedlings for which a person or legal entity shall be entitled to receive payments under this subsection may not exceed 500 acres.

(E) RISK MANAGEMENT PURCHASE REQUIREMENTS.—

(i) IN GENERAL.—Except as otherwise provided in this section, the eligible producers on a farm shall not be eligible for assistance under this section (other than subsection (c)(1)) if the eligible producers on the farm—

(A) in the case of each insurable commodity of the eligible producers on the farm, did not obtain a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) (excluding a crop insurance pilot program under that Act); or

(B) in the case of each noninsurable commodity of the eligible producers on the farm, did not file the required paperwork, and pay the administrative fee by the applicable State filing deadline, for the noninsured crop assistance program.

(ii) MINIMUM.—To be considered to have obtained insurance under paragraph (1)(A), an eligible producer on a farm shall have obtained a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) (excluding a crop insurance pilot program under that Act);

(iii) WAIVER FOR SOCIALLY DISADVANTAGED, LIMITED RESOURCE, OR BEGINNING FARMER OR RANCHER.—With respect to eligible producers on a farm that are socially disadvantaged farmers or ranchers or limited resource or beginning farmers or ranchers, as determined by the Secretary, the Secretary may—

(A) waive paragraph (1) and;

(B) provide disaster assistance under this section at a level that the Secretary determines to be equitable and appropriate.
on a case-by-case basis, as determined by the Secretary.

(‘‘B’’ 2008 CROP YEAR.—In the case of eligible producers on a farm that suffered losses in an eligibility or noneligibility commodity during the 2008 crop year, the Secretary shall take special consideration to provide equitable relief in cases in which the eligible producer related to meeting the requirements of paragraph (1) due to the enactment of this title after the closing date of sales periods for crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) and the noninsured crop assistance program.

‘‘(h) PAYMENT LIMITATIONS.—

(1) DEFINITIONS OF LEGAL ENTITY AND PERSON.—In this subsection, the terms ‘‘legal entity’’ and ‘‘person’’ have the meaning given those terms in section 1001(a) of the Food Security Act of 1985 (7 U.S.C. 1308(a) (as amended by section 1263 of the Food, Conservation, and Energy Act of 2008).

(2) AMOUNT.—The total amount of disaster assistance payments received, directly or indirectly, by a legal entity or legal entity (excluding a joint venture or general partnership) under this section (excluding payments received under subsection (f)) may not exceed $500,000.

(3) AGI LIMITATION.—Section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308b-3a) and any successor provision shall apply with respect to assistance provided under this section.

(4) DIRECT ATTRIBUTION.—Subsections (e) and (f) of section 218 of the Federal Crop Insurance Act of 1985 (7 U.S.C. 1308b) or any successor provisions relating to direct attribution shall apply with respect to assistance provided under this section.

(5) PERIOD OF EFFECTIVENESS.—This section shall be effective only for losses that are incurred as the result of a disaster, adverse weather, or other environmental condition that occurs on before September 30, 2011, as determined by the Secretary.

(6) TRANSFER PAYMENTS.—In implementing any other program which makes disaster assistance payments (except for indemnities made under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.), and section 196 of the Federal Agriculture Improvement and Reform Act of 1996), the Secretary shall prevent duplicative payments with respect to the same loss for which a person received a payment under subsections (b), (c), (d), (e), or (f).

SEC. 902. AGRICULTURAL DISASTER RELIEF TRUST FUND.

‘‘(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the ‘Agricultural Disaster Relief Trust Fund’, consisting of such amounts as may be appropriated or credited to such Trust Fund as provided in this section.

‘‘(b) TRANSFER TO TRUST FUND.—

(1) IN GENERAL.—There are appropriated to the Agricultural Disaster Relief Trust Fund amounts equal to the difference between the amounts received in the general fund of the Treasury of the United States during fiscal years 2008 through 2011 attributable to the duties collected on articles entered, or withdrawn from warehouse, for consumption under the Harmonized Tariff Schedule of the United States.

(2) AMOUNTS BASED ON ESTIMATES.—The amounts appropriated under this section shall be transferred at least monthly from the general fund of the Treasury of the United States to the Agricultural Disaster Relief Trust Fund on the basis of estimates made by the Secretary of the Treasury. Proper adjustments shall be made in the amount transferred to the extent that prior estimates were in excess of or less than the amounts required to be transferred.

‘‘(c) LIMITATION ON TRANSFERS TO AGRICULTURAL DISASTER RELIEF TRUST FUND.—No amount may be appropriated to the Agricultural Disaster Relief Trust Fund on and after the date of enactment of the Agriculture Disaster Relief Trust Fund which is not permitted by this section. The determination of whether an expenditure is so permitted shall be made without regard to paragraphs (1) and (2) of subsection (a).

‘‘(d) EXPENDITURES FROM TRUST FUND.—Amounts in the Agricultural Disaster Relief Trust Fund shall be utilized in accordance with the terms and conditions of sections 1001 through 1001D of the Food Security Act of 1985 (16 U.S.C. 1308 et seq.), and effect on September 30, 2007.

‘‘(e) ADMINISTRATION.—

(1) REPORTS.—The Secretary of the Treasury shall submit an annual report to Congress each year on the financial condition and the results of the operations of such Trust Fund during the preceding fiscal year and on its expected condition and operations during the 4 fiscal years succeeding such fiscal year. Such report shall be printed as a House document of the session of Congress to which the report is made.

(2) INVESTMENT.—

(A) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Agricultural Disaster Relief Trust Fund as is not in his judgment required to meet current withdrawals. Such investments may be made in the interest bearing obligations of the United States. For such purpose, such obligations may be acquired—

(i) on original issue at the issue price, or

(ii) by the payment of outstanding obligations at the market price.

(B) SALE OF OBLIGATIONS.—Any obligation acquired by the Agricultural Disaster Relief Trust Fund may be sold by the Secretary of the Treasury at the market price.

‘‘(f) INTEREST ON CERTAIN PROCEEDS.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Agricultural Disaster Relief Trust Fund shall be credited to and form a part of such Trust Fund.

‘‘(g) EXPENDITURES FROM TRUST FUND.—Amounts in the Agricultural Disaster Relief Trust Fund shall be available for the purpose of reimbursing the Secretary of the Treasury for the costs of processing payments of the United States incurred under section 901 or section 531 of the Federal Crop Insurance Act (as such sections are in effect on September 30, 2008), as determined by the Secretary of the Treasury.

‘‘(h) AUTHORITY TO BORROW.—

(1) IN GENERAL.—The Secretary is authorized to be appropriated, and are appropriated, to the Agricultural Disaster Relief Trust Fund, as repayable advances, such sums as may be necessary to carry out the purposes of such Trust Fund.

‘‘(i) RATE OF INTEREST.—Interest on advances made pursuant to this subsection shall be—

(1) at a rate determined by the Secretary of the Treasury (as of the close of the calendar month preceding the month in which the advance is made) to reflect the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the period for which the advance is outstanding.”
SEC. 15310. EXCLUSION OF CONSERVATION REERVE PROGRAM PAYMENTS FROM SOCIAL SECURITY TAX FOR CERTAIN INDIVIDUALS.

(a) INTERNAL REVENUE CODE.—Section 1402(a)(1) (defining net earnings from self-employment) is amended by inserting `and including payments under section 1232(2) of the Food Security Act of 1985 (16 U.S.C. 3383(2)) to individuals receiving benefits under section 202 or 223 after `crop shares'.

(b) SOCIAL SECURITY ACT.—Section 211(a)(1) of the Social Security Act is amended by inserting `a', and including payments under section 1232(2) of the Social Security Act' after `crop shares'.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made after December 31, 2007.

SEC. 15310. TWO-YEAR EXTENSION OF SPECIAL RULE ENCOURAGING PARTICIPATION IN CONSERVATION PLANS FOR YIELDING INCOME FOR TIMBER REITS.

(a) IN GENERAL.—Section 566(c)(2) is amended by striking `and' at the end of subparagraph (G), by adding after subparagraph (G) the following new subparagraph:

`(H) the following new subparagraph:

``(a) in general.—Section 1201 (relating to alternative minimum tax) is amended by redesigning subsection (b) as subsection (a) and by adding after subsection (a) the following new subsection:

``(b) `special rule for qualified timber gains'.

``(1) in general.—If, for any taxable year ending after the date of the enactment of the Food, Conservation, and Energy Act of 2008 and before the date which is 1 year after such date, a corporation has both a net capital gain and qualified timber gain—

``(A) subsection (a) shall apply to such corporation for the taxable year without regard to whether the applicable tax rate exceeds 35 percent, and

``(B) the tax computed under subsection (a)(2) shall be equal to the sum of—

``(i) 15 percent of the least of—

``(I) qualified timber gain,

``(II) net capital gain,

``(III) taxable income, plus

``(ii) 35 percent of the excess (if any) of taxable income over the sum of the amounts for which a tax was determined under subsection (a)(1) and clause (i).

``(2) qualified timber gain.—For purposes of this section, the term `qualified timber gain' means, with respect to any taxpayer, for any taxable year, the excess (if any) of—

``(A) the sum of the taxpayer's gains described in subsections (a) and (b) of section 1221 for such taxable year,

``(B) the sum of the taxpayer's losses described in such subsections for such year.

``For purposes of subparagraphs (A) and (B), only capital gains for more than 15 years shall be taken into account.

``(3) computation for taxable years in which rate first applies or ends. in the case of any taxable year which includes either of the dates set forth in paragraph (1), the qualified timber gain for such year shall not exceed the qualified timber gain properly taken into account for—

``(A) in the case of the taxable year including the date of the enactment of the Food, Conservation, and Energy Act of 2008, the portion of the portion of the taxable year, prior to such date,

``(B) in the case of the taxable year including the date which is 1 year after such date of enactment, the portion of the taxable year.

``The term `taxable year' means a real estate investment trust and held, or once held, in connection with the trade or business of producing timber by such real estate investment trust or its subsidiaries.';

(b) termination date.—Subsection (c) of section 856 is amended by adding at the end the following new paragraph:

``(8) termination date.—For purposes of this subsection, the term `termination date' means, with respect to any taxpayer, the last day of the taxpayer's first taxable year beginning after the date of the enactment of the Food, Conservation, and Energy Act of 2008.';

(c) effective date.—The amendments made by subsection (a) shall apply to dispositions in taxable years beginning after the date of the enactment of this Act.

SEC. 15311. TEMPORARY REDUCTION IN RATE OF TAX ON QUALIFIED TIMBER GAIN OF CORPORATIONS.

(a) in general.—Section 1201 (relating to alternative minimum tax) is amended by redesigning subsection (b) as subsection (a)(2) and by adding after subsection (a)(2) the following new subsection:

``(b) special rule for qualified timber gains.

``(1) in general.—If, for any taxable year ending after the date of the enactment of the Food, Conservation, and Energy Act of 2008 and before the date which is 1 year after such date, a corporation has both a net capital gain and qualified timber gain—

``(A) subsection (a) shall apply to such corporation for the taxable year without regard to whether the applicable tax rate exceeds 35 percent, and

``(B) the tax computed under subsection (a)(2) shall be equal to the sum of—

``(i) 15 percent of the least of—

``(I) qualified timber gain,

``(II) net capital gain,

``(III) taxable income, plus

``(ii) 35 percent of the excess (if any) of taxable income over the sum of the amounts for which a tax was determined under subsection (a)(1) and clause (i).

``(2) qualified timber gain.—For purposes of this section, the term `qualified timber gain' means, with respect to any taxpayer, for any taxable year, the excess (if any) of—

``(A) the sum of the taxpayer's gains described in subsections (a) and (b) of section 1221 for such taxable year,

``(B) the sum of the taxpayer's losses described in such subsections for such year.

``For purposes of subparagraphs (A) and (B), only capital gains for more than 15 years shall be taken into account.

``(3) computation for taxable years in which rate first applies or ends. in the case of any taxable year which includes either of the dates set forth in paragraph (1), the qualified timber gain for such year shall not exceed the qualified timber gain properly taken into account for—

``(A) in the case of the taxable year including the date of the enactment of the Food, Conservation, and Energy Act of 2008, the portion of the portion of the taxable year, prior to such date,

``(B) in the case of the taxable year including the date which is 1 year after such date of enactment, the portion of the taxable year.

``The term `taxable year' means a real estate investment trust, the cutting of which is provided by a taxable REIT subsidiary of the real estate investment trust;

``(II) recognized under section 611(b), or

``(III) income which would constitute gain under clause (i) (I) (II) as relates to clause (i) (I), shall be deemed to be sold to the taxable REIT subsidiary of the real estate investment trust on the first day of the taxable year;

``(II) For purposes of this subsection, income described in this subparagraph shall not be treated as gain from the sale of property described in section 1232(a)(1).

``(III) termination.—This subparagraph shall not apply to dispositions in taxable years beginning after the date of the enactment of this Act.

SEC. 15312. TIMBER REIT MODERNIZATION.

(a) in general.—Section 566(c)(6) is amended by adding after subparagraph (G) the following new subparagraph:

``(I) treatment of qualified timber gain.'

``(I) in general.—Gain from the sale of real property described in paragraph (2)(D) and (C) shall include—

``(i) recognized by an election under section 611(a) from timber owned by the real estate investment trust, the cutting of which is provided by a taxable REIT subsidiary of the real estate investment trust;

``(II) recognized under section 611(b); or

``(III) income which would constitute gain under paragraph (1) of this subparagraph if failure to meet the 1-year holding period requirement.

``(II) for purposes of this subtitle, cut timber, the gain from which is recognized by a real estate investment trust pursuant to an election under section 611(a) described in clause (i)(I) or so much of the gain described in clause (i)(I) as relates to clause (i)(I), shall be deemed to be sold to the taxable REIT subsidiary of the real estate investment trust on the first day of the taxable year.

``(II) for purposes of this subsection, income described in this subparagraph shall not be treated as gain from the sale of property described in section 1232(a)(1).

``(III) termination.—This subparagraph shall not apply to dispositions in taxable years beginning after the date of the enactment of this Act.';
(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 15315. HARBOR FOR TIMBER PROPERTY.

(a) In general.—Section 857(b)(6) (relating to income from prohibited transactions) is amended by adding at the end the following new subparagraph:

"(G) SPECIAL RULES FOR SALES TO QUALIFIED ORGANIZATIONS.

"(1) IN GENERAL.—In the case of the sale of a real estate asset (as defined in section 860(c)(5)(B)) to a qualified organization (as defined in section 857(b)(6)) exclusively for conservation purposes (within the meaning of section 170(b)(1)(B)), subparagraph (D) shall be applied—

"(I) by substituting ‘2 years’ for ‘4 years’ in clause (i), and

"(II) by substituting ‘2-year period’ for ‘4-year period’ in clauses (ii) and (iii).

"(2) TERMINATION.—This subparagraph shall not apply to sales after the termination date.

(b) PROHIBITED TRANSACTIONS.—Section 857(b)(6)(D)(v) is amended by inserting ‘or’-, ‘or’, in the case of a sale on or before the termination date, a taxable REIT subsidiary after ‘income’.

(c) SALES THAT ARE NOT PROHIBITED TRANSACTIONS.—Section 857(b)(6), as amended by this section, is amended by adding at the end the following new subparagraph:

"(H) SALES OF PROPERTY THAT ARE NOT A PROHIBITED TRANSACTION.—In the case of a sale of property which is not a prohibited transaction through the application of subparagraph (D) shall be considered property held for investment or for use in a trade or business and not property described in section 1221(a)(1) for all purposes of this subsection.

(d) TERMINATION DATE.—Section 857(b)(6), as amended by subsections (a) and (c), is amended by adding at the end the following new subparagraph:

"(1) TERMINATION DATE.—For purposes of this paragraph, the term ‘termination date’ has the meaning given such term by section 856(c)(8).

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to dispositions in taxable years beginning after the date of the enactment of this Act.

SEC. 15316. QUALIFIED FORESTRY CONSERVATION BONDS.

(a) In general.—Part IV of subchapter A of chapter 1 (relating to credits against tax) is amended by adding at the end the following new part:

"Subpart I.—Qualified Tax Credit Bonds

"Sec. 54A. Credit to holders of qualified tax credit bonds.

"Sec. 54B. Qualified forestry conservation bonds.

"Subpart II.—Qualified Tax Credit Bonds

"Sec. 54A. Credit to holders of qualified tax credit bonds.

"Sec. 54B. Qualified forestry conservation bonds.

"(a) ALLOWANCE OF CREDIT.—If a taxpayer holds a qualified tax credit bond on one or more credit allowance dates of the bond during any taxable year, there shall be allowed as a credit against the tax imposed by section 141(a) an amount equal to the sum of the credits determined under subsection (b) with respect to such dates.

"(b) AMOUNT OF CREDIT.—

"(1) IN GENERAL.—The amount of the credit determined under this subsection with respect to any credit allowance date for a qualified tax credit bond is 25 percent of the annual credit determined with respect to such bond.

"(2) ANNUAL CREDIT.—The annual credit determined with respect to any qualified tax credit bond is the product of—

"(A) the applicable credit rate, multiplied by

"(B) the outstanding face amount of the bond.

"(3) APPLICABLE CREDIT RATE.—For purposes of paragraph (2), the applicable credit rate is the rate which the Secretary estimates will permit the issuance of qualified tax credit bonds at a rate that will make the redemption rate without discount and without interest cost to the qualified issuer.

"(4) SPECIAL RULE FOR ISSUANCE AND REDEMPTION.—In the case of a bond which is issued during the 3-month period ending on a credit allowance date or which makes available the amount of the credit determined under this subsection with respect to such credit allowance date shall be a ratable portion of the credit otherwise determined under this paragraph if, as of the date of issuance, the issuer establishes that the failure to expend the proceeds within the original expenditure period is due to reasonable cause and the expenditure with respect to such bond shall continue to proceed with due diligence.

"(C) QUALIFIED PURPOSE.—For purposes of this paragraph, the term ‘qualified purpose’ means a purpose specified in section 54B(e).

"(D) REIMBURSEMENT.—For purposes of this paragraph, the term ‘reimbursement’ has the meaning given in section 54B(e).

"(ii) prior to the payment of the original expenditure, the issuer declared its intent to reimburse such expenditure with the proceeds of a qualified tax credit bond.

"(iii) not later than 60 days after payment of the original expenditure, the issuer adopts an official intent to reimburse such expenditure with such proceeds, and

"(iii) the reimbursement is made not later than 18 months after the date the original expenditure is paid.

"(3) REPORTING.—An issue shall be treated as meeting the requirements of this paragraph if the issuer satisfies the requirements of paragraph (2) with respect to the proceeds of the issue.

"(B) SPECIAL RULE FOR INVESTMENTS DURING EXPENDITURE PERIOD.—An issue shall not be treated as failing to meet the requirements of subparagraph (A) by reason of any investment of available project proceeds during the expenditure period.

"(C) SPECIAL RULE FOR RESERVE FUNDS.—An issue shall not be treated as failing to meet the requirements of subparagraph (A) by reason of any fund which is expected to be used to repay such issue at a rate of interest that is not more than 100 percent of the rate of interest at which such proceeds are expected to be invested in a qualified project during the expenditure period.

"(A) IN GENERAL.—An issue shall be treated as meeting the requirements of this paragraph if the issuer satisfies the requirements of paragraph (2) with respect to the proceeds of the issue.

"(B) MAXIMUM TERM.—During each calendar month, the Secretary shall determine the maximum term permitted under this paragraph for bonds issued during the following calendar month. Such maximum term shall be the term which the Secretary determines will result in the present value of the obligation to repay the principal on the bond being equal to 50 percent of the face amount of such bond. Such present value shall be determined using a discount rate equal to the average annual interest rate of tax-exempt obligations having a term of 10 years or more which are issued during the month. If the result of the determination is not a multiple of a whole year, such term shall be rounded to the next highest whole year.
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section as if it were a stripped coupon.

qualified tax credit bond as if it were a

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obligation.

section as if it were a stripped coupon.

qualified tax credit bond as if it were a

The term ‘credit allowance date’ means—

(A) March 15,

(B) June 15,

(C) September 15, and

(D) December 15.

Such term includes the last day on which the bond is outstanding.

(2) Bond.—The term ‘bond’ includes any obligation of the United States.

(3) State.—The term ‘State’ includes the District of Columbia and any possession of the United States.

(4) AVAILABLE PROJECT PROCEEDS.—The term ‘available project proceeds’ means—

(A) the excess of—

(i) the proceeds from the sale of an issue, over

(ii) the issuance costs financed by the issue (to the extent that such costs do not exceed 2 percent of such proceeds), and

(B) the proceeds from any investment of the excess described in subparagraph (A).

(f) CREDIT TREATED AS INTEREST.—For purposes of this subtitle, the credit determined under subsection (a) shall be treated as interest which is includible in gross income.

(g) S CORPORATIONS AND PARTNERSHIPS.—In the case of a tax credit bond held by an S corporation or partnership, the allocation of the credit allowed by this section to the shareholders of such corporation or partners of such partnership shall be treated as a distribution.

(h) BONDS HELD BY REGULATED INVESTMENT COMPANIES AND REAL ESTATE INVESTMENT TRUSTS.—If any qualified tax credit bond is held by a regulated investment company or real estate investment trust, the credit determined under section 54(b) shall be allowed to shareholders of such company or beneficiaries of such trust (and any gross income resulting from such credit shall be included to the credit and not to the holder of the bond).

(ii) the Secretary may not reallocate such allocation, and

(iii) the Secretary may issue no bonds pursuant to the allocation, and

(iv) the issuer may issue no bonds pursuant to the allocation, and

(b) REPORTING.—Subsection (d) of section 6049 (relating to returns regarding payments of interest) is amended by adding at the end the following new paragraph:

(9) REPORTING OF CREDIT ON QUALIFIED TAX CREDIT BONDS.—

(1) In General.—For purposes of section (a), the term ‘interest’ includes amounts includible in gross income under section 54A and such amounts shall be treated as paid on the credit allowance date as defined in section 54A(e)(1).

(2) Reporting to corporations, etc.—Except as otherwise provided in regulations, in the case of any interest described in paragraph (A) of this subsection, subsection (b)(4) of this section shall be applied without regard to subparagraphs (A), (B), (1), (J), and (K).

(3) Regulatory Authority.—The Secretary may prescribe such regulations as are necessary or appropriate to carry out the purposes of this paragraph, including regulations which require more frequent or more detailed reporting.”.

(c) CONFORMING AMENDMENTS.—

(1) Sections 54(c)(2) and 1400N(1)(3)(B) are each amended by striking “subpart C” and inserting “subparts C and I”.

(2) Section 1397E(c)(2) is amended by striking “subpart H” and inserting “subparts H and I”.

(3) Section 6012(b)(1) is amended by striking “and H” and inserting “H and I”.

(4) The heading of subpart H of part IV of subchapter A of chapter 1 is amended by striking “Certain Bonds” and inserting “Clean Renewable Energy Bonds”.

(5) The table of subparts for part IV of subchapter A of chapter 1 is amended by striking the item relating to subpart H and inserting the following new items:

(6) PROHIBITION ON FINANCIAL CONFLICTS OF INTEREST.—An issue shall be treated as meeting the requirements of this paragraph if the issuer certifies that—

(A) applicable State and local law requirements governing conflicts of interest are satisfied with respect to such issue, and

(B) if the Secretary prescribes additional conflicts of interest requirements, such appropriate Members of Congress, Federal, State, and local officials, and their spouses, such additional rules are satisfied with respect to such issue.

(7) Certification.—A qualified issuer shall, in a manner prescribed by the Secretary, certify that—

(a) the proceeds from the sale of an issue,

(b) the amount of the credit allowed by this section to the issuer,) and

(c) the provision of any tax refund to the issuer under this subsection.

(8) Issuer Certification.—The Secretary shall make allocations of the total of the national qualified forestry conservation bond limitation described in subsection (c) among qualified forestry conservation purposes in such manner as the Secretary determines appropriate so as to ensure that all of such limitation is allocated before the date which is 24 months after the date of the enactment of this section.

(9) Solicitation of Applications.—The Secretary shall solicit applications for allocations of the qualified forestry conservation bond limitation described in subsection (c) not later than 90 days after the date of the enactment of this section.

(10) Qualified Forestry Conservation Purpose.—For purposes of this section, the term ‘qualified forestry conservation purpose’ means the acquisition by a State, or any political subdivision or instrumentality thereof, of any land or a 501(c)(3) organization (as defined in section 150(a)(4)) from an unrelated person of forest and forest land that meets the following qualifications:

(1) Some portion of the land acquired must be adjacent to United States Forest Service Land.

(2) At least half of the land must be transferred to the United States Forest Service at no net cost to the United States.

(3) All of the land must be subject to a native fish habitat conservation plan approved by the United States Fish and Wildlife Service.

(4) The amount of acreage acquired must be at least 40,000 acres.

(5) Qualified Issuer.—For purposes of this section, the term ‘qualified issuer’ means a State, or any political subdivision or instrumentality thereof, or a 501(c)(3) organization (as defined in section 150(a)(4))

(g) Special Arbitrage Rule.—In the case of any qualified forestry conservation bond issued as part of an issue, section 54A(d)(4)(C) shall be applied to such issue without regard to clause (i).

(h) Election To Treat 50 Percent of Bond Allocation as Payment of Tax.—

(1) In General.—If—

(A) a qualified issuer receives an allocation of any portion of the national qualified forestry conservation bond limitation described in subsection (c), and

(B) the qualified issuer elects the application of this subsection with respect to such allocation, then the qualified issuer (without regard to whether the bond is subject to tax under this chapter) shall be treated as having made a payment against the tax imposed by this chapter, for the taxable year preceding the taxable year in which the allocation is received, in an amount equal to 50 percent of the amount of such allocation.

(2) Treatment of Deemed Payment.—

(3) REQUIREMENT FOR, AND EFFECT OF, ELECTION.—

(A) REQUIREMENT.—No election under this subsection shall be made by a qualified issuer unless the qualified issuer certifies to the Secretary that any payment of tax refunded to the issuer under this subsection will be used exclusively for one or more qualified forestry conservation purposes. If the qualified issuer fails to use any portion of such payment for such purpose, the issuer shall be liable to the United States in an amount equal to such portion, plus interest at the overpayment rate under section 6621 for the period from the date such portion was refunded to the date such amount is paid. Any such amount shall be assessed and collected in the same manner as tax imposed by this chapter, except that subchapter B of chapter 63 (relating to deficiency procedures) shall not apply in respect of such assessment or collection.

(B) EFFECT OF ELECTION ON ALLOCATION.—If a qualified issuer makes the election under this subsection with respect to any allocation—

(i) the issuer may issue no bonds pursuant to the allocation, and

(ii) the Secretary may not reallocate such allocation for any other purpose.”.

(10) In General.—For purposes of subchapter A of chapter 1 is amended by striking “Certain Bonds” and inserting “Clean Renewable Energy Bonds”.

(11) REQUIREMENTS APPLICABLE TO TAX CREDIT BONDS.—

(A) In General.—Notwithstanding any other provision of this title, the Secretary shall not use the payment of tax described in paragraph (1) as an offset or credit against any tax liability of the qualified issuer but shall refund such payment to such issuer.

(B) No Interest.—Except as provided in paragraph (3)(A), the payment described in paragraph (1) shall not be taken into account in determining any amount of interest under this title.

(12) REQUIREMENT FOR, AND EFFECT OF, ELECTION.—

(A) REQUIREMENT.—No election under this subsection shall be made by a qualified issuer unless the qualified issuer certifies to the Secretary that any payment of tax refunded to the issuer under this subsection will be used exclusively for one or more qualified forestry conservation purposes. If the qualified issuer fails to use any portion of such payment for such purpose, the issuer shall be liable to the United States in an amount equal to such portion, plus interest at the overpayment rate under section 6621 for the period from the date such portion was refunded to the date such amount is paid. Any such amount shall be assessed and collected in the same manner as tax imposed by this chapter, except that subchapter B of chapter 63 (relating to deficiency procedures) shall not apply in respect of such assessment or collection.

(B) EFFECT OF ELECTION ON ALLOCATION.—If a qualified issuer makes the election under this subsection with respect to any allocation—

(i) the issuer may issue no bonds pursuant to the allocation, and

(ii) the Secretary may not reallocate such allocation for any other purpose.”.

(13) Reporting.—Subsection (d) of section 6049 (relating to returns regarding payments of interest) is amended by adding at the end the following new paragraph:

(9) Reporting of Credit on Qualified Tax Credit Bonds.—
sec. 15321. CREdIT FOR PROdUCTION OF CELLOUSIC BIOFUEL.

(a) In General.—Subsection (a) of section 40 (relating to alcohol used as fuel) is amended by striking “plus” at the end of paragraph (1), by striking “plus” at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting “, plus”, and by adding at the end the following new paragraph:

“(4) the cellulosic biofuel producer credit.”

(b) Cellulosic Biofuel Producer Credit.—

(1) In General.—Subsection (b) of section 40 is amended by adding at the end the following new paragraph:

“(2) the maximum amount of biofuels produced in the United States, and the term ‘cellulosic biofuel’ means any liquid fuel which—

(I) is produced from any lignocellulosic or hemicellullosic matter that is available on a renewable or sustainable basis, and

(II) meets the registration requirements for fuels and fuel additives established by the Environmental Protection Agency under section 211 of the Clean Air Act (42 U.S.C. 7545).”

(2) Termination Date Not to Apply.—Subsection (e) of section 40 (relating to termination) is amended—

(A) by inserting “or subsection (b)(6)(H)” after “by reason of paragraph (1)” in paragraph (2), and

(B) by adding at the end the following new paragraph:

“(3) Exception for Cellulosic Biofuel Producer Credit.—Paragraph (1) shall not apply to the production of biofuels described in subparagraph (A) if the producer—

(i) the expansion of refinery capacity, the Secretary of Energy, and the Administrator of the Environmental Protection Agency, shall enter into an agreement with the National Academy of Sciences to produce an analysis of current scientific findings to determine—

(A) the current biofuels production, as well as projections for future production,

(B) the maximum amount of biofuels production in the United States and foreign lands, including the current quantities and characteristics of the feedstocks and including such information as regional forest inventories that are commercially available, used in the production of biofuels,

(C) the domestic effects of an increase in biofuels production levels, including the effects of such levels on—

(I) the production of fuel in rural and suburban communities,

(II) crops acreage, forest acreage, and other land use,

(III) the environment, due to changes in crop acreage, fertilizer use, runoff, water use, emissions from vehicles utilizing biofuels, and other factors,

(IV) the price of fuel,

(V) the selling price of grain crops and forest products,

(VI) exports and imports of grains and forest products,

(VII) taxpayers, through cost or savings to commodity crop payments, and

(VIII) the expansion of refinery capacity,

(B) the ability to convert corn ethanol plants for other uses, such as cellulosic ethanol or biodiesel,

(C) a comparative analysis of corn ethanol versus other biofuels and renewable energy sources, considering cost, energy output, and ease of implementation,

(D) the impact of the tax credit established by this subpart on the regional agricultural and silvicultural capabilities of commercially available forest inventories, and the need for additional scientific inquiry, and spatic areas of interest for future research.

(b) Report.—The Secretary of the Treasury shall submit an initial report of the findings of the study required under subsection (a) to Congress not later than 6 months after the date of the enactment of this Act (as added by this subpart) and a final report not later than 12 months after the date of the enactment of this Act (as added by this subpart).
such date (42 months after such date in the case of the information required by subsection (a)(6)).

Subpart B—Revenue Provisions

SEC. 15331. MODIFICATION OF ALCOHOL CREDIT.

(a) IN GENERAL.—(1) In general.—The table in paragraph (2) of section 4626(b) is amended—

(1) by striking “through 2010” in the first column of the table, and inserting in lieu thereof “1/1/2008, 2009, or 2010”;

(2) by striking the period at the end of the third row, and inserting “and” in lieu thereof;

(3) by striking the period at the end of the fourth row, and inserting “2008” in lieu thereof;

(4) by striking the period at the end of the fifth row, and inserting “2009” in lieu thereof;

(5) by striking the period at the end of the sixth row, and inserting “2010” in lieu thereof; and

(6) by striking the period at the end of the seventh row, and inserting “2010” in lieu thereof.

(b) CONFORMING AMENDMENT.—Subparagraph (A) of section 4626(b)(2) (relating to alcohol fuel mixture credit) is amended by striking “the applicable amount is 51 cents” and inserting “the applicable amount is—

(1) in the case of alcohol years beginning before 2009, 51 cents, and

(ii) in the case of calendar years beginning after 2008, 51 cents.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to production of alcohol fuel mixtures after December 31, 2007.

SEC. 15333. ETHANOL TARIFF EXTENSION.

Headings 9901.00.50 and 9901.00.52 of the Harmonized Tariff Schedule of the United States as amended in the effective period by striking “1/1/2009” and inserting “1/1/2011.”

SEC. 15334. LIMITATIONS ON DUTY DRAWBACK.

(a) IN GENERAL.—(1) In general.—Section 313(p) of the Tariff Act of 1930 (19 U.S.C. 1313(p)) is amended by adding at the end the following new subparagraph:

“(A) special rules for ethyl alcohol.—For purposes of this subsection, any duty paid under subheading 9901.00.50 of the Harmonized Tariff Schedule of the United States on imports of ethyl alcohol or a mixture of ethyl alcohol may not be refunded if the exported article upon which a drawback claim is based does not contain ethyl alcohol or a mixture of ethyl alcohol.”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to claims filed with respect to such imports on or after October 1, 2009.

PART III—AGRICULTURAL PROVISIONS

SEC. 15341. INCREASE IN LOAN LIMITS ON AGRICULTURAL BONDS.

(a) IN GENERAL.—Subparagraph (A) of section 147(c)(2)(A) (relating to exception for first-time farmers) is amended by striking “$250,000” and inserting “$450,000.”

(b) EFFECTIVE DATE.—Subsection 147(c)(2) is amended by adding at the end the following new subparagraph:

“(B) adjusted for inflation.—In the case of any calendar year after 2008, the dollar amount in subparagraph (A) shall be increased by an amount equal to—

(i) such dollar amount, multiplied by

(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year 2007 for ‘calendar year 1992’ in subparagraph (B) thereof.

(c) CONFORMING AMENDMENT.—Subparagraph (A) of section 147(c)(2)(B) is amended by striking “subsection (B)” and inserting “subparagraph (B) and (C).”

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 15332. CALCULATION OF VOLUME OF ALCOHOL FOR FUEL CREDITS.

(a) IN GENERAL.—Paragraph (4) of section 4626(b) (relating to volume of alcohol) is amended by inserting “with respect to alcohol produced in or imported into the United States in such year.”

(b) CONFORMING AMENDMENT.—Subparagraph (A) of section 4626(b)(2) (relating to alcohol fuel mixture credit) is amended by striking “an applicable amount is 51 cents” and inserting “an applicable amount is—

(1) in the case of calendar years beginning before 2009, 51 cents, and

(ii) in the case of calendar years beginning after 2008, 51 cents.

(c) EFFECTIVE DATE.—The amendments made by this section shall have effect beginning on the date of the enactment of this Act.

SEC. 15342. ALLOWANCE OF SECTION 1031 TREATMENT FOR TRANSACTIONS INVOLVING CERTAIN MUTUAL DITCH, RESERVOIR, OR IRRIGATION COMPANY PROPERTY.

(a) IN GENERAL.—Section 1031 (relating to exchange of property held for productive use or investment) is amended by adding at the end the following new subsection:

“(c) SPECIAL RULES FOR MUTUAL DITCH, RESERVOIR, OR IRRIGATION COMPANY STOCK.—For purposes of subsection (a)(4)(B), the term ‘stocks’ shall not include shares in a mutual ditch, reservoir, or irrigation company if at the time of the transaction that is the subject of the exchange, the company is an organization described in section 501(c)(12)(A) (determined without regard to the percentage that is collected from its members for the purpose of meeting losses and expenses), and

“(2) the shares in such company have been recognized by the highest court of the State in which such company was organized or by applicable State statute as constituting or representing real property or an interest in real property.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to exchanges completed after the date of the enactment of this Act.

SEC. 15343. AGRICULTURAL CHEMICALS SECURITY CREDIT.

(a) IN GENERAL.—In the case of any eligible agricultural business, the agricultural chemicals security credit determined under this section for the taxable year is 30 percent of the qualified security expenditures for the taxable year.

(b) FACILITY LIMITATION.—The amount of the credit determined under subsection (a) with respect to any facility for any taxable year shall not exceed—

(1) $100,000, reduced by

(2) the aggregate amount of credits determined under subsection (a) with respect to such facility for the 5 prior taxable years.

(c) ANNUAL LIMITATION.—The amount of the credit determined under subsection (a) with respect to any taxpayer for any taxable year shall not exceed $2,000,000.

(d) QUALIFIED CHEMICAL SECURITY EXPENDITURE.—For purposes of this section, the term ‘qualified chemical security expenditure’ means, with respect to any eligible agricultural business for any taxable year, any amount paid or incurred for such business during such taxable year for—

(1) employee security training and background checks

(2) installation and prevention of access to controls of specified agricultural chemicals stored at the facility

(3) tagging, locking tank valves, and chemical additives to prevent the theft of specified agricultural chemicals or to render such chemicals unfit for illegal use

(4) installation of the perimeter of specified agricultural chemicals

(5) installation of security lighting, cameras, recording equipment, and intrusion detection sensors.

(6) implementation of measures to increase computer or computer network security

(7) conducting a security vulnerability assessment

(8) implementing a site security plan, and

(9) such other measures for the protection of specified agricultural chemicals as the Secretary may identify in regulation.

Amounts described in the preceding sentence shall be taken into account only to the extent that such amounts are paid or incurred for the purpose of protecting specified agricultural chemicals.

(e) ELIGIBLE AGRICULTURAL BUSINESS.—For purposes of this section, the term ‘eligible agricultural business’ means any person in the trade or business of—
“(1) selling agricultural products, including specified agricultural chemicals, at retail predominantly to farmers and ranchers, or
“(2) manufacturing, formulating, distributing, or aerially applying specified agricultural chemicals.

“(f) SPECIFIED AGRICULTURAL CHEMICAL.—

For purposes of this Act, the term ‘specified agricultural chemical’ means—

“(1) any fertilizer commonly used in agricultural operations which is listed under—

“(A) chapter A of chapter 1 of part 172 of title 49, Code of Federal Regulations, or

“(B) part 126, 127, or 154 of title 33, Code of Federal Regulations,

“(2) any pesticide (as defined in section 2(u) of the Federal Insecticide, Fungicide, and Rodenticide Act), including all active and inert ingredients thereof, which is customarily used on crops grown for food, feed, or fiber.

“(g) CONTROLLED GROUPS.—Rules similar to the rules of paragraphs (1) and (2) of section 41(f) shall apply for purposes of this section.

“(h) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section, including regulations which—

“(1) provide for the proper treatment of amounts which are paid or incurred for purposes of protecting any specified agricultural chemical and for other purposes, and

“(2) provide for the treatment of related properties as one facility for purposes of subsection (b).

“(i) TERMINATION.—This section shall not apply to any amount paid or incurred after December 31, 2007.

“(j) CREDIT ALLOWED AS PART OF GENERAL BUSINESS CREDIT.—Section 38(b) is amended by striking ‘plus’ at the end of paragraph (3), by striking the period at the end of paragraph (3)(i) and inserting ‘plus’, and by adding at the end the following new paragraph:

“(3j) in the case of an eligible agricultural business (as defined in section 45O(e)), the agricultural chemicals security credit determined under section 45O(a)."

“(k) SPECIFIC AGRICULTURAL CHEMICAL.—Section 2800C is amended by adding at the end the following new subsection:

“(1) CREDIT FOR SECURITY OF AGRICULTURAL CHEMICALS.—No election shall be allowed for the portion of the credit otherwise allowable as a deduction taken into account in determining the credit under section 45O for the taxable year which is equal to the amount of the credit determined for such taxable year under section 45O(a).”.

“(l) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

“Sec. 45O. Agricultural chemicals security credit.”

“(m) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after the date of the enactment of this Act.

SEC. 15344. DEPRECIATION FOR RACE HORSES THAT ARE 2 YEARS OLD OR YOUNGER.

(a) In General.—Clause (i) of section 158(a)(3)(A) (relating to 2-year property) is amended to read as follows:

“(I) any race horse—

“(i) which is placed in service before January 1, 2007, and ending on December 31, 2013, and which is more than 2 years old at the time such horse is placed in service by such purchaser.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2008.

SEC. 15345. TEMPORARY TAX RELIEF FOR KIOWA COUNTY, KANSAS AND SURROUNDING AREAS.

(a) In General.—Subject to the modifications described in this section, the following provisions of or relating to the Internal Revenue Code of 1986, as amended, are extended to the Kansas disaster area in addition to the areas to which such provisions otherwise apply:

“(1) Section 1400(n) of such Code (relating to special allowance for certain property).

“(2) Section 1400(c) of such Code (relating to increase in expensing under section 179).

“(3) Section 1400(d) of such Code (relating to expensing for certain demolition and clean-up costs).

“(4) Section 1400(k) of such Code (relating to treatment of net operating losses attributable to storm losses).

“(5) Section 1400(n) of such Code (relating to treatment of representations regarding involuntary conversions).

“(6) Section 1400(o) of such Code (relating to treatment of public utility property disaster losses).

“(7) Section 1400Q of such Code (relating to special rules for use of retirement funds).

“(8) Section 1400A of such Code (relating to employee retention credit for employers).

“(9) Section 1400B of such Code (relating to suspension of certain limitations on personal casualty losses).

“(10) Section 405 of the Katrina Emergency Tax Relief Act of 2005 (relating to extension of replacement period for nonrecognition of gain).

“(b) KANSAS DISASTER AREA.—For purposes of this section, the term ‘Kansas disaster area’ means an area with respect to which a major disaster has been declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (P.L. 94-383, as in effect on the date of the enactment of this Act) by reason of severe storms and tornadoes beginning on May 4, 2007, and determined by the President to warrant individual or individual and public assistance from the Federal Government under such Act with respect to damages attributable to such storms and tornadoes.

“(c) REFERENCES TO AREA OR LOSS.—

“(1) AREA.—Any reference in such provisions to the Kansas disaster area in the Gulf Opportunity Zone shall be treated as a reference to the Kansas disaster area.

“(2) LOSS.—Any reference in such provisions to any loss or damage attributable to Hurricane Katrina shall be treated as a reference to any loss or damage attributable to the Hurricane Katrina disaster area, but not so purchased or constructed on account of Hurricane Katrina, in subsection (b)(2)(B)(iii), (H), (J), and (K).

“(d) REFERENCES TO DATES, ETC.—

“(1) SPECIAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED ON OR AFTER MAY 5, 2007.—Section 1400(N) of such Code (relating to special allowance for certain property)

“(A) by substituting ‘qualified Recovery Assistance property’ for ‘qualified Gulf Opportunity Zone property’ each place it appears,

“(B) by substituting ‘May 5, 2007’ for ‘August 28, 2005’ in paragraph (2)(A)(v),

“(C) by substituting ‘December 31, 2008’ for ‘December 31, 2007’ in paragraph (2)(A)(v),

“(D) by substituting ‘December 31, 2009’ for ‘December 31, 2008’ in paragraph (2)(A)(v),

“(E) by substituting ‘May 5, 2007’ for ‘August 28, 2005’ in paragraph (2)(A)(v),

“(F) by substituting ‘January 1, 2009’ for ‘January 1, 2008’ in paragraph (3)(B), and

“(G) determined without regard to paragraph (6) thereof.

“(2) INCREASE IN EXPENSING UNDER SECTION 179.—Section 1400(N)e of such Code, by substituting ‘qualified section 179 Recovery Assistance property’ for ‘qualified section 179 Gulf Opportunity Zone property’ each place it appears,

“(3) EXAMINATION PERIOD FOR CERTAIN DEMOLITION AND CLEAN-UP COSTS.—Section 1400(n) of such Code

“(A) by substituting ‘qualified Recovery Assistance clean-up cost’ for ‘qualified Gulf Opportunity Zone clean-up cost’ each place it appears, and

“(B) by substituting ‘beginning on May 4, 2007, and ending on December 31, 2009’ for ‘beginning on August 28, 2005, and ending on December 31, 2007’ in paragraph (2) thereof.

“(4) TREATMENT OF NET OPERATING LOSSES ATTRIBUTABLE TO STORM LOSSES.—Section 1400(n)k of such Code

“(A) by substituting ‘qualified Recovery Assistance loss’ for ‘qualified Gulf Opportunity Zone loss’ each place it appears,

“(B) by substituting ‘after May 3, 2007, and before on January 1, 2010’ for ‘after August 27, 2005, and before January 1, 2006’ each place it appears,


“(D) by substituting ‘qualified Recovery Assistance property’ for ‘qualified Gulf Opportunity Zone property’ in paragraph (2)(B)(i) thereof, and

“(E) by substituting ‘qualified Recovery Assistance casualty loss’ for ‘qualified Gulf Opportunity Zone casualty loss’ each place it appears.

“(5) SPECIAL RULES FOR USE OF RETIREMENT FUNDS.—Section 1400Q of such Code

“(A) by substituting ‘qualified Recovery Assistance distribution’ for ‘qualified hurricane distribution’ each place it appears,


“(D) disregarding clauses (ii) and (iii) of subsection (a)(4)(A).

“(E) by substituting ‘qualified storm distribution’ for ‘qualified Katrina distribution’ each place it appears,


“(G) by substituting ‘the Kansas disaster area (as defined in section 15345(b) of the Food, Conservation, and Energy Act of 2008)’ but which was not so purchased or constructed on account of Hurricane Katrina, in subsection (b)(2)(B)(iii).

“(H) by substituting ‘beginning on May 4, 2007, and ending on the date which is 5 months after the date of the enactment of the Heartland, Harvest, and Horticulture Act of 2008’ for ‘beginning on August 25, 2005, and ending on February 28, 2006’ in subsection (b)(3)(A),

“(I) by substituting ‘qualified storm individual’ for ‘qualified Hurricane Katrina individual’ each place it appears.

“(J) by substituting ‘December 31, 2006’ for ‘December 31, 2006’ in subsection (c)(2)(A),

“(K) by substituting ‘beginning on the date of the enactment of the Food, Conservation, and Energy Act of 2008 and ending on December 31, 2007’ for ‘beginning on September 24, 2005, and ending on December 31, 2006’ in subsection (c)(4)(A)(i),

“(L) by substituting ‘May 4, 2007’ for ‘August 28, 2005’ in subsection (c)(4)(A)(ii), and

(6) Employee retention credit for employers affected by May 4 storms and tornadoes.—Section 1400Z(a) of the Internal Revenue Code of 1986—
(A) by substituting “May 4, 2007” for “August 28, 2005” each place it appears,
(B) by substituting “January 1, 2008” for “January 1, 2006” both places it appears, and
(C) by striking “eligible to receive” and inserting “who employed an average of not more than 200 employees on business days during the taxable year before May 4, 2007.”


(8) Extension of replacement period for nonrecognition of gain.—Section 408 of the Katrina Emergency Tax Relief Act of 2005, by substituting “May 4, 2007” for “on or after August 25, 2005”.

SEC. 13546. COMPETITIVE CERTIFICATION AWARDS MODIFICATION AUTHORITY.

(a) In general.—Section 48A (relating to qualifying advanced coal project credit) is amended—
(1) by adding at the end the following new subsection:

“(b) Competitive Certification Awards Modification Authority.—In implementing this section, the Secretary is directed to modify the terms of any competitive certification award and any associated closing agreement where such modification—

“(1) is consistent with the objectives of this section,

“(2) is requested by the recipient of the competitive certification award and

“(3) involves moving the project site to improve the potential to capture and sequester carbon dioxide emissions, reduce costs of transporting feedstock, and serve a broader customer base.

unless the Secretary determines that the dollar amount of tax credits available to the taxpayer under such section would increase as a result of the modification or such modification would result in such project not being originally certified. In considering any such modification, the Secretary shall consult with other relevant Federal agencies, including the Department of Energy.”;

(b) Effective date.—The amendment made by subsection (a) is effective on the date of enactment of this Act and is applicable to all competitive certification awards under section 48A of the Internal Revenue Code of 1986, whether such awards were issued before, on, or after such date of enactment.

PART IV—OTHER REVENUE PROVISIONS

SEC. 13551. LIMITATION ON EXCESS FARM LOSSES OF CERTAIN TAXPAYERS.

(a) In general.—Section 211 of such Act is amended—
(1) by striking “$2,400” each place it appears and inserting “the upper limit”, and
(2) by striking “$1,800” each place it appears and inserting “the lower limit”;

(b) Definitions.—Section 211 of such Act is amended by adding at the end the following new section:

“(a) Limitation on excess farm losses of certain taxpay—

“(1) Limitation.—If a taxpayer other than a C corporation receives any applicable subsidy for any taxable year, any excess farm loss of the taxpayer for the taxable year shall not be allowed.

“(2) Disallowed loss carried to next taxable year.—Any loss which is disallowed under paragraph (1) shall be treated as a deduction of the taxpayer attributable to farming businesses in the next taxable year.

(3) Applicable subsidy.—For purposes of this subsection, the term ‘applicable subsidy’ means—

“(A) any direct or counter-cyclical payment under title I of the Food, Conservation, and Energy Act of 2008, or any payment elected to be received in lieu of any such payment, or

“(B) any Commodity Credit Corporation loan.

“(4) Excess farm loss.—For purposes of this subsection—

“(A) In general.—The term ‘excess farm loss’ means the excess of—

“(i) the aggregate deductions of the taxpayer for the taxable year which are attributable to farming businesses in the next taxable year, over

“(ii) the threshold amount for the taxable year.

“(5) Application of subsection in case of partnerships and S corporations.—In the case of a partnership or S corporation—

“(A) this subsection shall be applied at the partner or shareholder level, and

“(B) each partner’s or shareholder’s proportionate share of the items of income, gain, loss, deduction, or credit of such partnership or S corporation for any taxable year from farming businesses attributable to the partnership or S corporation, and of any applicable subsidy for such taxable year, shall be taken into account by the partner or shareholder in applying this subsection to the taxable year of such partner or shareholder with or within which the taxable year of the partnership or S corporation ends.

The Secretary may provide rules for the application of this paragraph to any other pass-thru entity to the extent necessary to carry out the provisions of this subsection.

(6) Additional reporting.—The Secretary may prescribe such rules and reporting requirements as the Secretary determines appropriate to carry out the purposes of this subsection.

(7) Coordination with section 469.—This subsection shall be applied before the application of section 469.

(b) Effective date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.
same proportion to the total of such deemed self-employment income as the sum of the amounts applicable under section 213(d) for the calendar quarters ending with or within each such calendar quarter shall apply to the lower limit for such taxable year specified in section 211(k)(1)."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 15353. INFORMATION REPORTING FOR COMMODITY CREDIT CORPORATION TRANSACTIONS.

(a) IN GENERAL.—Subpart A of part III of chapter 6 of subtitle A of title 7 of the Revised Statutes (42 U.S.C. 270a) is amended by inserting after section 6039I the following new section:

"SEC. 6039J. INFORMATION REPORTING WITH RESPECT TO COMMODITY CREDIT CORPORATION TRANSACTIONS.

"(a) REQUIREMENT OF REPORTING.—The Commodity Credit Corporation, through the Secretary of Agriculture, shall make a return, according to the forms and regulations prescribed by the Secretary of the Treasury, setting forth any market gain realized by a taxpayer during the taxable year in relation to the repayment of a loan issued by the Commodity Credit Corporation, without regard to the manner in which such loan was repaid.

"(b) STATEMENTS TO BE FURNISHED TO PERSONS WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—The Commodity Credit Corporation shall furnish to each person whose name is required to be set forth in a return required under subsection (a) a written statement showing the amount of market gain reported in such return.

"(c) CLERICAL AMENDMENT.—The table of sections for subpart A of part III of subchapter A of chapter 6 of subtitle A of title 7 of the Revised Statutes (42 U.S.C. 270a) is amended by inserting after the item relating to section 6039I the following new item:

"Sec. 6039J. Information reporting with respect to Commodity Credit Corporation transactions."

SEC. 15354. PROTECTION OF SOCIAL SECURITY.

To ensure that the assets of the trust funds established under section 1501 of the Social Security Act (42 U.S.C. 201) are not reduced as a result of the enactment of this Act, the Secretary of the Treasury shall transfer annually to the general revenues of the Federal Government to those trust funds the following amounts:

(1) For fiscal year 2009, $5,000,000.
(2) For fiscal year 2010, $5,000,000.
(3) For fiscal year 2011, $8,000,000.
(4) For fiscal year 2012, $7,000,000.
(5) For fiscal year 2013, $8,000,000.
(6) For fiscal year 2014, $8,000,000.
(7) For fiscal year 2015, $8,000,000.
(8) For fiscal year 2016, $6,000,000.
(9) For fiscal year 2017, $5,000,000.

PART V—PROTECTION OF SOCIAL SECURITY

SEC. 15361. PROTECTION OF SOCIAL SECURITY.

The amendments made by this section shall apply to amounts applicable under section 213(d) for the calendar quarters ending with or within each such calendar quarter.
(aa) by striking "paragraph (1)" and inserting "subparagraph (A)"; and
(bb) by striking "subparagraph (A) or (D)" and inserting "clause (i) or (iv)"; and

(V) by redesignating item (bb) by striking "paragraph (1)" and inserting "subparagraph (A)";

(VI) by redesigning subparagraphs (aa) and (bb) as subclauses (I) and (II), respectively;

(VII) by redesigning subparagraphs (aa) and (bb) as subclauses (II) as items (aa) and (bb), respectively; and

(VIII) by redesigning clause (iii) as subparagraph (A) or (B) of this paragraph and inserting "clause (i) or (iv)"; and

(II) in clause (i)—

(A) by moving such subparagraph 2 ems to the right;

(B) in clause (i), by striking "clause " and inserting "clause (i) or (iv)"; and

(C) in clause (i)—

(III) by redesigning subparagraphs (aa) and (bb) as subclauses (II) as items (aa) and (bb), respectively; and

(IV) by redesigning clause (i) as subparagraph (C) as clause (ii); and

(H) by striking "(2) APPAREL ARTICLES DESCRIBED.--" and inserting the following:

"(2) APPAREL ARTICLES DESCRIBED.—

(4) Paragraph (3) is amended—

(A) by redesigning such paragraph as subparagraph (C) and moving it 2 ems to the right;

(B) by striking "paragraph (1)" each place it appears and inserting "subparagraph (A)"; and

(C) in the table—

(i) by striking "1.5 percent" and inserting "2.5 percent";

(ii) by striking "1.75 percent" and inserting "2.75 percent"; and

(iii) by striking "2 percent" and inserting "2.5 percent".

(4) The following is added after subparagraph (C), as redesignated by paragraph (4)(A) of this subsection:

(D) OTHER PREFERENTIAL TREATMENT NOT AFFECTED BY QUANTITATIVE LIMITATIONS.—Any apparel article that qualifies for preferential treatment under paragraphs (2), (3), (4), or (5) or any other provision of this title shall be treated as a reference to, or included in the calculation of, the quantitative limitations under subparagraph (C)."

"(2) SPECIAL RULE FOR WOVEN ARTICLES AND CERTAIN KNIT ARTICLES.—Section 231A(b) of the Caribbean Basin Economic Recovery Act is amended by striking paragraph (4) and inserting the following:

"(A) SPECIAL RULE FOR ARTICLES OF CHAP-

TER 62 OF THE HTS.—Any apparel article classifiable under chapter 62 of the HTS that is wholly assembled, or knit-to-shape, in Haiti or the Dominican Republic shall enter the United States free of duty, subject to clauses (ii) and (iii), without regard to the source of the fabric, fabric components, components knit-to-shape, or yarns from which the article is made.

(ii) LIMITATION.—The preferential treatment described in clause (i) shall be extended to any apparel article that qualifies for preferential treatment under section 231A(b) of the Caribbean Basin Economic Recovery Act and is made in Haiti or the Dominican Republic; provided, however, that the apparel article is of a type listed in such subparagraph (A) or (D) and is imported directly from Haiti or the Dominican Republic.

(iii) OTHER PREFERENTIAL TREATMENT NOT AFFECTED BY QUANTITATIVE LIMITATION.—Any apparel article that qualifies for preferential treatment under paragraphs (1), (3), (4), or (5) or subparagraph (B) of this paragraph or any other provision of this title shall be treated as a reference to, or included in the calculation of, the quantitative limitation under clause (ii).

(B) SPECIAL RULE FOR CERTAIN ARTICLES OF CHAPTER 61 OF THE HTS.—(1) GENERAL RULE.—Any apparel article classifiable under chapter 61 of the HTS that is wholly assembled, or knit-to-shape, in Haiti from any combination of fabrics, fabric components, components knit-to-shape, or yarns and is imported directly from Haiti is treated as a reference to, or included in the calculation of, the quantitative limitation under clause (ii).

(iv) OTHER PREFERENTIAL TREATMENT NOT SUBJECT TO QUANTITATIVE LIMITATIONS.—Any apparel article that qualifies for preferential treatment under paragraphs (1), (3), (4), or (5) or subparagraph (B) of this paragraph or any other provision of this title shall be treated as a reference to, or included in the calculation of, the quantitative limitation under clause (ii).

(B) SPECIAL RULE FOR CERTAIN ARTICLES OF CHAPTER 61 OF THE HTS.—(1) GENERAL RULE.—Any apparel article classifiable under chapter 61 of the HTS that is wholly assembled, or knit-to-shape, in Haiti from any combination of fabrics, fabric components, components knit-to-shape, or yarns and is imported directly from Haiti is treated as a reference to, or included in the calculation of, the quantitative limitation under clause (ii).

(iv) OTHER PREFERENTIAL TREATMENT NOT SUBJECT TO QUANTITATIVE LIMITATIONS.—Any apparel article that qualifies for preferential treatment under paragraphs (1), (3), (4), or (5) or subparagraph (B) of this paragraph or any other provision of this title shall be treated as a reference to, or included in the calculation of, the quantitative limitation under clause (ii).

(C) SINGLE TRANSFORMATION RULES NOT SUBJECT TO QUANTITATIVE LIMITATIONS.—Section 231A(b) of the Caribbean Basin Economic Recovery Act is amended by striking paragraph (5) and inserting the following:

"(5) APPAREL AND OTHER ARTICLES SUBJECT TO CERTAIN ASSEMBLY RULES.—

(A) SPECIAL RULE FOR CERTAIN ARTICLES OF CODE 6104.12.00 OF THE HTS.—Any apparel article classifiable under subheading 6104.12.00 of the HTS is wholly assembled, or knit-to-shape, in Haiti from any combination of fabrics, fabric components, components knit-to-shape, or yarns and is imported directly from Haiti or the Dominican Republic shall enter the United States free of duty, without regard to the source of the fabric, fabric components, components knit-to-shape, or yarns from which the article is made.

(B) SPECIAL RULE FOR CERTAIN ARTICLES OF CHAPTER 61 OF THE HTS.—(1) GENERAL RULE.—Any apparel article classifiable under chapter 61 of the HTS that is wholly assembled, or knit-to-shape, in Haiti from any combination of fabrics, fabric components, components knit-to-shape, or yarns and is imported directly from Haiti or the Dominican Republic shall enter the United States free of duty, without regard to the source of the fabric, fabric components, components knit-to-shape, or yarns from which the article is made.

(C) LUGGAGE AND SIMILAR ITEMS.—Any apparel article classifiable under subheading 4202.12, 4202.22, or 4204.42 that is wholly assembled in Haiti and is imported directly from Haiti or the Dominican Republic shall enter the United States free of duty, without regard to the source of the fabric, components, or materials from which the article is made.

(D) HEADDRESS.—Any apparel article classifiable under heading 6501, 6502, or 6504 of the HTS, or subheading 6505.90 of the HTS, that is wholly assembled, knit-to-shape, or formed in Haiti from any combination of fabrics, fabric components, components knit-to-shape, or yarns and is imported directly from Haiti or the Dominican Republic shall enter the United States free of duty, without regard to the source of the fabric, fabric components, components knit-to-shape, or yarns from which the article is made.

(E) CERTAIN SLEEPWEAR.—Any of the following apparel articles that is wholly assembled, or knit-to-shape, in Haiti from any combination of fabrics, fabric components, components knit-to-shape, or yarns and is imported directly from Haiti or the Dominican Republic shall enter the United States free of duty, without regard to the source of the fabric, fabric components, components knit-to-shape, or yarns from which the article is made:

(1) Pajama bottoms and other sleepwear for women and girls, of cotton, that are classifiable under subheading 6208.91.30, or of man-made fibers, that are classifiable under subheading 6208.82.00.

(2) Pajama bottoms and other sleepwear for girls, of other textile materials, that are classifiable under subheading 6208.99.20.

(4) EARNED IMPORT ALLOWANCE RULE.—
(A) In general.—Apparel articles wholly assembled, or knit-to-shape, in Haiti from any combination of fabrics, fabric components, components knit-to-shape, or yarns and fabric components, or yarns and fabric components, or yarns and fabric components, or yarns and from which the articles are made, if such apparel articles are accompanied by an earned import allowance certificate that reflects the amount of credits the certificate is based on, and that bears the signature of the Commerce if made available under this subparagraph, the converting of the quantity of square meter equivalents under this subparagraph, the conversion factors listed in ‘Correlation: U.S. Textile and Apparel Industry Category System with the Harmonized Tariff Schedule of the United States of America, 2008’, or its successor publications, of the United States Department of Commerce, shall apply.

(B) Earned import allowance program.—

(i) Establishment.—The Secretary of Commerce shall establish a program to provide earned import allowance certificates to any producer or entity controlling production for purposes of subparagraph (A), based on the processes described in clause (ii).

(ii) Elements.—The elements referred to in clause (i) are the following:

(I) demand, or its successor.

(ii) Fabric otherwise eligible as qualifying woven fabric shall not be ineligible as qualifying woven fabric because the fabric contains nylon filament yarn to which section 213(b)(2)(A)(vii) applies; and

(iii) any other provision, relating to determining whether a textile or apparel article is in effect at the time the claim for preferential treatment is made. (B) Removal of designation of fabrics or yarns not available in commercial quantities.—If the President determines that:

(1) any fabric or yarn described in clause (i) of subparagraph (A) was designated as being available in commercial quantities.

(C) Review by United States government accountability office.—The United States Government Accountability Office shall review the program established under subparagraph (B) annually for the purpose of evaluating the effectiveness of, and making recommendations for improvements in, the program.

(D) Enforcement provisions.—

(U) Fraudulent claims of preference.—Any person who makes a false claim for preference under the program established under subparagraph (B) shall be subject to any applicable civil or criminal fines or penalties that may be imposed under the customs laws of the United States or under title 18, United States Code.

(I) Definition for other fraudulent information.—The Secretary of Commerce may establish and impose penalties for the submission to the Secretary of Commerce of false information under the program established under subparagraph (B), other than a claim described in clause (i).

II) Shipper supply provision.—

(A) In general.—Any apparel article that is wholly assembled, or knit-to-shape, in Haiti from any combination of fabrics, fabric components, components knit-to-shape, or yarns and is imported directly from Haiti or the Dominican Republic shall enter the United States free of duty, without regard to the value of the fabrics or yarns, and shall be subject to applicable civil or criminal fines or penalties that may be imposed under the customs laws of the United States.

III) Clause (I)(III) or (ii) of section 213A(b) of the Caribbean Basin Economic Recovery Act is amended by adding at the end the following:

(A) Short supply provision.—

(B) Removal of designation of fabrics or yarns not available in commercial quantities.—If the President determines that:

(C) Review by United States government accountability office.—The United States Government Accountability Office shall review the program established under subparagraph (B) annually for the purpose of evaluating the effectiveness of, and making recommendations for improvements in, the program.

(D) Enforcement provisions.—
directly from Haiti or the Dominican Republic; if—

(A) the articles are shipped directly from Haiti or the Dominican Republic into the United States, if they pass through the territory of any intermediate country; or

(B) the articles are shipped from Haiti or the Dominican Republic into the United States, through the territory of an intermediate country, and—

(i) the articles in the shipment do not enter into the commerce of any intermediate country, and the invoices, bills of lading, and other shipping documents specify the United States as the final destination; or

(ii) the invoices and other documents do not specify the United States as the final destination, but the articles in the shipment—

(1) remain under the control of the customs authority in the intermediate country; and

(2) do not enter into the commerce of the intermediate country except for the purpose of sale other than at retail; and

(iii) have not been subjected to operations in the intermediate country other than loading, unloading, or other activities necessary to preserve the articles in good condition.

(4) KNIT-TO-SHAPE.—A good is ‘‘knit-to-shape’’ if 50 percent or more of the exterior surface area of the good is formed by major parts that have been knitted or crocheted directly to the shape used in the good, with no consideration being given to patch pockets, appliqués, or the like. Minor cutting, trimming, folding, and pockets, or major parts shall not affect the determination of whether a good is ‘‘knit-to-shape’’.

(5) WHOLLY ASSEMBLED.—A good is ‘‘wholly assembled’’ in Haiti if all components, of which there must be at least two, pre-existing in essentially the same condition as found in the finished good and were combined to form the good in Haiti. Minor components and minor embellishments (for example, appliqués, beads, spangles, embroidery, and buttons) not appreciably affecting the identity of the good, and minor subassemblies (for example, collars, cuffs, plackets, and pockets), shall not affect the determination of whether a good is ‘‘wholly assembled’’ in Haiti.

(g) TERMINATION.—Section 213A of the Caribbean Basin Economic Recovery Act (19 U.S.C. 270a) as added by the Act shall remain in effect until September 30, 2018.

(h) CONFORMING AMENDMENTS.—Subsection (e)(1) of section 213A of the Caribbean Basin Economic Recovery Act (19 U.S.C. 270a(e)(1)) is amended by striking ‘‘the Bureau of Customs and Border Protection’’ and inserting ‘‘U.S. Customs and Border Protection’’.

SEC. 15403. LABOR OMBUDSMAN AND TECHNICAL ASSISTANCE IMPROVEMENT AND COMPLIANCE NEEDS ASSESSMENT AND REMEDIATION PROGRAM.

Section 213A of the Caribbean Basin Economic Recovery Act (19 U.S.C. 270a), as amended by section 15402 of this Act, is amended—

(1) in subsection (a)—

(A) by redesignating paragraph (5) as paragraph (8); (B) by redesignating paragraphs (2) through (4) as paragraphs (4) through (6), respectively; and

(C) by inserting after paragraph (1) the following new paragraphs:

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘‘appropriate congressional committees’’ means the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives.

(3) CORE LABOR STANDARDS.—The term ‘‘core labor standards’’ means—

(A) a fair wage; (B) the effective recognition of the right to bargain collectively; (C) the elimination of all forms of compulsory or forced labor; (D) the effective abolition of child labor and a prohibition on the worst forms of child labor; and (E) the elimination of discrimination in respect of employment and occupation; and

(D) by inserting after paragraph (6) (as redesignated) the paragraphs:

(7) TAIICNAR PROGRAM.—The term ‘‘TAICNAR Program’’ means the Technical Assistance Improvement and Compliance Needs Assessment and Remediation Program established pursuant to subsection (e)(1); (8) by redesignating subsections (e), (f), and (g) as subsections (f), (g), and (h), respectively; and

(3) by inserting after subsection (d) the following new subsection:

(e) TECHNICAL ASSISTANCE IMPROVEMENT AND COMPLIANCE NEEDS ASSESSMENT AND REMEDIATION PROGRAM.—

(1) CONTINUED ELIGIBILITY FOR PREFERENCES.— (A) PRESIDENTIAL CERTIFICATION OF COMPLIANCE BY HAITI WITH REQUIREMENTS.—Upon the expiration of the 16-month period beginning on the date of the enactment of the Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2008, Haiti shall continue to be eligible for the preferential treatment provided under subsection (b) only if the President determines and certifies to the Congress that—

(i) Haiti has implemented the requirements set forth in paragraphs (2) and (3); and

(ii) Haiti has agreed to require producers of articles for which duty-free treatment may be requested under subsection (b) to participate in the TAIICNAR Program described in paragraph (3) and has developed a system to ensure participation in such program by such producers, including by developing and maintaining the registry described in paragraph (2)(B)(i).

(2) EXTENSION.—The President may extend the period of eligibility of Haiti under paragraph (1) if the President—

(i) determines that Haiti has made a good faith effort toward such compliance and has agreed to take such additional steps to come into full compliance that are satisfactory to the President; and

(ii) provides to the appropriate congressional committees more than 6 months after the last day of the 16-month period specified in subparagraph (A) and every 6 months thereafter, a report identifying the steps that Haiti has agreed to take to come into full compliance and the progress made over the preceding 6-month period in implementing such steps.

(3) CONTINUE COMPLIANCE.— (A) TERMINATION OF PREFERENTIAL TREATMENT.—If, after making a certification under subparagraph (A), the President determines that Haiti is no longer meeting the requirements set forth in subparagraph (A), the President shall terminate the preferential treatment provided under subsection (b), unless the President determines, after consulting with the appropriate congressional committees, that meeting such requirements is not practicable because of extraordinary circumstances that affect Haiti in the determination is made.

(B) SUBSEQUENT COMPLIANCE.—If the President, after terminating preferential treatment under subparagraph (A), determines that Haiti is meeting the requirements set forth in subparagraph (A), the President shall re-instate the application of preferential treatment under subsection (b).

(2) LABOR OMBUDSMAN.

(A) IN GENERAL.—The requirement under this paragraph is that the President establish an independent Labor Ombudsman’s Office within the National government that—

(1) reports directly to the President of Haiti;

(ii) is headed by a Labor Ombudsman chosen by the President of Haiti, in consultation with Haitian labor unions and industry associations; and

(iii) is vested with the authority to perform the functions described in subparagraph (B); (B) FUNCTIONS.—The functions of the Labor Ombudsman’s Office shall include—

(i) developing and maintaining a registry of producers of articles for which duty-free treatment may be requested under subsection (b), and developing, in consultation and coordination with any other appropriate officials of the Government of Haiti, a system to ensure participation by such producers in the TAIICNAR Program described in paragraph (3); (ii) overseeing the implementation of the TAIICNAR Program described in paragraph (3); (iii) receiving and investigating complaints from any interested party regarding the conditions described in paragraph (3)(B) in facilities of producers listed in the registry described in clause (i) in meeting the conditions set forth in paragraph (3)(B); and

(iv) coordinating, with the assistance of the entity operating the TAIICNAR Program described in paragraph (3), a tripartite committee comprised of appropriate representatives of government agencies, employers, and workers, as well as other relevantinterested parties, for the purposes of evaluating progress in implementing the TAIICNAR Program described in paragraph (3), and conducting inspections to improve core labor standards and working conditions in the textile and apparel sector in Haiti, and on other matters of common concern relating to such core labor standards.

(3) TECHNICAL ASSISTANCE IMPROVEMENT AND COMPLIANCE NEEDS ASSESSMENT AND REMEDIATION PROGRAM.

(A) IN GENERAL.—The requirement under this paragraph is that Haiti, in cooperation with the International Labor Organization, has established a Technical Assistance Improvement and Compliance Needs Assessment and Remediation Program meeting the requirements under subparagraph (C) —

(i) to assess compliance by producers listed in the registry described in paragraph (2)(B)(i) with the conditions set forth in subparagraph (B) and to assist such producers in meeting such conditions; and

(ii) to provide assistance to improve the capacity of the Government of Haiti—

(I) to inspect facilities of producers listed in the registry described in paragraph (2)(B)(i); and

(II) to enforce national labor laws and resolve labor disputes, including through measures described in subparagraph (C).

(B) CONDITIONS DESCRIBED.—The conditions referred to in subparagraph (A) are—

(i) compliance with core labor standards; and

(ii) compliance with the labor laws of Haiti that relate directly to core labor
standards and to ensuring acceptable conditions of work with respect to minimum wages, hours of work, and occupational health and safety.

(C) Country Compliance with Worker Rights Eligibility Criteria.—For each producer identified as having deficiencies under clause (i), the President shall consider and make a determination, in writing, whether the deficiencies are being remedied, and shall notify the Congress of such determination. If the President determines in writing that the deficiencies are being remedied, the President shall report such determination to the Congress not later than one year after the date of enactment of this Act. If the President determines in writing that the deficiencies are not being remedied, the President shall report such determination to the Congress, and shall refuse to extend the benefits under subsection (a) to the进口国, or shall refuse such extension if the President determines that the importation of the products from the import国 will not contribute to meeting the national interest of the United States.

(d) Reconsideration.—For purposes of subsection (c), the President may reconsider the determination made thereunder if the President determines that the conditions under which the products are produced have changed, or that the President is no longer able to make the determination under such subsection.

(e) Certification and Notwithstanding.—The certification referred to in subsection (c) shall not be construed to be evidence in any legal proceeding, or as a representation or warranty that the conditions of work with respect to minimum wages, hours of work, and occupational health and safety are being met.

(f) Authorization of Appropriations.—There is authorized to be appropriated to the Secretary of Homeland Security for each of the fiscal years 1998 and 1999, such sums as may be necessary to carry out this section.

SEC. 15406. PRESIDENTIAL PROCLAMATION AUTHORITY.

The President may exercise the authority under section 604 of the Trade Act of 1974 to proclaim such modifications to the Harmonized Tariff Schedule of the United States as may be necessary to carry out this part and the amendments made by this part.

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SEC. 15407. REGULATIONS AND PROCEDURES.

The President shall issue such regulations as may be necessary to carry out the amendments made by sections 15402, 15403, and 15404, and such regulations shall carry out the amendments made by section 15402(d) not later than September 30, 2008. The Secretary of Commerce shall issue such procedures as may be necessary to carry out the amendments made by section 15402(d) not later than September 30, 2008.

SEC. 15408. EXTENSION OF CBTPA.

Section 213(b) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(b)) is amended—

(1) in paragraph (2)(A)—

(A) in clause (iii)—

(i) in subclause (I)(cc), by striking ‘‘2008’’ and inserting ‘‘2010’’; and

(ii) in subclause (IV)(dd), by striking ‘‘2008’’ and inserting ‘‘2010’’; and

(B) in clause (iv)(II), by striking ‘‘6’’ and inserting ‘‘8’’; and

(2) in paragraph (5)(D)—

(A) in clause (1), by striking ‘‘2008’’ and inserting ‘‘2010’’; and

(B) in clause (ii), by striking ‘‘108(b)(5)’’ and inserting ‘‘section 108(b)(5)’’.

SEC. 15409. SENSE OF CONGRESS ON INTERPRETATION OF TEXTILE AND APPAREL PROVISIONS FOR HAITI.

It is the sense of the Congress that the executive branch, particularly the Committee for the Implementation of Textile Agreements (CITA), U.S. Customs and Border Protection of the Department of Homeland Security, and the Department of Commerce, should implement and enforce the provisions of section 213A(b) of the Caribbean Basin Economic Recovery Act, as amended by section 15402 of this Act, relating to preferential tariff treatment for articles, broadly in order to expand trade by maximizing opportunities for imports of articles eligible for preferential treatment under such section 213A(b).

SEC. 15410. SENSE OF CONGRESS ON TRADE MISCELLANEOUS.

It is the sense of the Congress that the Secretary of Commerce, in coordination with the United States Trade Representative, the Secretary of State, and the Commissioner responsible for U.S. Customs and Border Protection of the Department of Homeland Security, and the Department of Commerce, should propose, implement and enforce the provisions of section 15402(d) of this Act, not later than September 30, 2008, and shall apply to articles entered, or withdrawn from warehouse for consumption, on or after that date.

PART II—MISCELLANEOUS TRADE PROVISIONS

SEC. 15421. UNUSED MERCHANDISE DRAWBACK.

(a) IN GENERAL.—Section 313(j)(2) of the Tariff Act of 1930 (19 U.S.C. 1313(j)(2)) is amended—

(1) by striking the existing sub-paragraph (A) of such subsection, and inserting the following:

‘‘For purposes of subparagraph (A) of this paragraph, wine of the same color having a price variation not to exceed 50 percent between the imported and the exported wine shall be deemed to be commercially interchangeable.’’;

(b) EFFECTIVE DATE.—The amendment made by this subsection shall apply with respect to claims filed for drawback under section 313(j)(2) of the Tariff Act of 1930 on or after the date of the enactment of this Act.

SEC. 15422. DETERMINATION TO TERMINATION OF TRANSACTION VALUE OF IMPORTED MERCHANDISE.

(a) REQUIREMENT ON IMPORTERS.—

(1) IN GENERAL.—Pursuant to sections 484 and 485 of the Tariff Act of 1930 (19 U.S.C. 1484 and 1485), the Commissioner responsible for U.S. Customs and Border Protection shall require each importer of merchandise to provide to U.S. Customs and Border Protection at the time of entry of the merchandise the information described in paragraph (2).

(2) INFORMATION REQUIRED.—The information referred to in paragraph (1) is a declaration as to whether the transaction value of the imported merchandise is determined on the basis of the price paid by the buyer in the first or earlier sale occurring prior to introduction of the merchandise into the United States.

(b) EFFECTIVE DATE.—The requirement to provide information under this subsection shall be effective for the 1-year period beginning 90 days after the date of the enactment of this Act.

(c) REPORT TO INTERNATIONAL TRADE COMMISSION.—

(1) IN GENERAL.—The Commissioner responsible for U.S. Customs and Border Protection shall submit to the United States International Trade Commission on a monthly basis for the 1-year period specified in subsection (a)(3) a report on the information provided by importers under subsection (a)(2).

The report required under this paragraph shall be submitted in a form agreed upon between U.S. Customs and Border Protection and the United States International Trade Commission.

(2) MATTERS TO BE INCLUDED.—The report required under paragraph (1) shall include—

(A) the number of importers that declare the transaction value of the imported merchandise is determined on the basis of the method described in subsection (a)(2); and

(B) the tariff classification of such imported merchandise under the Harmonized Tariff Schedule of the United States; and

(c) the transaction value of such imported merchandise.

SEC. 15411. SENSE OF CONGRESS ON VISA SYSTEM.

It is the sense of the Congress that the Department of Homeland Security and other countries that receive preferences under various visa systems to prevent transshipment, should engage in consultations with a goal of harmonizing visa systems and making similar systems eligible and enduring to the United States.

SEC. 15412. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this part and the amendments made by this part shall take effect on the date of the enactment of this Act.

(b) EXCEPTION.—The amendments made by section 15402 shall take effect on October 1, 2008, and as to articles entered, or withdrawn from warehouse for consumption, on or after that date.

Tariff Schedule of the United States on an aggregate basis, including an analysis of the tariff classification of such imported merchandise on a sectoral basis; and

(c) aggregate transaction value of such imported merchandise, including an analysis of the transaction value of such imported merchandise on a sectoral basis; and

(d) aggregate transaction value of all merchandise imported into the United States during the 1-year period specified in subsection (a)(3).

SEC. 15423. SENSE OF CONGRESS REGARDING PROHIBITION ON PROPOSED INTERPRETATION OF THE TERM ‘‘SOLD FOR EXPORTATION TO THE UNITED STATES’’.

(1) IN GENERAL.—It is the sense of Congress that the Commissioner responsible for U.S. Customs and Border Protection should not implement a change to U.S. Customs and Border Protection’s interpretation (as such interpretation is in effect on the date of the enactment of this Act) of the term ‘‘sold for exportation to the United States’’, as described in section 492(b) of the Tariff Act of 1930 (19 U.S.C. 1401a(b)), for purposes of applying the transaction value of the imported merchandise in a series of sales, before January 1, 2011.

(2) EXCEPTION.—It is the sense of Congress that the Commission on International Trade Relations, the Commissioner responsible for U.S. Customs and Border Protection may propose to change or modify the interpretation (as such interpretation is in effect on the date of the enactment of this Act) of the term ‘‘sold for exportation to the United States’’, as described in paragraph (1), only if U.S. Customs and Border Protection—

(A) consults with, and provides notice to, the appropriate congressional committees—

(i) not less than 180 days prior to proposing a change; and

(ii) not less than 90 days prior to publishing a change;

(B) consults with, provides notice to, and takes into consideration views expressed by, the Commercial Operations Advisory Committee—

(i) not less than 120 days prior to proposing a change; and

(ii) not less than 60 days prior to publishing a change; and

(C) receives the explicit approval of the Secretary of the Treasury prior to publishing a change.

(3) CONSIDERATION OF INTERNATIONAL TRADE COMMISSION REPORT.—It is the sense of Congress that prior to publishing a change to U.S. Customs and Border Protection’s interpretation (as such interpretation is in effect on the date of the enactment of this Act) of the term ‘‘sold for exportation to the United States’, as described in section 492(b) of the Tariff Act of 1930 (19 U.S.C. 1401a(b)), for purposes of applying the transaction value of the imported merchandise in a series of sales, the Commissioner responsible for U.S. Customs and Border Protection should take into consideration the matters included in the annual report submitted by the United States International Trade Commission under subsection (c).

(e) DEFINITIONS.—In this section—

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘‘appropriate congressional committees’’ means the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

(2) COMMERCIAL OPERATIONS ADVISORY COMMITTEE.—The term ‘‘Commercial Operations Advisory Committee’’ means the Advisory Committee established pursuant to section 9503(c) of the Omnibus Budget Reconciliation Act of 1987 (19 U.S.C. 2071 note) or any successor committee.

(3) IMPORTER.—The term ‘‘importer’’ means one of the parties qualifying as an ‘‘importer
Mr. BOEHNER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Arizona [Mr. FLAKE].

Mr. FLAKE. I thank the gentleman for yielding.

You know, when we pass legislation like this, 1,700 pages, barely have time to print it, let alone read it, we are going to vote like this. Let me just mention a couple of the problems and issues that have come up over the last couple of days when we have been trying to deal with this legislation.

Our office found out just a couple of days ago after the bill had already passed that there was another subsidy program actually added to the bill during the conference that was not part of the House bill and was not part of the Senate bill. This is potentially a massive, massive liability for the taxpayers. According to the Department of Agriculture, this could mean as much as $10 billion, in addition to everything else in the bill, additional liability for the taxpayers annually.

We don't want this to get to score this to come up with these outrageous charges, which has been done with the House and the Senate. The gentleman is wrong. The provision that he is referring to was in both the House bill and the Senate bill, and it was also an original idea from the White House that was in their original farm proposal. So this is not some new program that came about in the conference committee. It was in the bill that passed the House, it was in the bill that passed the Senate, and it was in the President's bill that he proposed. In fact, this was a reform that was suggested by the White House and the administration.

So you can make all kinds of outrageous assumptions and come up with outrageous charges, which has been done for some time on this bill. The idea that there is going to be anybody in this country that has $2.5 million of adjusted gross income and is going to be able to collect farm payments is complete lunacy. That is not true. And whatever people they have been able to get to score this to come up with these numbers, nobody can verify that. These are more charges that we have dealt with.

This bill was filed on May 13. It has been available for everybody to read since May 13. It is exactly the same bill that has been out there all of this time. The error that was made was made by the Enrolling Clerk, not by this committee, and it is unfortunate. What we are trying to do here is fix the situation.

I am not sure that we need to do what we are doing here. But to try to accommodate some concerns on the part of the minority and others that have raised issues, what we are doing here is re-passing the bill exactly the way that it passed the House and the Senate, the way that it should have gone to the President, so that we can move this bill out of the House, the way that the President can veto it, we can override it, and in the provisions we will vitiate the work that has been done with the House and
Senate overriding the veto of the current bill.  

It is a messy process. It is something we would just as soon not go through. But it is where we are at. We are trying to deal with fixing a clerical error that was caught by the Enrolling Clerk, and we think this is an appropriate way to do that.

I reserve the balance of my time.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 3 minutes to the ranking Republican on the House Agriculture Committee, the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. I thank the leader for yielding and for all of the effort that he and virtually every Member of this House put into this legislation now. If some of us are experiencing a sense of deja vu, it is because we are considering the exact same bill that we passed with overwhelming bipartisan support last Wednesday. The Senate also passed the bill by a significant margin.

However, yesterday it was determined that somewhere between the House and Senate passage of the farm bill, while the bill was being enrolled, title III, the technical title, was accidentally omitted from the enrolled bill that was then sent to the President. To avoid future uncertainty or constitutional questions about the bill omitting the trade title, we are presenting the same farm bill that we passed last week to both chambers and running it back through the necessary procedures to ensure the whole bill becomes law.

While the substance and content of the bill is the exact same as we passed last week, three technical items have been added to reflect the technical corrections necessary. The technical changes to correct the clerical error include, one, a slight change to the long title in order to distinguish the bill from H.R. 2419; a provision that deems the conference report on H.R. 2419 to the legislative history of this new bill; and a provision that prevents duplication of the identical sections on H.R. 2419 upon adoption. This would prevent double spending if the Senate overrides the veto and 10 titles are in law when this new bill is enacted.

Other than those technical corrections, we are simply redoing the farm bill to correct the error.

Let me say that while it was an unfortunate error, it also was an egregious error. This is a very serious problem that has been created, and we are seeing that reflected in the fact that we are taking several different approaches to try to make sure that the farm bill which had that strong bipartisan support is indeed enacted into law. So it is with some disappointment that I see the majority table the privileged resolution offered by the Republican leader and not look into this in greater detail. I think it certainly does serve notice, and it is my hope that the majority would re-consider that approach and bring that privileged resolution to a vote so we can get to the bottom of all the considerations that need to be made regarding this and how this can be avoided in the future, but also to find out exactly what indeed did happen in the past few days that led to the unfortunate situation we find ourselves in today of again finding ourselves at this legislation, which I urge my colleagues to again adopt, as they already have voted for it once and have subsequently voted to override the President's veto, so we can indeed do what America's farmers and ranchers seek, and that is to have a new farm bill that is forward looking and that does address the concerns that have been brought to the attention of the committees.

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

Mr. PETERSON of Minnesota. Does the gentleman have further questions?

Mr. BOEHNER. Just myself. I will be happy to close.

Mr. PETERSON of Minnesota. Okay. We will give the minority leader the opportunity to close. I will just make some brief comments, and then yield back my time.

At this point I will reserve my time.

Mr. BOEHNER. So I can assume that the gentleman only has himself to close.

Let me yield 1 minute to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Speaker, I thank the gentleman for yielding.

I just wanted to respond to the statement that was made that we were wrong on the ACRE program in terms of what bills it was in. The ACRE program was not in the House-passed bill. It was in the conference report that passed the House later, is my understanding. It may have been in the Senate bill, but it wasn't a version that ended up in the bill itself.

Mr. PETERSON of Minnesota. If the gentleman will yield, we had an optional ACRE in our bill that passed the House.

Mr. FLAKE. That is not the information that I had.

And the point that I made with regard to the scoring by CBO stands. If you use an earlier baseline, it affects it tremendously. If you use the baseline that we should be using under the budget rules adopted by this House, by this majority, then the program would not score as it did; it would score as a big hit to the taxpayer rather than something else.

Mr. PETERSON of Minnesota. Would the gentleman yield?

We had an option to ACRE in the House bill that was different than the Senate. We had a national trigger, they had a State trigger. So it was in both bills.

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

Mr. BOEHNER. I yield the gentleman 1 additional minute.

Mr. FLAKE. I would like to see it. My information was that it was not in the Senate bill; and, that if it was in the Senate, it was considerably different than what came over here.

But I think one thing we know is it would have been appropriate because USDA was completely surprised at the numbers that came out. They are the ones, when they are saying all these numbers are flying around, the $16 billion in exposure is from the USDA. It is not pulled from some outside group or another group. It is saying that this could cost us an additional $16 billion. And that should be considered, and it wasn't in this House; it simply was swept under the rug. That is what happens when you deal with a bill this big this quickly.

Mr. BOEHNER. Mr. Speaker, I yield myself the balance of our time.

Most of my colleagues know that I opposed the farm bill when it originally came up, and I opposed it because it was succeed with earmarks. There was a $250 million earmark for a ranch in Montana, there was an earmark for $170 million for salmon fisheries on the West Coast, and a number of other earmarks in the bill. And as has been pointed out, the more the bill has lain around, the more that we have found other provisions in the bill that Members, let's say, it may have not caught their eye when it went through the House or the Senate.

The point that I am making is that given the commodity prices that we have in America, we can do better with this farm bill.

I understand the need for a farm bill and a need to ensure that America's farmers and ranchers have the kind of program that will ensure that America has a sufficient food supply and, frankly, a sufficient supply of food to export to many countries around the world.

But having said that, when we have seen the bills passed, $13 a bushel for soybeans, wheat in double digits, to be spending some $287 billion on this program I think is unwarranted. As I said when we considered the conference report on the farm bill last week, we can do better. This is the same old-same old that we have been doing for some 50 years.

While I appreciate the work that my colleagues put into it, I have worked closely with Mr. PETERSON and Mr. FLAKE for a long time. 18 years with my friend Mr. PETERSON, 16 years with my friend Mr. GOODLATTE. We have been through a lot of farm bills together and a lot of agriculture issues together. But at some point the American people look up and say, whoa, Washington, you are broken. And my point has been is that this farm bill is just another example; that at a time when we have got the highest food prices in the history of the country, we have the highest commodity prices we have ever had, we are continuing to go down the same old path.

The point that Mr. FLAKE brings up, something that I was unaware of in the
Mr. BACA. Mr. Speaker, the nutrition title in the Conference Report for the 2008 Farm Bill is a monumental achievement for the millions of Americans who struggle to put enough healthy, nutritious food on the table. I know it’s not always easy to make ends meet and to put food on the table when one has worked in the produce section, and I’ve sat at that table. But with this bill we start to fulfill our responsibility to our neighbors. We have improved and strengthened food stamp programs and other important nutrition programs for our children and senior citizens, and I want to take a few minutes to expand upon some of the accomplishments that are in this nutrition title.

First off, we have updated the name of the program. The new name will be SNAP: The Supplemental Nutrition Assistance Program. We needed a new name because there are no places left in this country where food stamps actually are “stamps.” Instead, like with other modern transactions, people swipe their cards at the store to access their benefits. This has been a huge success for reducing fraud and stigma in the program. We hope and expect that this new name and the program will help us to continue to chip away at the stigma that keeps some proud people, especially senior citizens, from signing up for help in paying for their groceries and puts them at risk of hunger.

It reflects the fact that the program provides a “supplement” to help people afford an adequate diet when their own resources are not quite enough. We also say “nutrition,” instead of “food,” because the program is about more than just food. It has got a vibrant nutrition education component to help our low-income population learn about healthy diets and make the choices that will improve their health status over their lifetimes. So I’m very proud of this new name for food stamps: an established program that is one of the best nutrition programs for our children and seniors—indeed, an important accomplishment. It helps about 40 million families.

As a senior member of the Judiciary Committee, I am particularly pleased to see this new name. It gets at some of the problems that have arisen relating to the enforceability of the Act and to ensure that no further problems exist.

The Food Stamp Act has long been recognized as fully enforceable on behalf of active recipients and prospective recipients. The history of enforceability is comparable to that of securities regulations, which the courts have long accepted. When, many years ago, a panel of the Fifth Circuit found no private right of action under the Food Stamp Act in a case brought by a pro se plaintiff, several other circuits, and, ultimately the Fifth Circuit en banc, rejected that conclusion. Had they not done so, I have no doubt we would have intervened.

Recently, a couple of Federal courts cast doubt on this long-held principle, one by finding the Department’s regulations on bilingual service unenforceable and another by forcing plaintiffs to meet the high standards for supervisory liability when suing a State to enforce the act and regulations against local agencies. I am pleased that this legislation overrules both of those decisions.

More broadly, the legislation recognizes that lawsuits by individual households or classes of household to enforce their rights under the act and regulations are an important part of the program. There now should be no doubt, if there ever was any, that all provisions of the act and regulations that help individuals get food assistance, or that protect them from burdens in their pursuit of food aid, are intended to create enforceable rights, with corrective injunctions or back benefits (the latter subject to the limitations in the act) as appropriate.

The act authorizes the Secretary of the Department or the Department only to exercise reasonable efforts or to substantially comply with its requirements and those in the regulations: it gives each individual a right to be treated as the act and rules provide. The act and regulations have an unmistakable focus on the benefited class of participants and prospective participants, they are written in mandatory, not peremptory terms, and they are concerned with the treatment of individuals as much as they are with aggregate or system-wide performance.

So you can have your arguments about nutrition, about something that we are trying out as an option. It is something we are going to see how it works between now and 2012. There are a lot of people, including the administration, that think that this is a better way to go than the current target priced countercyclical marketing loan situation that we have. We will see. I have been skeptical of it. But there are people in the Senate and other places that were thinking that this is a good reform.

Now this idea that was just put forward by the minority leader that somehow or another this $237 billion goes to farmers, we have editorial writers saying that’s the wrong thing around this country. The reality is that what actually goes to farmers under this bill is less than 9 percent of the bill, the traditional crop supports. 73.5 percent of the 19-year bill goes to nutrition. And if you add in crop insurance and the new disaster program, which is paid for by the first time, you are up to about 15 percent of the total bill going to farmers.

So this idea that $237 billion is going to farmers is not true. All of the new money in this bill is going to nutrition, going to conservation, going to fruits and vegetables, going to energy. The reality is that what is in this bill for farmers is less than it was in the old law, less than the total cost of the 2002 bill. This bill is less than what passed the House and the Senate. And this bill is exactly what we passed in the House, exactly what we passed in the Senate, and was sent to the President 1 hour ago we got this. I urge my colleagues to support this bill, and let us get this farm bill finally resolved.

Mr. Berman. Mr. Speaker, I rise in strong support of the nutrition title of the pending bill. It includes many urgently needed improvements to our food assistance programs for low-income people.

As a senior member of the Judiciary Committee, I am particularly pleased to see this new name and the program that was a national trigger, as I said earlier. This is an idea that came about from the White House, and it is not something that is going to be given to people just automatically. This is reviewed as a reform and it was sold as a reform by the White House, and I was skeptical of it.

But you have to give up 20 percent of your direct payments in order to get into this program. You have to lower your loan rate 30 percent. And this works not only going up, it works going down. So people are taking a risk by getting involved in this program as well as opportunity on the other side.

So you can have your arguments about nutrition, about something that we are trying out as an option. It is something we are going to see how it works between now and 2012. There are a lot of people, including the administration, that think that this is a better way to go than the current target priced countercyclical marketing loan situation that we have. We will see. I have been skeptical of it. But there are people in the Senate and other places that were thinking that this is a good reform.

The name reflects the fact that the program is one of the best nutrition programs for our children and seniors. And I am particularly pleased to see this new name, which I think is too good to be true, it usually is.

Now if the farm bill isn’t bad enough, the process that we are going through to try to rectify an error is—again, remember we have had this bill just over an hour. I am hurting my back trying to lift this thing, 1,768 pages, and just over 1 hour ago we got this.

So you can have your arguments about nutrition, about something that we are trying out as an option. It is some-
jobs. And we index the asset limits. We don’t know what the future will hold. Hopefully, the high inflation of the past months will shortly subside as the country gets back on track. But we now can rest assured, as never before, that if there is substantial inflation our low-income families and senior citizens won’t lose out on food.

For me what this bill really is about is people. It’s about our senior citizens who have worked hard their whole lives and deserve better than to face the fear of hunger in their last years. It’s about children, who come home from school and look to their parents to put a nutritious meal on the table.

One of the groups that will be most helped are our Nation’s senior citizens. We were able to increase the minimum benefit, which goes predominantly to senior citizens, from $10 to about $14 a month. This is the first increase in almost 30 years in the minimum benefit. I would have liked to have increased it even more, but this change will help make it worthwhile for some of our seniors who qualify for a low benefit to participate in the program. We did this by raising the minimum benefit to 20 percent of the thrifty food plan for a single person.

Because USDA adjusts the thrifty food plan every year for increases in food prices, so too will the minimum benefit now adjust. In addition, because of higher food prices in some states, such as Alaska, Hawaii, and some of the territories, seniors in these places will now also see a modestly higher minimum benefit.

For example in some parts of Alaska, the minimum benefit will be as high as $25 per month. In this bill we’ve also excluded retirement accounts from assets and indexed the asset limits to inflation. These changes will help senior citizens and working families to save for the future. It makes no sense to require people who fall on hard times to virtually liquidate all of the savings they’ve managed to put away in order to get help paying for groceries for themselves and their families. Our seniors, especially, may have no ability to replace these savings, and as a result, no cushion to deal with unexpected expenses. And a working family who is forced to spend down savings now will be that much closer to poverty in their older years.

So this is an important change for the long-term ability of low-income individuals to move toward financial independence and for our senior citizens to be able to retain an ability to support themselves in their retirement.

But I also want to reaffirm that we did not take away, as President Bush proposed, the State option in the food stamp program to design a more appropriate asset test at the State level. In my home State of California the legislature has been working together to design an expanded categorical eligibility program that will revise the asset limit for many food stamp recipients and make it easier for them to save for the future. I hope that other States consider this option, and I urge USDA to work with other States to promote this important change.

In another major improvement for senior citizens, we have expanded to seniors a State option in the food stamp program to design an expanded categorical eligibility program that will revise the asset limit for many food stamp recipients and make it easier for them to save for the future. I hope that other States consider this option, and I urge USDA to work with other States to promote this important change.

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with net income above about $600 a month (or 34 percent of the Federal poverty level) cannot get any food assistance in Puerto Rico. The same family living in California, or any other State on the mainland, could have almost three times as much income and still be eligible for food assistance. An elderly person living alone faces an income limit of $192 per month—just 23 percent of the poverty level.

Clearly, some of our most vulnerable American citizens are at risk of being denied food assistance they greatly need. It seems just plain wrong to knowingly leave some Americans with insufficient food. With this study we hope to get a better understanding of what the local conditions are in Puerto Rico, in terms of food costs, poverty and other programmatic factors so that we can figure out how to address the issue in the next farm bill, or earlier if possible.

Another important achievement of the bill is to ensure that both Federal statute and regulations have the full force of law, ensuring that clients who do not receive adequate service under these rules and standards may bring enforcement action against the Department. We felt that it was critical to clarify these regulations for serving people whose primary language is not English. I can’t speak to whether the case had any merit, but my colleagues and I were surprised and disturbed to learn about the court’s dismissal. We felt that it was critical to clarify in this bill that it has always been Congress’s intent that the program’s regulations should be fully enforceable and fully complied with to the same extent as the statute. The latter bill, therefore, clarifies the Department’s rule on serving non- and limited-English speaking people have the force of law and create rights for households.

Beyond the issue of bilingual access rules, this legislation makes clear that the Department’s civil rights regulations are among those which have the full force of law and which households have the right to enforce. Discrimination is not acceptable in any form or at any point in the food stamp certification process. Households should not be assisted, or not assisted, or denied for any reason other than an individual assessment of their need for help or their eligibility by the State. I am pleased to be playing a role in making clear that the committee and the Congress wish the program to be administered in compliance with the Food Stamp Act and its regulations.

I’d like to also talk about a somewhat related matter that we did not manage to agree to include in this farm bill, much to my disappointment. I worked hard to include in the House version of the bill different rules for any re-examination of interview processes, a provision that would have strengthened the long-standing policy in the food stamp program that certification and eligibility decisions should be done by State employees, rather than private companies. We would have added to the traditional restrictions around merit systems and provided specific exceptions for certain activities, such as outreach. In recent years the Bush Administration has let two States, Texas and Indiana, experiment with using private companies to collect and review food stamp applications and conduct face-to-face interviews. From my perspective, these projects are not consistent with current law or good sense. These experiments have been disastrous to the States’ treasuries but, more importantly, to the vulnerable families and senior citizens who rely on food stamps and found their applications delayed or improperly denied. Some people even had their private, personal information shared inappropriately. The activities involved in determining eligibility—and ineligibility—for food stamps should not be governed by profit motive or a company’s responsibility to its shareholders.

While the House voted to include this proviso in the conference agreement, the Senate did not. I opposed the other party and a veto threat from President Bush. I regret this outcome and I am determined to not drop this issue until we have restored the proper balance to food stamp administration.

But I urge my colleagues to not forget, that separate from this “privacy” issue, in recent years States have been experimenting with a wide variety of changes to food stamp policies and practices that incorporate new technologies and modern business practices. For example, some States are using technology to create new pathways to apply for and receive benefits, food stamps, health insurance, and child care, including online applications, online program redetermination or recertification, phone interviews, and call centers where changes in circumstances can be reported.

On the one hand, creating ways for families to participate in these programs without having to travel to a human service office can expand access and save time and money for States and families alike. In fact, in this bill we’ve created a new option for States to accept food stamp applications over the telephone. However, I doubt technology offers numerous opportunities for improved customer service and simpler application and retention processes.

On the other hand, if these processes are not well-designed, evaluated, and implemented, then families can face new access barriers. Moreover, some States are exploring these options at the same time that they are reducing human service staffing and closing local welfare offices. These steps can create new access barriers for certain groups of families and individuals. And I am concerned because neither States nor USDA appear to be asking the important questions about what has been the effect of these technological changes on access for food stamp households, particularly vulnerable populations like seniors, people with physical or mental disabilities, or people who do not speak English proficiently. The Government Accountability Office (GAO) last year published a report that found that USDA has not sufficiently monitored the States’ modernization efforts in terms of their effect on program access, records, accuracy, or administrative costs.

So in this bill we have included several provisions to require that States that are eager to pursue modernized systems are pausing to ask the necessary questions about how to ensure that the new systems are designed in such a way that they are effective tools for connecting eligible families to benefits. In this bill we require USDA to establish standards for when States are making major changes in program operations and to monitor the effects of any changes. I have asked that I households I just mentioned. I urge USDA to do this in a way that yields useful information so that States can refine and improve their systems to make them as accessible as possible to all clients.

Another provision requires States to adequately pilot test new computer systems before they go full-scale. This responds to situations where States have implemented new computer systems without testing. This occurred even though some at USDA knew that there were weaknesses in the system and that serious benefit delays and errors were likely to occur. We also included a provision the Administration suggested to require States, instead of households, to request any over-issuances that occur because of one of these preventable major system failures.

Finally, in light of all of the modernization changes and the potential access to sensitive information that new players may have, we strengthened the act’s privacy protections to ensure that anyone receiving confidential information for appropriate program purposes cannot then share that information with a third party. In addition to our fears that too many people may have access to private food stamp information as a result of new technology, we were also concerned that clients have not been able to access their private records. We heard about clients in Texas who had their benefits cut off, or who never were able to obtain benefits, and could not get access to their information in order to pursue a claim against the State. That is unacceptable. We also clarified that despite all of the changes in how States are storing and maintaining client records, clients can access these records in litigation. These changes are not in conflict because confidential records would continue to be reviewable only by certain State agencies and others not having a legitimate reason relating to program administration.

Another concern I have is about two new provisions that would disqualify certain people from food stamps for misusing their benefits. One relates to situations where a recipient of food stamps intentionally uses food stamp benefits to buy a product, like water, that is in a disposable container that can be redeemed for cash, then discards the product and redeems the container in order to obtain the cash back. The other new disqualification addresses individuals who intentionally purchase food with food stamp benefits in order to resell the food for a cash profit. I agree that both of these practices are contrary to the purposes of the food stamp program in assisting people in obtaining an adequate diet and it's appropriate to address them in this bill. However, I caution USDA to implement them in a way that ensures that only those who intended to defraud the system in these manners be disqualified. I do not want to see innocent people who may simply have bought groceries for a neighbor or relative—be caught up as somehow engaging in fraud under this provision.

My concerns here are not completely without precedent. In this bill we are revisiting and clarifying a different disqualification rule that was enacted in 1996, and that has, in fact, en snared innocent people and denied food stamp benefits in inappropriate ways. The intent of the law was to aid law enforcement and prevent criminals who are fleeing to avoid prosecution from receiving food stamps. Unfortunately, in practice this disqualified innocent people who had their identities stolen, or who have outstanding warrants for minor infractions that are many years old.
and where the police have no interest in apprehending and prosecuting the case.

So in this bill we direct USDA to clarify that people should only be subject to disqualification if they are actively fleeing law enforcement authorities who are, in fact, interested in bringing them to justice.

In addition to the very important changes we have made to the food stamp program and new funding for food banks through TEFAP, the bill would expand and improve the Fresh Fruit and Vegetable Program under the Richard B. Russell National School Lunch Act. This program has been receiving $9 million a year in mandatory funds and operates in 14 States. (Three Indian tribes also operate the program.)

Under the conference agreement, mandatory funding would increase to $40 million for the 2008-2009 school year and continue to grow. By 2012, the program would be funded at nearly 8 times its current size: $150 million each year, with annual adjustments for inflation in years after that.

In addition to providing increased funding, the conference agreement takes important steps to target program funds to elementary schools with a significant share of low-income children. Our goal is to provide free fresh fruits and vegetables to all elementary schools in the country where more than half of the children are eligible for free or reduced price school meals. This program should expose a whole new generation of children to the healthy way of eating.

To sum up, I am extremely proud of the work that our committee and our Congress has undertaken in the nutrition title of the Farm Bill. This is legislation that affects every citizen in this country.

Toeutude, I urge my colleagues to support this legislation. This is the same bill.

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

Mr. BOEHNER. 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 of rule XX, this 15-minute vote on the motion to suspend the rules on H.R. 6124 was followed by a 5-minute vote on the motion to suspend the rules on H. Res. 1194.

The vote was taken by electronic device, and there were—yeas 306, nays 110, not voting 19, as follows:

[Roll No. 355]
The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:
Mr. CARTER. Mr. Speaker, on rollover No. 353, On Motion to Suspend the Rules and Pass H.R. 6124, to provide for the continuation of agricultural and other programs of the Department of Agriculture through the fiscal year 2012, and for other purposes, I was unavoidably absent due to a family medical emergency. Had I been present, I would have voted "yea."

REAFFIRMING SUPPORT FOR THE GOVERNMENT OF LEBANON UNDER PRIME MINISTER FOUAD SINIORA

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1194, 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 New York (Mr. ACKERMAN) that the House suspend the rules and agree to the resolution, H. Res. 1194.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 401, nays 10, answered "present" 2, not voting 21, as follows:

[Table]

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Mr. BACHUS changed his vote from "yea" to "nay."

MESSRS. WELLER of Illinois, BUYER, HALL of Texas, MILLER of North Carolina, PEARCE, Ms. GINNY BROWN-WAITE of Florida, and Mr. TURNER changed their vote from "nay" to "yea."

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

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ANSWERED "PRESENT"—2

Watt

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H4655

May 22, 2008

CONGRESSIONAL RECORD—HOUSE
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.

Mr. HERGER. Madam Speaker, I was unavoidably detained. I would have voted "yea."

Mr. CARTER. Madam Speaker. I rise to state that due to unforeseen circumstances, I missed rollover vote No. 354, On Motion to Suspend the Rules and Agree to H. Res. 1194. Reaffirming the support of the House of Representatives for the legitimate, democratically-elected Government of Lebanon under Prime Minister Fouad Siniora, I was unavoidably absent due to a family medical emergency. Had I been present, I would have voted "yea."

Mr. SULLIVAN. Madam Speaker, I rise to state that due to unforeseen circumstances, I missed rollover vote No. 354 to H. Res. 1194 taken on May 22, 2008. Had I been present for this vote, I would have voted "yea" on this measure.

ANNOUNCEMENT BY CHAIRMAN OF PERMANENT SELECT COMMITTEE ON INTELLIGENCE REGARDING AVAILABILITY OF CLASSIFIED ANNEX

Mr. REYES asked and was given permission to address the House for 1 minute. Mr. REYES. Madam Speaker, I wish to inform my colleagues that the classified annex to H.R. 5959, the Intelligence Authorization Act for fiscal year 2009, will be available for review by Members only during regular committee business hours. Staff are requested to call the committee to schedule a viewing appointment for Members. Members will be required to fill out the appropriate security paperwork to view the classified documents.

DUNCAN HUNTER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009

The SPEAKER pro tempore (Ms. DeGETTE). Pursuant to House Resolution 1218 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. 5658.

The bill also helps protect our troops by improving military readiness, and providing them with the equipment they need to keep them safe. The bill authorizes nearly $2 billion for unfunded readiness initiatives, and authorizes $800 million to provide the National Guard and Reserve, which are terribly stretched thin due to their extended deployments, the equipment they critically need. It also authorizes $2.6 billion for additional Mine Resistant Ambush Protected (MRAP) vehicles, $947 million for additional Up-Armored Humvees, and $783 million for the continued procurement and enhancement of personal body armor and small arms. This legislation accomplishes those goals, and has my strong support.

Mr. KIND. Madam Speaker, I rise today in support of H.R. 5658, the National Defense Authorization Act for Fiscal Year 2009. I would like to start by commending the outstanding service provided by our men and women in the armed forces and thanking them for the terrific job they do for us across the globe each and every day, often in very difficult and dangerous circumstances. In return, I believe it is our duty as Congress to provide our troops with the support and resources they need to do their job as safely and effectively as possible. It is a credit to Chairman SKELTON and Ranking Member HUNTER that we have been able to fulfill this important obligation with strong bipartisan support.

I especially thank the committee for addressing an issue of particular importance to me and one of my constituents in this legislation. During a 15-month deployment in Afghanistan, U.S. Army Sergeant Jeffrey Frawley endured extremely harsh conditions in the mountains near Pakistan. Despite these hardships, he selflessly re-enlisted to serve his country for another 4 years. Upon his return to the United States, Sergeant Frawley's company was forced to live in barracks at Fort Bragg that were infested with mold, suffered from decrepit plumbing, and...
were structurally unsound. While visiting his son, Sergeant Frawley’s father took pictures of the barracks and eventually posted a video of them on the internet.

The appalling conditions to which soldiers such as Sergeant Frawley have been subjected are an embarrassment. The improvement of these facilities must be of the highest priority for this country. Our returning troops deserve better. That is why I am proud to support H.R. 5658, which increases the Sustainment, Restoration, and Modernization accounts for the Department of Defense by $650 million. This additional funding is directly targeted at modernizing and fixing existing barracks, and will go a long way in ensuring that Sergeant Frawley and other soldiers are provided with the resources and facilities they deserve.

I thank Armed Services Committee Chairman SKELTON and Ranking Member HUNTER for their leadership on this critical issue. I applaud their work and urge my colleagues to support this important bill.

Mr. LANGEVIN, Mr. Chairman, I rise in support of the National Defense Authorization Act for Fiscal Year 2009. Having served on the House Armed Services Committee, I know that it handles some of the most complicated and contentious issues before Congress, but through a combination of hard work and a commitment to bipartisanship, it has been able to assemble a good bill that all Members should support. I would particularly like to thank Chairman SKELTON and Ranking Member HUNTER for their leadership and their efforts to enhance our national security.

The members of this body hold significantly different opinions about what our Nation’s role should be in Iraq. Personally, having voted against the authorization of the use of force in Iraq, I believe that our current combat operations are doing significant and systemic damage to our military readiness and that we need a new strategy that emphasizes diplomatic and economic efforts and that allows us to bring our troops home. Despite our differences on Iraq policy, though, my colleagues and I stand in full support of the men and women in uniform of our Nation, as well as their families. This legislation recognizes their service by providing a pay raise of 3.9 percent—an increase of 0.5 percent over the President’s budget request. It also rejects the President’s ill-advised proposal to raise premiums and co-pays for participants of TRICARE, the military health care system. Congress recognizes that other options exist to reduce the cost of health care and that we must not place an undue burden on our military families. To that end, H.R. 5658 establishes several new prevention initiatives, which will keep people healthier and reduce future costs.

As co-chair of the House Subcommittee on Change, I am particularly pleased that the bill before us makes a major investment in our national security by providing additional $722 million for advance procurement of a second VIRGINIA-class submarine in FY2010—one year ahead of schedule. Last year, Congress provided $588 million to expedite the VIRGINIA-class construction schedule to attain two submarines in FY2011, and this legislation moves the target date even sooner. Submarines are the ultimate flexible platforms in our military, but if we don’t build more quickly, we will lose our strategic advantage over nations that are rapidly expanding their naval forces. Furthermore, this funding will help our submarine industrial base, which, without additional work, will face layoffs, and our Nation could lose their specialized skills and expertise. The men and women who work at Electric Boat in my district make the best submarines in the world and I am pleased that this legislation will allow them to expand their contributions to our national security. I am deeply grateful to Chairman IKE SKELTON and Seapower Subcommittee Chairman GENE TAYLOR—as well as my friend and neighbor JOE COURTNEY and my co-chair on the Submarine Force—for their commitment to our submarine force.

This Congress has shown a commitment to our Navy and recognizes the importance of shipbuilding. While I applaud many provisions in this bill that will help restore the size of our fleet, I have concerns about the decision to delay the purchase of the third Zumwalt-class destroyer (DDG–1000). Instead of funding the President’s full request, the bill provides $400 million that may be used either to purchase long-lead materials for the thud DDG–1000 or to begin procurement of two Arleigh Burke-class destroyers. DDG–1000 is the first installment in the Navy’s Family of Ships line, which will develop new technology for later insertion in the next-generation cruiser and other surface ships. Delaying DDG–1000 will prevent the development of new technologies and weapons systems that are necessary to address current and future threats. Additionally, while purchasing additional DDG–51s will help increase the size of our fleet, they cannot fulfill the mission requirements of the DDG–1000, which was specifically built to have greater capability and a smaller crew. As we move forward with this bill, I ask that the committee keep these concerns in mind.

I am very proud to support H.R. 5658, which provides our men and women in uniform with the resources, equipment and services they need to continue their excellent service to the Nation. I urge all of my colleagues to support this measure.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today to discuss H.R. 5658, the Duncan Hunter National Defense Authorization Act for FY 2009 which has many important provisions to help our military personnel and their families. I want to thank my colleague Congressman HUNTER for co-filing this bill on the House Armed Services Committee in bringing a bill to the floor that not only protects and preserves our military personnel. The bill also provides $800 million for National Guard and Reserve equipment and $952 million to deal with equipment shortages and for equipment maintenance.

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The bill establishes a Career Intermission Pilot Program to allow a servicemember to be released from active duty for a maximum of 3 years to focus on personal or professional goals outside of the military. The bill also provides tuition assistance to help military spouses establish their own careers, authorizes Impact Aid funding to assist schools with large enrollments of military families, and establishes a DoD School of Nursing to address the critical nursing shortage in our military services.

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come home, their service should be recog-
nized appropriately, including through the ob-
servation of a national day of celebration; and
(3) the primary purpose of funds made avail-
able by this Act should be to transition the
mission of United States Armed Forces in Iraq
and undertake their redeployment, and not to
extend or prolong the war.

This amendment was borne from my deeply
held belief that we must commend our military
for their exemplary performance and success
in Iraq. As lawmakers continue to debate U.S.
policy in Iraq, I believe that our military men
and women continue to willingly sacrifice life and
l imb on the battlefield. Our troops in Iraq did
everything we asked them to do. The United States
will not and should not permanently prop up the
Iraqi government and military. Whether or not our colleagues agree that the
time has come to withdraw our American
forces from Iraq, I believe that all of us in Con-
gress should be of one accord that our troops
deserve our sincere thanks and congratula-
tions.

My amendment explicitly stated that the
goals laid out by the Authorization for Use of
Military Force against Iraq Resolution of 2002
(AUMF) have all been achieved by our troops
in Iraq.

Due to the skill and dedication of the mem-
bers of the Armed Forces, the entire world has
now been assured that Iraq does not possess
weapons of mass destruction that could threaten
the United States or any member na-
ton of the international community. The United States Armed Forces successfully toppled the
regime of Saddam Hussein and captured the
key cities of Iraq in only 21 days. The Armed
Forces performed magnificently in conducting
military operations designed to ensure that the
people of Iraq would enjoy the benefits of a
democratically elected government governing
a country that is capable of sustaining itself
economically and politically and defending
itself militarily.

While our troops have achieved the objec-
tives for which they were sent to Iraq, they are
now caught in the midst of a sectarian conflict.
Unfortunately, there is no military solution
to Iraq’s ongoing political and sectarian conflicts.

My second amendment would have made a
declaration of U.S. policy that “The Authoriza-
tion for the Use of Military Force against Iraq Res-
olution of 2002 (Public Law 107–243; ap-
proved on October 16, 2002) is the basis of
authority pursuant to which the President
launched the invasion of Iraq in March 2003.”

Further, it describes the authorization’s two
stated objectives: to enforce all relevant
United Nations Security Council resolutions re-
garding Iraq, and to defend the national secu-
rit y of the United States (i) by disarming Iraq
of any weapons of mass destruction that could
threaten the United States and international peace in the Persian Gulf region, (ii) by ensuring that the regime of Saddam Hussein would not provide weapons of mass
destruction to international terrorists, including
al Qaida, (iii) by changing the Iraqi regime so
that Saddam Hussein and his Baathist regime
no longer pose a threat to the people of Iraq
or Iraq’s neighbors, and (iv) by bringing to jus-
tice any members of al Qaida bearing respon-
sibility for the attacks on the United States, its
citizens, and interests, including the attacks
that occurred on September 11, 2001, known or
found to be in Iraq.

Most crucially, my second amendment states unequivocally that “the objectives of
Public Law 107–243 described in subparagraphs
(A) and (B) of paragraph (2) have been achieved. This amendment would have provided
an expressed acknowledgment by the Congress that the objectives for which the
Authorization for Use of Military Force (AUMF) resolution of 2002 authorized the use of force
in Iraq were achieved by the Armed Forces of
the United States.

The objectives for which this Congress au-
thorized war in Iraq have been met; therefore,
that authorization should no longer be the
basis for ongoing involvement by U.S. armed
forces. Our military has paid too high a price for this Administration’s ill-advised and
poorly planned war effort in Iraq. My amend-
ment would have recognized the exemplary
performance of our men and women in uni-
iform, and emphasizes that our military has al-
ready achieved the objectives for which it was
sent to Iraq.

Mr. Chairman, although I would have liked to
see my amendments included in this bill I am
supportive of much of the provisions of
this bill; however since this legislation provides
for continued funding of the war I will not be
able to vote for the continuation of the war. I
will vote no.

The Acting CHAIRMAN. When the
Committee of the Whole rose on
Wednesday, May 21, 2008, all time for
general debate pursuant to House Reso-

UTION 1213 had expired. Pursuant to
House Resolution 1218, no further gen-
eral debate is in order.

Pursuant to House Resolution 1218,
the amendment in the nature of a sub-
stitute printed in this bill is considered
as an original bill for the purpose of
amendment and is considered read.

The text of the amendment in the na-
ture of a substitute is as follows:

H.R. 5658

Be it enacted by the Senate and House of Rep-

resentatives of the United States of America in
Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Duncan Hunter
Year 2009”.

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS;

TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into
three divisions as follows:

(1) Division A—Department of Defense Au-

thorizations.

(2) Division B—Military Construction Au-

thorizations.

(3) Division C—Department of Energy Na-

tional Security Authorizations and Other Au-

thorizations.

(b) TABLE OF CONTENTS.—The table of con-

ents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of
contents.
Sec. 3. Congressional defense committees.
DIVISION A—DEPARTMENT OF DEFENSE
AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations
Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense-wide activities.
Sec. 105. National Guard and Reserve equip-
ment.
Sec. 106. Research and development funds.
Subtitle B—Army Programs
Sec. 111. Separate procurement line items for
Future Combat Systems program.
Sec. 112. Restriction on contract awards for
major elements of the Future
Combat Systems program.
Sec. 113. Restriction on obligation of funds for
Army tactical radio pending re-
port.
Sec. 114. Restriction on obligation of procure-
ment funds for Armed Recongnis-
ance program pending certification.
Subtitle C—Navy Programs
Sec. 121. Refueling and complex overhaul of the
U.S.S. Theodore Roosevelt.
Sec. 122. Applicability of previous teaming
agreements for Virginia-class sub-
marine program.
Sec. 123. Littoral Combat Ship (LCS) program.
Sec. 124. Report on F/A-18 procurement costs,
comparing multiyear to annual.
Subtitle D—Air Force Programs
Sec. 131. Limitation on retiring C-5 aircraft.
Sec. 132. Maintenance of retired KC-135 aircraft.
Sec. 133. Repeal of multi-year contract author-
itv for procurement of tanker air-
craft.
Sec. 134. Report on processes used for require-
mnts development for KC-X.
Subtitle E—Joint and Multiservice Matters
Sec. 141. Body armor acquisition strategy.
Sec. 142. Small arms acquisition strategy and
requirements review.
Sec. 143. Requirement for common ground sta-
tions and payloads for manned and unmanned vehicles.

TITLE II—RESEARCH, DEVELOPMENT,
TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations
Sec. 201. Authorization of appropriations.
Sec. 202. Amount for defense science and tech-
nology.
Subtitle B—Program Requirements, Restrictions, and
Limitations
Sec. 211. Additional determinations to be made
as part of Future Combat Systems
milestone review.
Sec. 212. Analysis of Future Combat Systems
communications network and
software.
Sec. 213. Future Combat Systems manned
ground vehicle selected acquisi-
tion reports.
Sec. 214. Separate procurement and research,
development, test, and evaluation
line items and program elements for
Sky Warrior Unmanned Aerial System.
Sec. 215. Restriction on obligation of funds for
the Warriorfighter Information Net-
work—Tactical program.
Sec. 216. Limitation on source of funds for cer-
tain Joint Cargo Aircraft expendi-
tures.
Subtitle C—Missile Defense Programs
Sec. 221. Independent study of boost phase mis-
ile defense.
Sec. 222. Limitation on availability of funds for
procurement, construction, and
deployment of missile defenses in
Europe.
Subtitle D—Other Matters
Sec. 231. Oversight of testing of personnel pro-
ective equipment by Director,
Operational Test and Evaluation.
Sec. 232. Assessment help for Historically Black
Colleges and Universities and Mi-
nority Serving Institutions Pro-
gram.
Sec. 233. Technology-neutral information tech-
nology guidelines and standards
to support fully interoperable
electronic personal health inform-
ation for the Department of De-
fense and Department of Veterans
Affairs.
Sec. 234. Repeal of requirement for Technology Transition Initiative.

Sec. 235. Trusted defense systems.

Sec. 236. Limitation on obligation of funds for Enhanced AN/TPQ-37 radar system pending submission of report.

Sec. 237. Capabilities-based assessment to outline a joint approach for future development of vertical lift aircraft and rotorcraft.

Sec. 238. Availability of funds for prompt global strike capability development.

TITLE III—OPERATION AND MAINTENANCE
Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.

Subtitle B—Environmental Provisions

Sec. 311. Authorization for Department of Defense participation in conservation banking programs.

Sec. 312. Reimbursement of Environmental Protection Agency for certain costs in connection with Moses Lake Wellfield Superfund Site, Moses Lake, Washington.

Sec. 313. Expand cooperative agreement authority for management of natural resources to include off-installation mitigation.

Subtitle C—Workplace and Depot Issues

Sec. 321. Time limitation on duration of public-private competitions.

Sec. 322. Comprehensive analysis and development of single Government-wide definition of inherently governmental function.

Sec. 323. Study on future depot capability.

Sec. 324. High-performing organization business processes.

Sec. 325. Temporary suspension of studies and requirements in planning, requirement, and procurement.

Sec. 326. Consolidation of Air Force and Air National Guard aircraft maintenance.

Sec. 327. Guidance for performance of civilian personnel work under Air Force civilian personnel consolidation plan.

Sec. 328. Report on reduction in number of firefighters on Air Force bases.

Subtitle D—Energy Security

Sec. 331. Annual report on operational energy management and implementation of operational energy strategy.

Sec. 332. Consideration of fuel logistics support requirements in planning, requirement, and acquisition processes.

Sec. 333. Study on solar energy for use at forward operating locations.

Sec. 334. Study on coal-to-liquid fuels.

Subtitle E—Reports

Sec. 341. Comptroller General report on readiness of Armed Forces.

Sec. 342. Report on plan to enhance combat skills of Navy and Air Force personnel.

Sec. 343. Controller General report on the use of the Army Reserve and National Guard as an operational reserve.

Sec. 344. Comptroller General report on link between capability and use of Army reserve component forces to support ongoing operations.

Sec. 345. Comptroller General report on adequacy of funding, staffing, and organization of Department of Defense Military Munitions Response Program.

Sec. 346. Report for providing repair capabilities to support ships operating near Guam.

Subtitle F—Other Matters

Sec. 351. Extension of Enterprise Transition Plan reporting requirement.

Sec. 352. Demilitarization of loaned, given, or exchanged documents, historical artifacts, and commemorated or obsolescent combat materiel.

Sec. 353. Repeal of requirement that Secretary of Air Force maintain training and support to all military department for A-10 aircraft.

Sec. 354. Display of annual budget requirements for Air Sovereignty Alert Mission.

Sec. 355. Sense of Congress that Air Sovereignty Alert Mission should receive sufficient funding and resources.

Sec. 356. Revision of certain Air Force regulations required.

Sec. 357. Transfer of C-12 aircraft to California Department of Forestry and Fire Protection.

Sec. 358. Availability of funds for Irregular Warfare Support program.

Sec. 359. Sense of Congress regarding procurement and use of munitions.

Sec. 360. Limitation on obligation of funds for Air Combat Command Management Headquarters.

Sec. 361. Increase of domestic sourcing of military working dogs used by the Department of Defense.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS
Subtitle A—Active Forces

Sec. 401. End strengths for active forces.

Sec. 402. Revision in permanent active duty end strength levels.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.

Sec. 412. End strengths for Reserves on active duty in support of the Reserves.

Sec. 413. End strengths for military technicians (dual status).

Sec. 414. Fiscal year 2009 limitation on number of non-dual status technicians.

Sec. 415. Maximum number of personnel authorized to be on active duty for operational support.

Sec. 416. Additional waiver authority of limitation on number of reserve component members authorized to be on active duty.

Subtitle C—Authorization of Appropriations

Sec. 421. Military personnel.

TITLE V—MILITARY PERSONNEL POLICY
Subtitle A—Officer Personnel Policy Generally

Sec. 501. Military manpower requirements for regular warrant officers for length of service.

Sec. 502. Requirements for issuance of posthumous commissions and warrants.

Sec. 503. Extension of authority to reduce minimum length of active service required for voluntary retirement as an officer.

Sec. 504. Increase in authorized number of general officers on active duty in the Marine Corps.

Subtitle B—Reserve Component Management

Sec. 511. Extension to all military departments of authority to defer mandatory separation of military technicians from the service.

Sec. 512. Increase in authorized strengths for Marine Corps Reserve officers on active duty in the grades of major and lieutenant colonel to meet force structure requirements.

Sec. 513. Clarification of authority to consider for a vacancy promotion National Guard officers ordered to active duty in support of a contingency operation.

Sec. 514. Increase in mandatory retirement age for certain Reserve officers.

Sec. 515. Age limit for retention of certain Reserve officers on active status list as exception to time limitations for years of commissioned service.

Sec. 516. Authority to retain Reserve chaplains and officers in medical and related specialties for years of commissioned service.

Sec. 517. Study and report regarding personnel movements in Marine Corps Individual Ready Reserve.

Subtitle C—Joint Qualifying Officers and Requirements

Sec. 521. Joint duty requirements for promotion to general or flag officer.

Sec. 522. Technical, conforming, and clerical changes to joint specialty terminology.

Sec. 523. Promotion policy objectives for Joint Qualified Officers.

Sec. 524. Length of joint duty assignments.

Sec. 525. Designation of general and flag officer positions on Joint Staff as positions to be held only by reserve component officers.

Sec. 526. Treatment of certain service as joint duty experience.

Subtitle D—General Service Authorities

Sec. 531. Increase in authorized maximum retirement list term.

Sec. 532. Career intermission pilot program.

Subtitle E—Education and Training

Sec. 541. Repeal of prohibition on phased increase in midshipmen and cadet strength limit at United States Naval Academy and Air Force Academy.

Sec. 542. Promotion of foreign and cultural exchange activities at military service academies.

Sec. 543. Compensation for civilian President of United States Naval Academy.

Sec. 544. Increased authority to enroll defense industry employees in defense product development program.

Sec. 545. Requirement of completion of service under honorable conditions for purposes of entitlement to educational assistance for reserve components members supporting contingency operations.

Sec. 546. Consistent education loan repayment authority for health professionals in regular components and selected Reserve.

Sec. 547. Increase in number of units of Junior Reserve Officers’ Training Corps.

Subtitle F—Military Institute

Sec. 551. Grade of Staff Judge Advocate to the Commandant of the Marine Corps.

Sec. 552. Standing military protection order.

Sec. 553. Mandatory notification of issuance of military protective order to civilian law enforcement.

Sec. 554. Implementation of information database on sexual assault incidents in the Armed Forces.

Subtitle G—Decorations, Awards, and Honor Banners

Sec. 561. Replacement of military decorations.


Sec. 563. Advancement of Brigadier General Charles E. Yeager, United States Air Force (retired), to the rank of general.

Sec. 564. Advancement of Rear Admiral Wayne E. Meyer, United States Navy (retired), to the rank of vice admiral.

Sec. 565. Award of Vietnam Service Medal to Charles E. Yeager for acts of valor during the Vietnam War.
Sec. 601. Fiscal year 2009 increase in military basic pay.
Sec. 602. Permanent prohibition on charges for meals received at military treatment facilities by members receiving continuous care.
Sec. 603. Equitable treatment of senior enlisted members in computation of basic allowance for housing.
Sec. 604. Increase in maximum authorized payment or reimbursement amount for temporary lodging expenses.
Sec. 605. Availability of portion of a second family separation allowance for married couples with dependents.
Sec. 606. Stabilization of pay and allowances for senior enlisted members and warrant officers appointed as officers and officers reappointed in a lower grade.
Sec. 607. Extension of authority for income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service.
Sec. 608. Guaranteed pay increase for members of the Armed Forces of one-half of one percentage point higher than Employment Cost Index.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. Extension of certain bonus and special pay authorities for Reserve forces.
Sec. 612. Extension of certain bonus and special pay authorities for health care personnel.
Sec. 613. Extension of special pay and bonus authorities for nuclear officers.
Sec. 614. Extension of authorities relating to payment of other title 37 bonuses and special pays.
Sec. 615. Extension of authorities relating to payment of referral bonuses.
Sec. 616. Increase in maximum bonus and stipend amounts authorized under Nurse Officer Candidate Accession Program.
Sec. 617. Maximum length of nuclear officer incentive pay agreements for service.

Sec. 618. Technical changes regarding consolidation of special pay, incentive pay, and bonus authorities of the uniformed services.
Sec. 619. Use of new skill incentive pay and proficiency bonus authorities to encourage training in critical foreign languages and foreign cultural studies.
Sec. 620. Temporary targeted bonus authority to increase direct accessions of officers in certain health professions.

Subtitle C—Travel and Transportation Allowances

Sec. 631. Increased weight allowance for transportation of baggage and household effects for certain enlisted members.
Sec. 632. Additional weight allowance for transportation of materials associated with employment of a member's spouse or community support volunteer or charity activities.
Sec. 633. Transportation of family pets during deployment of nonessential personnel.

Subtitle D—Retired Pay and Survivor Benefits

Sec. 641. Equity in computation of disability re-ired pay for reserve component members who are in line of action.
Sec. 642. Effect of termination of subsequent marriage on payment of Survivor Benefit Plan annuity to surviving spouse or former spouse who previously transferred annuity to dependent children.
Sec. 643. Extension to survivors of certain members who die on active duty of special survivor indemnity allowance for persons affected by required Survivor Benefit Plan annuity offset for dependency and indemnity compensation.
Sec. 644. Election to receive retired pay for nonregular service upon retirement and re-irement of retired grade of Reserve retirees to reflect service after retirement.
Sec. 645. Re-computation of retired pay and adj-justment of retired grade of Reserve retirees to reflect service after retirement.
Sec. 646. Correction of unintended reduction in survivor benefit annuities due to phased elimination of two-tier annuity computation and supplemental annuity.
Sec. 647. Presumption of eligibility for participants in Survivor Benefit Plan in missing status.

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits and Operations

Sec. 651. Use of commissary stores surcharges derived from temporary commissary initiatives for reserve components and retired members.
Sec. 652. Requirements for privatization of commissary store functions.
Sec. 653. Additional exception to limitation on use of appropriated funds for Department of Defense golf courses.
Sec. 654. Enhanced enforcement of prohibition on sale or rental of sexually explicit material on military installation.
Sec. 655. Requirement to buy military decorations, ribbons, badges, medals, insignia, and other uniform components produced in the United States.
Sec. 656. Use of appropriated funds to pay post allowances or overseas cost of living allowance to nonappropriated fund instrumentality employees serving overseas.
Sec. 657. Study regarding sale of alcoholic wine and beer in commissary stores in addition to exchange stores.

Subtitle F—Other Matters

Sec. 658. Increased weight allowance for transportation of baggage and household effects for certain enlisted members.
Sec. 659. Use of new skill incentive pay and proficiency bonus authorities to encourage training in critical foreign languages and foreign cultural studies.
Sec. 660. Temporary targeted bonus authority to increase direct accessions of officers in certain health professions.

Sec. 661. Bonus to encourage Army personnel and others to refer persons for enlistment in the Army.
Sec. 662. Continuation of entitlement to bonuses and similar benefits for members of the uniformed services who die, are separated or retired for disability, or meet other criteria.
Sec. 663. Providing injured members of the Armed Forces information concerning benefits.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Improvements to Health Benefits
Sec. 701. One-year extension of prohibition on increases in certain health care costs for members of the uniformed services.
Sec. 702. Temporary prohibition on increase in copayments under retail pharmacy system of pharmacy benefits program.
Sec. 703. Prohibition on conversion of military medical and dental positions to civilian medical and dental positions.
Sec. 704. Chiropractic care for members on active duty.
Sec. 705. Requirement to recalculates TRICARE Reserve Select premiums based on actual cost data.
Sec. 706. Program for health care delivery at military installations projected to grow.
Sec. 707. Guidelines for combined Federal medical facilities.

Subtitle B—Preventive Care
Sec. 711. Wavier of copayment for preventive services for certain TRICARE beneficiaries.
Sec. 712. Military health risk management demonstration project.
Sec. 713. Smoking cessation program under TRICARE.
Sec. 714. Availability of allowance to assist members of the Armed Forces and their dependents procure preventive health care services.

Subtitle C—Wounded Warrior Matters
Sec. 721. Center of excellence in prevention, diagnosis, treatment, and rehabilitation of hearing loss and auditory system injuries.
Sec. 722. Clarification to center of excellence relating to military eye injuries.
Sec. 723. National Casualty Care Research Center.
Sec. 724. Peer-reviewed research program on extremity war injuries.
Sec. 725. Review of policies and processes related to the delivery of mail to wounded members of the Armed Forces.

Subtitle D—Other Matters
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Sec. 732. Report on providing the Extended Care Health Option Program to autistic dependents of military re-tirees.
Sec. 733. Sense of Congress regarding autism therapy services.

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Sec. 801. Review of impact of illegal subsidies on acquisition of KC-45 aircraft.
Sec. 802. Assessment of emergent operational needs fulfillment.
Sec. 801. Clarification that cost accounting standards apply to Federal contracts performed outside the United States.

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Sec. 822. Development of guidance on personal services contracts.

Sec. 823. Limitation on performance of product support integrator functions.

Subtitle D—Defense Industrial Security

Sec. 831. Requirements relating to facility clearances.

Sec. 832. Foreign ownership control or influence.

Sec. 833. Congressional oversight relating to facility clearances and foreign ownership control or influence; definitions.

Subtitle E—Other Matters

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Sec. 1132. Funding allocations.

TITLe XIV—OTHER AUTHORIZATIONS

SubTitle A—Military Programs

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Sec. 1174. Definitions.

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Sec. 1201. Short title.

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SEC. 102. NAVY AND MARINE CORPS.

SEC. 103. AIR FORCE.

Sec. 104. DEFENSE-WIDE ACTIVITIES.

Sec. 105. NATIONAL GUARD AND RESERVE EQUIPMENT.

Sec. 106. RAPID ACQUISITION FUND.

Title B—Army Programs

Sec. 111. SEPARATE PROCUREMENT LINE ITEMS FOR FUTURE COMBAT SYSTEMS PROGRAM.

Sec. 112. Restriiction on obligation funds for Army tactical radio pending report.

Sec. 113. Restriction on obligation of funds for Army tactical radio pending report.

Subtitle C—Air Force Programs

Sec. 121. Refueling and complex overhaul of the U.S.S. Theodore Roosevelt.

Sec. 122. Applicability of previous teaming agreements for Virginia-class submarine program.

Sec. 123. littoral combat ship (LCS) program.

Sec. 124. Report on F/A-18 procurement costs, comparing multimile to annual.

Subtitle D—Air Force Programs

Sec. 131. Limitation on retiring C-5 aircraft.

Sec. 132. Maintenance of retired KC-135E aircraft.

Sec. 133. Repeal of multi-year contract authorization for procurement of tanker aircraft.

Sec. 134. Report on processes used for requirements development for KC-X.

Subtitle E—Joint and Multi-service Matters

Sec. 141. Body armor acquisition strategy.

Sec. 142. Small arms acquisition strategy and requirements review.

Sec. 143. Requirement for common ground stat to support sale for manned and unmanned aerial vehicles.

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

SEC. 102. NAVY AND MARINE CORPS.

SEC. 103. AIR FORCE.

Sec. 104. DEFENSE-WIDE ACTIVITIES.

Sec. 105. NATIONAL GUARD AND RESERVE EQUIPMENT.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the procurement of aircraft, missiles, wheeled and tracked combat vehicles, tactical wheeled vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces in the amount of $890,000,000.

SEC. 106. RAPID ACQUISITION FUND.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the Rapid Acquisition Fund in the amount of $3,539,177,000.

Subtitle B—Army Programs

SEC. 111. SEPARATE PROCUREMENT LINE ITEMS FOR FUTURE COMBAT SYSTEMS PROGRAM.

Effective for fiscal year 2010 and for each fiscal year thereafter, the Secretary of the Army shall ensure that, in each budget submission to the President, a separate, dedicated procurement line item is designated for each of the following units of the Future Combat Systems (FCS) program, to the extent the budget submission includes funding for such elements:

(1) FCS Manned Ground Vehicles.
(2) FCS Unmanned Ground Vehicles.
(3) FCS Unmanned Aerial Systems.
(4) FCS Unattended Ground Systems.
(5) Other FCS elements.

SEC. 112. RESTRICTION ON CONTRACT AWARDS FOR MAJOR ELEMENTS OF THE FUTURE COMBAT SYSTEMS PROGRAM.

(a) CONTRACT AUTHORITY.

(b) CONTRACT AUTHORITY.

(c) Certification Required.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall certify to the congressional defense committees that the Army Reconnaissance Helicopter has—

(1) satisfactorily completed a Limited User Test; and

(2) been approved to enter Milestone C.

(b) RESTRICTION ON OBLIGATION OF FUNDS PENDING CERTIFICATION.—Of the amounts appropriated pursuant to an authorization of appropriations in this Act or otherwise made available for fiscal year 2009 for Other Procurement, Army, for tactical radio systems, not more than 75 percent may be obligated or expended until 30 days after the report required by subsection (a) is received by the congressional defense committees.

Subtitle C—Navy Programs

Sec. 121. Refueling and complex overhaul of the U.S.S. Theodore Roosevelt.

Sec. 122. Applicability of previous teaming agreements for Virginia-class submarine program.

Sec. 123. littoral combat ship (LCS) program.

Sec. 124. Report on F/A-18 procurement costs, comparing multimile to annual.

SEC. 125. RESTRICTION ON OBLIGATION OF FUNDS FOR ARMED RECONNAISSANCE HELICOPTER PROGRAM PENDING CERTIFICATION.

(a) Certification Required.—The Secretary of Defense for Acquisition, Technology, and Logistics shall certify to the congressional defense committees that the Army Reconnaissance Helicopter has—

(1) satisfactorily completed a Limited User Test; and

(2) been approved to enter Milestone C.

(b) Restriction on obligation of funds pending certification.—Of the amounts appropriated pursuant to an authorization of appropriations in this Act or otherwise made available for fiscal year 2009 for aircraft procurement, Army, for the Armed Reconnaissance Helicopter—

(1) for aircraft; $4,912,735,000.
(2) for missiles; $2,201,460,000.
(3) for weapons and tracked combat vehicles; $3,539,177,000.
(4) for ammunition; $2,294,791,000.
(5) for other procurement; $11,201,876,000.
(6) for CANNON.

SEC. 126. NAVY AND MARINE CORPS AMMUNITION.

(4) For other procurement, $16,134,896,000.

(1) For aircraft, $12,618,665,000.
(2) For weapons, including missiles and torpedoes, $3,575,482,000.
(3) For ships and other weapons, Ordinance Department; or
(4) For ammunition, $934,478,000.

(2) For weapons, including missiles and torpedoes, $3,575,482,000.
(3) For weapons, including missiles and torpedoes, $3,575,482,000.
(4) For other procurement, $5,461,926,000.

(2) For weapons, including missiles and torpedoes, $3,575,482,000.
(3) For weapons, including missiles and torpedoes, $3,575,482,000.
(4) For other procurement, $3,539,177,000.
(5) For ammunition, $2,294,791,000.
(6) For other procurement, $11,201,876,000.

(2) For weapons, including missiles and torpedoes, $3,575,482,000.
(3) For weapons, including missiles and torpedoes, $3,575,482,000.
(4) For other procurement, $5,461,926,000.

(2) For weapon procurement, $934,478,000.
(3) For missiles, $5,336,728,000.
(4) For other procurement, $16,134,896,000.

(2) For weapon procurement, $934,478,000.
(3) For missiles, $5,336,728,000.
(4) For other procurement, $16,134,896,000.

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(3) For missiles, $5,336,728,000.
(4) For other procurement, $16,134,896,000.

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(3) For missiles, $5,336,728,000.
(4) For other procurement, $16,134,896,000.

(2) For weapon procurement, $934,478,000.
(3) For missiles, $5,336,728,000.
(4) For other procurement, $16,134,896,000.
(1) in paragraph (1) by striking “and” at the end;
(2) in paragraph (2) by striking the period at the end and inserting “; and”; and
(3) by adding at the end the following:
“(3) The Secretary submits to the congressional defense committees a certification that the contract has been included to either the General Dynamics Electric Boat Division or the Northrop Grumman Newport News Shipbuilding Division, with the other contractor as the primary subcontractor to the contract, in accordance with the procurement agreement between the two companies, dated February 16, 1997, which was submitted to the Congress on March 31, 1997.”.

SEC. 123. LITTORALCombat SHiP (LCS) PROGRaM.

Section 124 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-161; 119 Stat. 3157), as amended by section 125 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 29), is amended in subsection (d) by adding at the end the following:
“(3) The amounts of increases or decreases in costs attributable to economic inflation after September 30, 2007. However, in the case of a vessel that is constructed under the contract which is funded from amounts appropriated pursuant to an authorization of appropriations or otherwise made available for fiscal year 2008 or 2009, the amount of such an increase for such a vessel may not exceed $10,000,000.
“(4) The amounts of increases or decreases in costs of that vessel that are attributable to insertion of new technology into that vessel, as compared to the technology built into the first and second vessels, respectively, of the Littoral Combat Ship (LCS) class of vessels. However, the Secretary of the Navy may make an adjustment under this paragraph only if—
“(A) the Secretary of the Navy determines, and certifies to the congressional defense committees, that the insertion of the new technology would lower the life-cycle cost of the vessel; or
“(B) (i) the Secretary of the Navy determines, and certifies to the congressional defense committees, that insertion of the new technology is required to meet an emerging threat; and
“(ii) the Secretary of Defense certifies to those committees that such threat poses grave harm to national security.”.

SEC. 124. REPORT ON F/A-18 PROCUREMENT COSTS, COMPARING MULTY YEAR TO ANNUAL.

(a) IN GENERAL.—Not later than March 1, 2009, the Secretary of Defense shall submit to the congressional defense committees a report on F/A-18 procurement. The report shall include the following:
“(1) The number of F/A-18E/F and EA-18G aircraft programmed for procurement for fiscal years 2010 through 2015.
“(2) The estimated procurement costs for those aircraft, if procured through annual procurement contracts.
“(3) The estimated procurement costs for those aircraft, if procured through a multiyear procurement contract.
“(4) The estimated savings that could be derived from the procurement of those aircraft through a multiyear procurement contract, and whether the Secretary considers the amounts of those savings to be substantial.
“(5) A discussion comparing the costs and benefits of obtaining those aircraft through annual procurement contracts with the costs and benefits of obtaining those aircraft through a multiyear procurement contract.
“(6) The recommendations of the Secretary as to whether Congress should authorize a multiyear procurement contract for those aircraft.

(b) CERTIFICATIONS REQUIRED.—Should the Secretary recommend under subsection (a)(6) that Congress authorize a multiyear procurement contract for the aircraft, the Secretary shall accompany the recommendation with the certifications required by section 2306 of title 10, United States Code, so as to enable to award of a multiyear procurement contract beginning with fiscal year 2010.

(c) FUNDING.—Subject to the availability of appropriations, the Secretary of the Navy may obligate up to $100,000,000 of the amount authorized for procurement of F/A-18E/F or EA-18G aircraft (as defined in subsection (2)) in fiscal year 2009. Such CRF funding may be applied to either single year or multiyear procurements of F/A-18 aircraft.

Subtitle D—Airforce Programs

SEC. 121. LIMITATION ON RETIRING C-5 AIRCRAFT.

(a) CERTIFICATION AND COST ANALYSIS REQUIRED.—The Secretary of the Air Force may not retire the C-5 aircraft, if procured through annual procurements, until such time as the Secretary certifies to the congressional defense committees that the following:
“(1) the Secretary’s certification that retiring the aircraft will not significantly increase operational risk of not meeting the National Defense Strategy;
“(2) A cost analysis with respect to the aircraft to be retired that—
“(A) evaluated, which alternative is more effective in meeting strategic airlift mobility requirements—
“(i) to retire the aircraft; or
“(ii) to perform the Reliability Enhancement and Re-engining Program (RERP) on the aircraft; and
“(B) evaluates the life-cycle cost of C-17 aircraft to replace the capability of the aircraft to be retired.
“(b) ADDITIONAL REQUIREMENTS FOR COST ANALYSIS.—The cost analysis required by subsection (a) shall conform to the following requirements:
“(1) The cost analysis shall include one analysis that uses “constant year dollars” and one analysis that uses “then year dollars”.
“(2) For each such analysis, the time period covered by the analysis shall be the expected service life of the aircraft concerned.
“(3) For each such analysis, the ownership costs evaluated shall include costs for—
“(A) planned technology insertions or upgrades over the service life of the aircraft to meet emerging requirements;
“(B) research and development;
“(C) testing;
“(D) procurement;
“(E) production;
“(F) production termination;
“(G) operations;
“(H) training;
“(I) maintenance;
“(J) sustainment;
“(K) military construction;
“(L) personnel;
“(M) cost of replacement due to attrition; and
“(N) disposal.
“(4) The cost analysis shall include each of the following:
“(A) An assessment of the quality of each cost analysis;
“(B) A discussion of each of the following:
“(i) The uncertainties.
“(ii) The benefits to be realized from each alternative.
“(iii) Adverse impacts to be realized from each alternative.
“(iv) Cargo capacity, operational availability, departure reliability, and mission capability.
“(v) Aircraft basking.
“(vi) Aircraft training and associated training requirements.
“(vii) Performing RERP on only C-5B and C-5C aircraft.
“(C) A summary table that compares and contrasts each alternative with respect to each of the requirements of this subsection.

(c) CONFORMING REPEAL.—Section 132 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 117 Stat. 1411) is repealed.

SEC. 132. MAINTENANCE OF RETIRED KC-135E AIRCRAFT.

Section 135(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 110-182; 122 Stat. 2114) is amended by striking “each KC-135E aircraft that is retired” and inserting “at least 46 of the KC-135E aircraft retired”.

SEC. 133. REPEAL OF MULTI-YEAR CONTRACT AUTHORITY FOR PROCUREMENT OF TANKER AIRCRAFT.


SEC. 134. REPORT ON PROCESSES USED FOR REQUIREMENTS DEVELOPMENT FOR KC-X.

Not later than December 1, 2008, the Secretary of the Air Force shall submit to the congressional defense committees a report on the processes used for requirements development for the KC-X.

Subtitle E—Joint and Multiservice Matters

SEC. 141. BODY ARMOR ACQUISITION STRATEGY.

(a) EXECUTIVE AGENT.—The Secretary of Defense shall designate an executive agent for procurement of body armor and associated components.

(b) SEPARATE PROCUREMENT LINE ITEMS.—Effective for fiscal year 2010 and for each fiscal year thereafter, the Secretary of Defense shall ensure that, within each procurement account budget submission to the President, a separate, dedicated procurement line item is designated for procurement of body armor and associated components.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the congressional defense committees a report that—
“(1) identifies the critical industrial base capacity for body armor, to include all tiers of subcontractor suppliers;
“(2) contains a plan for the long-term maintenance of this industrial base capacity; and
“(3) identifies specific research and development objectives, priorities, and funding profiles for:
“(A) advances in the level of protection;
“(B) weight reduction; and
“(C) manufacturing productivity.

SEC. 142. SMALL ARMS ACQUISITION STRATEGY AND REQUIREMENTS REVIEW.

(a) GAO AUDIT AND REPORT.—The Comptroller General of the United States shall audit the recommendations of the Department of Defense for small arms procurement to determine if there are statutory or regulatory barriers to developing a small arms procurement strategy. Not later than October 1, 2009, the Comptroller General shall submit to the congressional defense committees a report on the results of the audit.

(b) SECRETARY OF DEFENSE REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a comprehensive report on the small arms industrial base. The report shall include the following:
(1) The current inventory, acquisition objective, operational, and budgetary status of current small arms programs, to include pistols, carbines, rifles, light, medium, and heavy machine guns.

(2) A plan for a joint acquisition strategy for small arms modernization, with emphasis on a possible near term competition for a new pistol and carbine.

(3) An analysis of current small arms research and development programs.

(4) An analysis of current small arms capability assessments that have been finalized or are being pursued.

(c) DEFINITION.—In this section, the term "small arms" means man portable or vehicle mounted light weapons, designed primarily for use by individual military personnel for anti-personnel use and includes pistols, carbines, rifles, and light, medium, and heavy machine guns.

SEC. 143. REQUIREMENT FOR COMMON GROUND STATIONS AND PAYLOADS FOR MANNED AND UNMANNED AERIAL VEHICLES.

(a) POLICY REQUIRED.—The Secretary of Defense shall establish a policy and an acquisition strategy for intelligence, surveillance, and reconnaissance payloads and ground stations for manned and unmanned aerial vehicle systems, to be submitted to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives, in accordance with section 2320 of title 10, United States Code.

(b) OBJECTIVES.—The policy and acquisition strategy required by subsection (a) shall have the following objectives:

(1) Procurement of common payloads by vehicle class, including:

(A) signals intelligence;

(B) electro optical;

(C) synthetic aperture radar;

(D) ground moving target indicator;

(E) conventional explosive detection;

(F) foliage penetrating radar;

(G) laser designator;

(H) chemical, biological, radiological, nuclear, explosive detection; and

(I) national airspace operations avionics or sensors, or both.

(2) Commonality of ground systems by vehicle class.

(3) Common management of vehicle and payloads procurement.

(4) Ground station interoperability standardization.

(5) Open source software code.

(6) Acquisition of technical data rights in accordance with section 2320 of title 10, United States Code.

(7) Acquisition of vehicles, payloads, and ground stations through competitive procurement.

(c) AFFECTED SYSTEMS.—For the purposes of this section, the manned and unmanned aerial vehicle classes and types of manned and unmanned aerial vehicles within each class are as follows:

(1) Tier II class: Vehicles such as Silver Fox and Scare Eagle.

(2) Tactical class: Vehicles such as RQ-7.

(3) Medium altitude class: Vehicles such as MQ-1, MQ-1C, MQ-3, MQ-4, and Warrior Alpha.

(4) High Altitude class: Vehicles such as RQ-4, RQ-4N, Unmanned airship systems, Constant Hawk, 40H Fire, Special Project Aircraft, Aerol, Central Sensor, EP-3, Scaife Vixen, Pass Call, Vixen Joint, and Rivet Joint.

(d) CONSULTATION.—The Secretary shall develop and implement a policy and acquisition strategy required by subsection (a) in consultation with the Chairman of the Joint Chiefs of Staff.

(e) REPORT.—Not later than 120 days after the date of enactment of this Act, the Secretary shall submit to the congressional defense committees, the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate a report containing—

(1) the policy required by subsection (a); and

(2) the acquisition strategy required by subsection (a).

SECTION II.—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A.—Authorization of Appropriations

Sec. 201. Authorization of appropriations.


Subtitle B.—Program Requirements, Restrictions, and Limitations

Sec. 211. Additional determinations to be made as part of Future Combat Systems milestone review.

Sec. 212. Analysis of Future Combat Systems communications network and software.

Sec. 213. Future Combat Systems manned ground vehicle selected acquisition report.

Sec. 214. Separate procurement and research, development, test, and evaluation line items and program elements for Sky Warrior Unmanned Aerial Vehicle.”

Sec. 215. Restriction on obligation of funds for the Warfighter Information Network—Tactical program.

Sec. 216. Limitation on source of funds for certain Joint Cargo Aircraft expenditures.

Subtitle C.—Missile Defense Programs

Sec. 221. Independent study of boost phase missile defenses.

Sec. 222. Limitation on availability of funds for procurement, construction, and deployment of missile defenses in Europe.

Subtitle D.—Other Matters

Sec. 231. Oversight of testing of personnel protective equipment by Director, Operational Test and Evaluation.

Sec. 232. Assessment of the Historically Black Colleges and Universities and Minority Serving Institutions Program.

Sec. 233. Technology-neutral information technology guidelines and standards to support fully interoperable electronic personal health information management within the Department of Defense and Department of Veterans Affairs.

Sec. 234. Report for Technology Transition Initiative.

Sec. 235. Trusted defense systems.

Sec. 236. Limitation on obligation of funds for the development and acquisition of a Department of Defense communications network.

Sec. 237. Capabilities-based assessment to outline a joint approach for future force development for enhanced military lift aircraft and rotorcraft.

Sec. 238. Availability of funds for prompt global strike capability development.

Subtitle A.—Authorization of Appropriations

Sec. 201. Authorization of Appropriations.

Sec. 202. Authorization for Defense Science and Technology Program, including basic research, applied research, and advanced technology development projects.

(b) BASIC RESEARCH, APPLIED RESEARCH, AND ADVANCED TECHNOLOGY DEVELOPMENT DEFINED.—For purposes of this section, the term “basic research, applied research, and advanced technology development” means work funded in prior years for defense research and development that is made available under Defense budget activity 1, 2, or 3.

Subtitle B.—Program Requirements, Restrictions, and Limitations

SEC. 211. ADDITIONAL DETERMINATIONS TO BE MADE AS PART OF FUTURE COMBAT SYSTEMS MILESTONE REVIEW.

Section 211(h) of the Savannah Harbor National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2123) is amended by striking paragraphs (4) through (6) and inserting the following:

“(4) Whether actual demonstrations, rather than simulations, have shown that the software for the program is on a path to achieve threshold requirements on cost and schedule.

“(5) Whether the program’s planned major communications network demonstrations are sufficiently complex and realistic to inform major program decisions.

“(6) The extent to which Future Combat Systems manned ground vehicle survivability will be resident in a network-centric U.S. military communications network environment.

“(7) The level of network degradation at which Future Combat Systems manned ground vehicle crew survivability is significantly reduced.

“(8) The extent to which the Future Combat Systems communications network will be able to absorb network attack, jamming, or other interference.

“(9) What the cost estimate for the program is, including all spin outs, and an assessment of the confidence level for that cost estimate.

“(10) What the affordability assessment for the program is, given projected Army budgets, based on that cost estimate.”

SEC. 212. ANALYSIS OF FUTURE COMBAT SYSTEMS COMMUNICATIONS NETWORK AND SOFTWARE

(a) REPORT REQUIRED.—Not later than July 1, 2009, the Assistant Secretary of Defense, Networks and Information Integration, shall submit to the congressional defense committees a report analyzing an assessment of the Future Combat Systems communications network and software. This report shall include, at a minimum, the following:

(1) An assessment of the vulnerability of the Future Combat Systems communications network and software to enemy network attack, in particular the impact of the use of significant amounts of commercial software in Future Combat Systems software.

(2) An assessment of the vulnerability of the Future Combat Systems communications network and software to electronic warfare, jamming, and other potential enemy interference.

(3) An assessment of the vulnerability of the Future Combat Systems communications network and software to adverse weather and complex terrain.

(4) An assessment of the Future Combat Systems communications network’s dependence on satellite communications, and an assessment of the network’s performance in the absence of assumed levels of satellite communications support.

(5) An assessment of the performance of the Future Combat Systems communications network when operating in a degraded condition due to the factors analyzed in paragraphs (1), (2), (3), and (4), and how such a degraded network environment would impact the performance of Future Combat Systems brigades and battalions.

(b) INCLUSION OF CLASSIFIED ANNEX.—The report required by subsection (a) may include a
classified annex at the discretion of the Assistant Secretary, for the purpose of providing the assessments required, or to provide additional supporting information.

SEC. 213. FUTURE COMBAT SYSTEMS MANNED GROUND VEHICLE SELECTED ACQUISITION REPORTS.

(a) REPORT REQUIRED.—For each of the years 2009 through 2014, the Secretary of Defense shall, not later than February 15 of the year, submit a selected acquisition report for each Future Combat Systems manned ground vehicle variant.

(b) REQUIRED ELEMENTS.—The reports required by subsection (a) shall include the same information required in comprehensive annual selected acquisition reports for major defense acquisition as defined in section 232(c) of title 10, United States Code.

(c) DEFINITION.—In this section, the term "manned ground vehicle variant" includes the eight distinct variants of manned ground vehicle designated on pages seven and eight of the Future Combat Systems acquisition report of the Department of Defense dated February 13, 2007, and any additional manned ground vehicle variants designated in Future Combat Systems acquisition reports of the Department of Defense after the date of the enactment of this Act.

SEC. 214. SEPARATE PROCUREMENT AND RESEARCH, DEVELOPMENT, TEST, AND EVALUATION LINE ITEMS AND PROGRAM ELEMENTS FOR SKY WARRIOR UNMANNED AERIAL SYSTEMS PROJECT.

Effective for fiscal year 2010 and for each fiscal year thereafter, the Secretary of Defense shall ensure that, in the Department of Defense’s annual budget submission to the President, within both the account for procurement and the account for research, development, test, and evaluation, the Secretary, dedicated line item and program element designated for the Sky Warrior Unmanned Aerial Systems project, to the extent such accounts include funding for such project.

SEC. 215. RESTRICTION ON OBLIGATION OF FUNDS FOR THE WARGFIGHTER INFORMATION–NETWORK—TACTICAL PROGRAM.

(a) NOTIFICATION REQUIRED.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall notify the congressional defense committees of the budgetary submission for the program five days after the completion of all of the following actions:

(1) Approval by the Under Secretary of a new acquisition program statement for the Wargfighter Information–Network–Tactical (WIN–T) Increment 3 program.

(2) Completion of the independent cost estimate program by the Cost Analysis Improvement Group, as required by the June 5, 2007 recertification by the Under Secretary.

(3) Completion of the technology readiness assessment of the WIN–T Increment 3 program by the Director, Defense Research and Engineering, as required by the June 5, 2007 recertification by the Under Secretary.

(b) RESTRICTION ON OBLIGATION OF FUNDS PENDING NOTIFICATION.—Of the amounts appropriated or otherwise made available for the program for research, development, test, and evaluation, Army, for fiscal year 2009 for the WIN–T Increment 3 program, not more than 20 percent of those amounts may be obligated or expended until 15 days after the notification required by subsection (a) is received by the congressional defense committees.

SEC. 216. LIMITATION ON SOURCE OF FUNDS FOR CERTAIN JOINT CARGO AIRCRAFT EXPENDITURES.

Of the amounts appropriated pursuant to an authorization of appropriations in this Act or otherwise made available for fiscal year 2009 or any fiscal year thereafter for the Army, the Secretary of the Army may fund the following Joint Cargo Aircraft expenditures only through amounts made available for procurement or for research, development, test, and evaluation:

- Support equipment, initial spares, training simulators, systems engineering and management, and post-production modifications.

Subtitle C—Missile Defense Programs

SEC. 221. INDEPENDENT STUDY OF BOOST PHASE MISSILE DEFENSE SYSTEMS.

(a) AGREEMENT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall enter into an agreement with the Federally Funded Research and Development Center to conduct an independent study of systems for boost phase missile defense.

(b) REQUIRED STUDY.—(1) SYSTEMS TO BE EXAMINED.—The study required by subsection (a) shall examine each of the following systems:

- The Airborne Laser.
- The Kinetic Energy Interceptor (land- and sea-based options).

(2) FACTORS TO BE EVALUATED.—The study shall evaluate each system based on the following factors:

- Technical capability of the system against scenarios described in paragraph (3)(A).
- Operational issues, including operational effectiveness.
- Results of key milestone tests in fiscal year 2009 and fiscal years prior.
- Survivability.
- Suitability.
- Concept-of-Operations, including basing considerations.
- Operations and maintenance support.
- Command-and-Control.
- Shortfall from intercepts.
- Force structure requirements.
- Effectiveness against countermeasures.
- Estimated cost of sustaining the system in the field.
- Total lifecycle cost estimates.
- Scenarios to be assessed.
- Each program.

- In general.—The study shall include, for each system, an assessment of the operational capabilities of the system—

- To counter short-, medium-, and intermediate-range ballistic missile threats to the deployed forces of the United States and its friends and allies from rogue states; and
- To defend the territory of the United States against medium- and intermediate-range ballistic missile threats referred to in subparagraph (A), and shall compare those capabilities with the predicted performance and operational capabilities of the boost phase missile defense systems to counter those threats. For purposes of this subparagraph, the non-boost missile defense systems shall include, at a minimum—

- The Patriot Air and Missile Defense System;
- The Aegis Ballistic Missile Defense System, with all variants of the Standard–Missile–3; and
- The Terminal High Altitude Area Defense (THAAD) system.

- The Ground-based Midcourse Defense System.

(b) ASSESSMENTS AND RECOMMENDATIONS.—The study shall include the following:

(1) ASSESSMENT OF THE DEVELOPMENTAL EFFORTS TO DATE AND FEASIBILITY OF THE CURRENTLY FUNDED BOOST PHASE MISSILE DEFENSE SYSTEMS, USING THE FACTORS OUTLINED IN SUBPARAGRAPH (A).

(2) ASSESSMENT OF THE COST AND BENEFITS OF THE CURRENTLY FUNDED BOOST PHASE MISSILE DEFENSE SYSTEMS.

(3) A RECOMMENDED STRATEGY FOR BOOST PHASE MISSILE DEFENSE INVESTMENT OVER THE FUTURE YEARS DEFENSE PROGRAM.

SEC. 222. LIMITATION ON AVAILABILITY OF FUNDS FOR PROCUREMENT, CONSTRUCTION, AND DEPLOYMENT OF MISSILE DEFENSE SYSTEMS.

(a) GENERAL LIMITATION.—No funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for any fiscal year shall be obligated or expended for the acquisition of the second Airborne Laser aircraft until 60 days after the report required by this section is submitted.

(b) ADDITIONAL LIMITATION.—In addition to the limitation in subsection (a), no funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for any fiscal year may be obligated or expended for the procurement, site activation, construction, preparation of equipment for, or deployment of a long-range missile defense system in Europe until the following conditions have been met:

(1) The Government of Poland and the Government of the Czech Republic have each signed and ratified the missile defense basing agreements and status of forces agreements that allow for the stationing, in their respective countries, of the United States missile defense assets and personnel needed to carry out the proposed deployment.

(2) Forty-five days have elapsed following the receipt by the congressional defense committees of the report required by section 226(c)(6) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181).

(c) C OOPERATION FROM GOVERNMENT.—In conducting the study required by subsection (a), the Secretary of Defense shall—

(1) Request assistance from the Governments of Poland and the Czech Republic;

(2) Include the assessment of the developmental efforts to date and feasibility of the currently funded boost phase missile defense systems, using the factors outlined in paragraph (2);

(3) Reconsider and modify, if necessary, the methodology and the programmatic assumptions used to develop the cost estimates and other data necessary to make the assessments and recommendations included in the report; and

(4) Include cooperation from the Governments of Poland and the Czech Republic.

Subtitle D—Other Matters

SEC. 231. OVERSIGHT OF TESTING OF PERSONNEL PROTECTIVE EQUIPMENT OF DIRECTOR, OPERATIONAL TEST AND EVALUATION.

(a) RESPONSIBILITIES OF THE DIRECTOR, OPERATIONAL TEST AND EVALUATION, WITH RESPECT TO PERSONNEL PROTECTIVE EQUIPMENT.—Section 130 of title 10, United States Code, is amended—
(1) in subsection (a)(2) by adding at the end the following:

“(C) The term ‘covered system’ means a Department of Defense acquisition program that is a covered system as defined under section 2366 of this title or that is an item of personnel protective equipment designated as a covered system by the Secretary of Defense, or the Secretary’s designee, for purposes of this section.”; and

(2) in subsection (b)—

(A) by striking paragraph (3);

(B) by redesignating paragraphs (4) through (7) as paragraphs (5) through (8), respectively; and

(C) by amending paragraph (6) (as so redesignated) to read as follows:

“(6) monitor and review the survivability and lethality testing of covered systems, major munition programs, and covered product improvement programs of the Department of Defense provided under section 2366 of this title.”

(b) INCLUSION OF PERSONNEL PROTECTIVE EQUIPMENT IN SURVIVABILITY TESTING REQUIRED BEFORE FULL-SCALE PRODUCTION.—Section 2366 of title 10, United States Code, is amended—

(1) in subsection (e) by amending paragraph (1) to read as follows:

“(1) the milestone decision authority (as defined in section 2359a of title 10, United States Code) shall include the following:

(A) a description and analysis of the level of interoperability and security for sharing healthcare information among the Department of Defense, the Department of Veterans Affairs, and their transaction partners.

(B) a description and analysis of the problems the Department of Defense and the Department of Veterans Affairs are having with, and the progress such agencies are making toward, ensuring interoperable and secure healthcare information systems and electronic healthcare records.”;

(2) by adding at the end the following:

“(I) TECHNOLOGY-NEUTRAL GUIDELINES AND STANDARDS.

“(1) IN GENERAL.—The Director, in consultation with industry and appropriate Federal agencies, shall develop, or shall adopt from industry, technology-neutral information technology guidelines and standards developed or adopted under subsection (a) as follows:

(A) promote the use by commercially available and open source products to incorporate those guidelines and standards;

(B) develop uniform testing procedures suit- able for determining the conformance of implemented information technology systems with the guidelines and standards;

(C) support and promote the testing of electronic healthcare information technology products with the guidelines and standards;

(D) provide protection and security profiles;

(E) establish a core set of specifications in transactions between Federal agencies and their transaction partners; and

(F) include validation criteria to enable Federal agencies to select healthcare information technologies appropriate to their needs.

(2) ASSESSMENT REQUIRED.—(A) ASSESSMENT REQUIRED.—In general.—Not later than March 31, 2009, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall assess the feasibility of consolidating various technology transition accounts into a unified effort managed by a senior official of the Department of Defense.

(B) OSD PROGRAMS INCLUDED.—Such assessment shall include, but shall not be limited to, the following programs within the Office of the Secretary of Defense: Technology Transition Initiative, Foreign Comparative Test, Defense Advanced Research Projects Agency, Defense Advanced Research Projects Agency - Information Technology, Demonstration Transition Program, Defense Acquisition Executive, Rapid Reaction Fund, and Operational Experimentation Division.

(C) MILITARY DEPARTMENT PROGRAMS INCLUDED.—Such assessment shall also include, as appropriate, the technology transition initiatives of the military departments.

(3) REPORT.—(A) In general.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit, not later than 60 days after March 31, 2009, a report identifying the guidelines and standards that should be used for the purposes of this section.
(3) provide recommendations regarding ways to improve trust in the supply chain for covered acquisition programs; and
(4) identify the appropriate lead, and supporting lead, if any, within the Department of Defense for the development of an integrated strategy for ensuring trust in the supply chain for acquisition programs.

(b) STRATEGY REQUIRED.—The lead identified pursuant to subsection (a)(4), in cooperation with the supporting elements also identified by the Secretary of Defense, shall develop an integrated strategy for ensuring trust in the supply chain for acquisition programs. Such strategy shall—
(1) address the vulnerabilities identified by the Secretary’s assessment under subsection (a);
(2) reflect the priorities identified by such assessment;
(3) be executable by the defense acquisition community; and
(4) be sufficiently specific to provide guidance for the planning, programming, budgeting, and execution process in order to ensure acquisition programs have the necessary resources to implement all appropriate elements of the strategy.

(c) INTERIM POLICY FOR APPLICATION SPECIFIC INTEGRATED CIRCUITS.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees—
(1) the assessment required by subsection (a); and
(2) the strategy required by subsection (b).

(d) DEFINITIONS.—In this section—
(1) the term “covered acquisition programs” means a Department of Defense acquisition program that is a major system for purposes of section 2302(5) of title 10, United States Code, and—
(A) has not yet entered low-rate initial production, as defined in section 2400 of title 10, United States Code; or
(B) is currently in production or no longer in production, and information processing system upgrades are still planned over the life cycle of the system.

(2) the term “trust” and “trusted” refer to the high confidence by the Department of Defense in the ability to secure software and security systems by assessing the integrity of the people and processes used to design, generate, manufacture, and distribute national security critical components;

(3) the term “covered trusted systems” means—
(A) all Mission Assurance Category I systems, as defined in Department of Defense Directive 6500.01E and associated Department of Defense Instruction 6500.2; and
(B) any other system identified by the Secretary of Defense as a system—
(i) that is vital to mission effectiveness or operational readiness of deployed or contingency forces;
(ii) the loss or degradation of which results in immediate and sustained loss of mission effectiveness;
(iii) that is highly accurate and highly available; and
(iv) for which the most stringent protection measures are required.

(4) The term “trusted foundry services” means the program co-funded by the National Security Agency and the Department of Defense through program element 6065140D82Z, or any such similar program approved by the Secretary of Defense.

SEC. 236. LIMITATION ON OBLIGATION OF FUNDS FOR ENHANCED AN/TPQ-36 RADAR SYSTEM PENDING SUBMISSION OF ASSESSMENT.

Of the amounts appropriated pursuant to section 201(1) of this Act or otherwise made available for fiscal year 2009 for research, development, test, and evaluation, Army, for the Enhanced AN/TPQ-36 radar system, not more than 70 percent of the amounts remaining unobligated as of the date of the enactment of this Act may be obligated until the Secretary of the Army submits to the congressional defense committees a report describing the plan to transition the Counter-Rockets, Artillery, and Mortars program to a program of record.

SEC. 237. CAPABILITIES-BASED ASSESSMENT TO OBTAIN A JOINT APPROACH FOR FUTURE DEVELOPMENT OF VERTICAL LIFT AIRCRAFT AND ROTORCRAFT.

(a) ASSESSMENT REQUIRED.—The Secretary of Defense shall submit to the congressional defense committees a report describing the plan to transition the future development of vertical lift aircraft and rotorcraft for all of the military services. The assessment shall—
(1) address critical technologies required for future development, including a technology roadmap;
(2) include the development of a strategic plan that—
(A) formalizes the Department of Defense’s strategic vision for the next generation of Department of Defense vertical lift aircraft and rotorcraft;
(B) establishes joint requirements for the next generation of Department of Defense vertical lift aircraft and rotorcraft technology; and
(C) emphasizes the development of common service requirements; and
(3) include the development of a detailed science and technology investment and implementation plan and an identification of the resources required to implement the plan.

(b) REPORT.—The Secretary and the Chairman shall submit to the congressional defense committees a report on the assessment under subsection (a). The report shall—
(1) address the technology roadmap referred to in subsection (a)(1);
(2) address the strategic plan referred to in subsection (a)(2); and
(3) include the identification of resources referred to in subsection (a)(3);

(c) CONGRESSIONAL RECORD REPORT.—For purposes of section 2302(5) of title 10, United States Code, the report referred to in subsection (b) shall be deemed an official report to the Congress.

SEC. 238. AVAILABILITY OF FUNDS FOR PROMPT GLOBAL STRIKE CAPABILITY DEVELOPMENT.

(a) IN GENERAL.—Notwithstanding any other provision of this Act, funds for conventional prompt global strike capability development are authorized by this Act only for those activities expressly authorized in the President’s budget request for fiscal years 2008 and 2009 that was required by section 243 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) 122 Stat. 51; 19 U.S.C. 112 note) and submitted to the congressional defense committees on or before March 24, 2008, or those activities otherwise expressly authorized by Congress.

(b) REPORT.—The Secretary of Defense shall submit to the congressional defense committees concurrently with the President’s budget request for fiscal year 2010, a report that describes each conventional prompt global strike concept that—
(1) has been, or will be, affected by the technology development and investment applications developed pursuant to conventional prompt global strike activities within fiscal year 2006; and
(2) will be considered within the context of any conventional prompt global strike concept decision that occurs in fiscal year 2010.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.

Subtitle B—Environmental Provisions

Sec. 311. Authorization for Department of Defense participation in conservation banking programs.

Sec. 312. Reimbursement of Environmental Protection Agency for certain costs in connection with Moses Lake Wellfield Superfund Site, Moses Lake, Washington.

Sec. 313. Expand cooperative agreement authority for management of natural resources to include off-installation military wilderness areas.

Subtitle C—Workplace and Depot Issues

Sec. 321. Time limitation on duration of public-private competitions.

Sec. 322. Comprehensive analysis and development of single Government-wide definition of inherently governmental function.

Sec. 323. Study on future depot capability.

Sec. 324. High-performing organization business process reengineering.

Sec. 325. Temporary suspension of studies and public-private competitions regarding conversion of functions of the Department of Defense performed by civilian employees to contractor performance.

Sec. 326. Consolidation of Air Force and Air National Guard aircraft maintenance.

Sec. 327. Guidance for performance of civilian personnel work under Air Force civilian personnel consolidation plan.

Sec. 328. Report on reduction in number of firefighters on Air Force bases.

Subtitle D—Energy Security

Sec. 331. Annual report on national energy management and implementation of operational energy strategy.

Sec. 332. Consideration of fuel logistics support requirements in planning, requirements development, and acquisition processes.

Sec. 333. Study on solar energy for use at forward operating locations.

Sec. 334. Study on coal-to-liquid fuels.

Subtitle E—Reports

Sec. 341. Comptroller General report on readiness of Armed Forces.

Sec. 342. Report on plan to enhance combat skills of Navy and Air Force personnel.

Sec. 343. Comptroller General report on the use of the Army Reserve and National Guard as an operational reserve.

Sec. 344. Comptroller General report on the link between preparation and use of Army reserve component forces to support ongoing operations.

Sec. 345. Comptroller General report on adequacy of funding, staffing, and organization of Department of Defense Military Munitions Response Program.

Sec. 346. Report on options for providing repair capabilities to support ships operating near Guam.

Subtitle F—Other Matters

Sec. 351. Extension of Enterprise Transition Plan reporting requirement.

Sec. 352. Demilitarization of loaned, given, or exchanged arms, vehicles, equipment, and obsolescent military equipment.

Sec. 353. Repeal of requirement that Secretary of Air Force provide training and support to other military departments for A-10 aircraft.

Sec. 354. Display of annual budget requirements for Air Sovereignty Alert Mission.

Sec. 355. Sense of Congress that Air Sovereignty Alert Missions should receive sufficient funding and resources.

Sec. 356. Revision of certain Air Force regulations required.

Sec. 357. Transfer of California Department of Forestry and Fire Protection.
Subtitle C—Workplace and Depot Issues

Section 321. Time Limitation on Duration of Public-Private Competitions.

(a) Time Limitation.—Section 264(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(5)(A) The duration of a public-private competition conducted pursuant to Office of Management and Budget Circular A-76, or any other provision of law for any function of the Department of Defense performed by Department of Defense civilian employees may not exceed 640 days," beginning on the date on which the preliminary planning for the public-private competition begins through the date on which a performance decision is rendered with respect to the function.

(b) The time period specified in subparagraph (A) for a public-private competition does not include any day on which the public-private competition is delayed by reason of a protest before the Government Accountability Office or the United States Court of Federal Service unless such protest is resolved by the Court of Federal Claims.

Subtitle D—Workplace and Depot Issues

Section 322. Comprehensive Analysis and Development of Inherently Governmental Functions.

(a) Development and Implementation of Definition of Inherently Governmental Function.—The Director of the Office of Management and Budget, in consultation with the appropriate regulatory agencies, shall promulgate guidelines to implement the definition of inherently governmental function issued pursuant to section 264(a) of title 10, United States Code.

(b) The Secretary of Defense may transfer not more than $290,819,000 appropriated for the Armed Forces, $13,254,000 for operation and maintenance funds, $290,819,000 for the Army National Guard, $34,870,098,000 for the Navy, $5,680,054,000 for the Marine Corps, $35,069,427,000 for Defense-wide activities, $2,639,141,000 for the Navy Reserve, $1,311,085,000 for the Air National Guard, $212,100,000 for the Air Reserve, $3,202,892,000 for the Army National Guard, $5,900,346,000 for the Army Reserve, and $3,529,576,000 for the Marine Corps Reserve, for the Armed Forces, Defense-wide activities, the Army National Guard, the Navy Reserve, the Air National Guard, and the Marine Corps Reserve, for the Armed Forces, Defense-wide activities, the Army National Guard, the Navy Reserve, the Air National Guard, and the Marine Corps Reserve, respectively.

(c) Effective Date.—Section 2694c of title 10, United States Code, is amended by adding at the end the following new section:

"2694c. Participation in conservation banking programs.

(1) Effective date.—Section 2694c of title 10, United States Code, is amended by striking subsection (a), shall take effect on October 1, 2008, and only funds appropriated for fiscal years beginning after September 30, 2008, may be used to carry out such section.

SEC. 311. AUTHORIZATION FOR DEPARTMENT OF DEFENSE PARTICIPATION IN CONSERVATION BANKING PROGRAMS.

(a) Participation Authorized.—Chapter 159 of title 10, United States Code, is amended by inserting after section 2694b the following new section:

"§2694c. Participation in conservation banking programs.

"(a) Authority to participate.—Subject to the availability of appropriated funds to carry out this section, the Secretary concerned, when engaged or proposing to engage in an activity described in subsection (b) that may or will result in an adverse impact to one or more species protected (or pending protection) under any applicable provision of law, or habitat for such species, may make payments to a conservation banking program or ‘in-lieu-fee’ mitigation sponsor approved in accordance with—

"(1) the Federal Guidance for the Establishment, Use and Operation of Mitigation Banks (60 Fed. Reg. 58055; November 28, 1995);

"(2) the Guidance for the Establishment, Use, and Operation of Conservation Banks (68 Fed. Reg. 24733; May 2, 2003);

"(3) the Federal Guidance on the Use of In-Lieu-Fee Arrangements for Compensatory Mitigation (23 C.F.R. Pt. 600; 64 Fed. Reg. 77138; December 24, 1999); and

"(4) any successor or related administrative guidance.

"(b) Covered activities.—Payments to a conservation banking program or ‘in-lieu-fee’ mitigation sponsor under subsection (a) may be made only for the purpose of facilitating one or more of the following activities:

"(1) Military testing, operations, training, or other military activities;

"(2) Military construction;

"(3) Treatment of amounts for conservation banking programs under subsection (a) to a conservation banking program or ‘in-lieu-fee’ mitigation sponsor for the purpose of facilitating military construction may be treated as eligible costs of the military construction project.

"(d) Secretary Concerned Defined.—In this section, the term ‘Secretary concerned’ means—

"(1) the Secretary of a military department;

"(2) the Secretary of Defense with respect to a Defense Agency;

"(b) Clerical Amendment.—The table of sections at the beginning of this chapter is amended by inserting after the item relating to section 2694b the following new item:

"2694c. Participation in conservation banking programs.

SEC. 312. REIMBURSEMENT OF ENVIRONMENTAL PROTECTION AGENCY FOR CERTAIN COSTS IN CONNECTION WITH MOSES LAKE WELLFIELD SUPERFUND SITE, MOSES LAKE, WASHINGTON.

(a) Authority to Reimburse.—(1) Transfer amount.—Using funds described in subsection (b) and notwithstanding section 2215 of title 10, United States Code, the Secretary of Defense may transfer not more than $64,049,40 during fiscal year 2009 to the Moses Lake Wellfield Superfund Site 6-1 Special Account.

(2) Purpose of Reimbursement.—The payment under paragraph (1) is to reimburse the Environmental Protection Agency for its costs incurred in overseeing a remedial investigation/feasibility study performed by the Department of the Army under the Environmental Restoration Program at the former Larson Air Force Base, Moses Lake Superfund Site, Moses Lake, Washington.

(3) Interagency Agreement.—The reimbursement described in paragraph (2) is provided for in the interagency agreement entered into by the Department of the Environmental Protection Agency for the Moses Lake Wellfield Superfund Site in March 1999.

(b) Source of Funds.—Any payment under subsection (a) shall be made using funds authorized to be appropriated by section 301(17) for operation and maintenance for Environmental Restoration, Formerly Used Defense Sites.

(c) Use of Funds.—The Environmental Protection Agency shall use the amount transferred under subsection (a) to pay costs incurred by the Agency at the Moses Lake Wellfield Superfund Site.

SEC. 313. EXPAND COOPERATIVE AGREEMENT AUTHORITY FOR MANAGEMENT OF NATURAL RESOURCES TO INCLUDE OFF-INSTALLATION MITIGATION.

Section 103(a)(6)(A) of the Sikes Act (16 U.S.C. 700–700a(a)) is amended by—

(1) by striking "‘to provide for the’ and inserting ‘to provide for the’;

"(2) by adding at the end the following new paragraph:

"(3) The maintenance and improvement of other military activity.

(b) Covered activities.—Payments to a conservation banking program or ‘in-lieu-fee’ mitigation sponsor under subsection (a) may be made only for the purpose of facilitating one or more of the following activities:

(1) Military testing, operations, training, or other military activities;

(2) Military construction;

(3) Treatment of amounts for conservation banking programs under section (a) to a conservation banking program or ‘in-lieu-fee’ mitigation sponsor for the purpose of facilitating military construction may be treated as eligible costs of the military construction project.

(d) Secretary Concerned Defined.—In this section, the term ‘Secretary concerned’ means—

(1) the Secretary of a military department;

(2) the Secretary of Defense with respect to a Defense Agency;

(b) Clerical Amendment.—The table of sections at the beginning of this chapter is amended by inserting after the item relating to section 2694b the following new item:

‘2694c. Participation in conservation banking programs.’

Effective Date.—Section 2694c of title 10, United States Code, is amended by adding at the end the following new section:

"(1) Review the definitions of the term ‘inherently governmental function’ described in subsection (b) to determine whether such definitions are sufficiently focused to ensure that only officers or employees of the Federal Government or members of the Armed Forces perform inherently governmental functions necessary for the mission of a Federal department or agency; and

(2) Develop a single consistent definition for such term that would—

(A) Address any deficiencies in the existing definitions, as determined pursuant to paragraph (1);

(B) Rationally apply to all Federal departments and agencies;

(C) Ensure that the head of each such department or agency is able to identify each position within that department or agency that exercises an inherently governmental function and should only be performed by officers or employees of the Federal Government or members of the Armed Forces; and

(D) Allow the head of each such department or agency to identify each position in any Federal department or agency that, while the position may not exercise an inherently governmental function, nevertheless should only be performed by officers or employees of the Federal Government or members of the Armed Forces; and

(3) In addition to the actions described under paragraphs (1) and (2), provide criteria that will allow the Secretary to identify positions within any Federal department or agency that, while the position may not exercise an inherently governmental function, nevertheless should only be performed by officers or employees of the Federal Government or members of the Armed Forces to ensure that the head of each Federal department or agency—

(A) Develops and maintains sufficient organic expertise and technical capability to perform.

(B) Develops guidance to implement the definition of inherently governmental function as described in
with an independent research entity that is a not-for-profit entity or a federally-funded research and development center with appropriate expertise in logistics and logistics analytical capability to conduct the study and the capability and efficiency of the depots of the Department of Defense to provide the logistics capabilities and capacity necessary for national defense.

(b) The study carried out under subsection (a) shall—

(1) be a quantitative analysis of the post-reset Department of Defense depot capability required by the contractor under subsection (a) and the acquisition of military weapon systems and new systems and military equipment;

(2) take into consideration input from the Secretary of Defense and the logistics and acquisition leadership of the military departments, including material support and depot commanders;

(3) take into consideration input from regular and reserve components of the Armed Forces, both with respect to requirements for sustainment-level maintenance and the capability and capacity to perform depot-level maintenance and repair;

(4) identify and address each type of activity carried out at the directorates of logistics, regional sustainment-level maintenance sites, reserve component maintenance capability sites, theater equipment support centers, and Army field support brigade capabilities;

(5) examine relevant guidance provided and regulations prescribed by the Secretary of Defense and the Secretary of the military departments, including with respect to programming and budgeting; and

(6) examine any relevant applicable laws, including the relevant body of work performed by the Government Accountability Office.

(c) REPORT TO CONGRESS.—Not later than one year after the date of enactment of this Act, the Director of the Office of Management and Budget, in consultation with the Chief Human Capital Officer and the Chief Information Officer, shall submit to the Committees on Armed Services of the Senate and House of Representatives, the Committee on Homeland Security and Governmental Affairs in the Senate, and the Committee on Oversight and Government Reform of the House of Representatives a report on the actions taken by the Director under this section. Such report shall contain each of the following:

(1) A description of the actions taken by the Director under this section to develop a single definition of inherently governmental function.

(2) Such legislative recommendations as the Director determines are necessary to further the purposes of this section.

(3) A description of such steps as may be necessary—

(A) to ensure that the single definition developed under this section is consistently applied through all Federal regulations, circulars, policy letters, agency guidance, and other documents;

(B) to repeal any existing Federal regulations, circulars, policy letters, agency guidance and other documents determined to be superseded by the definition adopted under this section; and

(C) to develop any necessary implementing guidance under this section for agency staffing and contracting decisions, along with appropriate justifications.

(d) REGULATIONS.—Not later than 180 days after submission of the report required by subsection (c), the Director of the Office of Management and Budget shall issue regulations for implementing actions taken under this section to develop a single definition of inherently governmental function.

SEC. 323. STUDY ON FUTURE DEPOT CAPABILITY.

(a) STUDY REQUIRED.—Not later than 30 days after the date of enactment of this Act, the Secretary of Defense shall enter into a contract (1) INTERIM REPORT.—The contract that the Secretary enters into under subsection (a) shall provide that not later than one year after the commencement of the study conducted under subsection (a), the chief executive officer of the entity that carries out the study pursuant to the contract shall submit to the Committees on Armed Services of the Senate and House of Representatives an interim report on the study.

(2) FINAL REPORT.—Such contract shall provide that not later than 22 months after the date on which the Secretary of Defense enters into the contract under subsection (a), the chief executive officer of the entity that carries out the study pursuant to the contract shall submit to the Committees on Armed Services of the Senate and House of Representatives a final report on the study. The report shall include each of the following:

(A) A description of the depot maintenance environment, as of the date of the conclusion of the study, and the anticipated future environment, together with the quantitative data used in conducting the assessment of such environment and the methodology of the Department of Defense for determining core logistics requirements, including an assessment of risk.

(B) Recommendations with respect to the methodology of the Department of Defense for determining core logistics requirements, including an assessment of risk.

(C) Proposals for any legislative changes that would provide incentives for the Secretary of Defense and the Secretaries of the military departments to keep Department of Defense depots efficient and cost effective, including the workload level required for efficiency.

(D) A proposed strategy for enabling, requiring, and monitoring the ability of the Department of Defense depots to produce performance-driven outcomes and meet materiel readiness goals with respect to availability, reliability, total ownership cost, and repair cycle time.

(E) Comments provided by the Secretary of Defense and the Secretaries of the military departments on the findings and recommendations of the study.

(f) COMPROMISE GENERAL REVIEW.—Not later than 90 days after the date on which the report under subsection (d) is submitted, the Comptroller General shall report to the Committees on Armed Services of the Senate and House of Representatives an assessment of the feasibility of the recommendations of the study.

(g) DEFINITIONS.—In this section:

(1) The term ‘‘depot-level maintenance and repair’’ has the meaning given that term under section 2469 of title 10, United States Code.

(2) The term ‘‘reset’’ means actions taken to repair, enhance, or replace military equipment and support equipment in support of operations underway as of the date of the enactment of this Act and associated sustainment.

(3) The term ‘‘military equipment’’ includes all weapon systems, weapon platforms, vehicles and munitions of the Department of Defense, and the components of such items.

SEC. 324. HIGH-PERFORMANCE ORGANIZATION BUSINESS PROCESS RE ENGINEERING.

(a) IN GENERAL.—Chapter 3 of title 10, United States Code, is amended by inserting after section 122c the following:

"§ 129d. High-performing organizations

(a) GUIDELINES FOR ESTABLISHMENT OF HIGH-PERFORMING ORGANIZATIONS.—The Secretary of Defense shall develop guidelines for
the establishment of a high-performing organization conducted through a business process reengineering initiative. The guidelines shall ensure consideration and assessment of the following:

“(1) Number of employees to be affected by the initiative;

“(2) Resources needed to conduct the initiative;

“(3) Location where the initiative will be performed, and the location of the affected employees if different from the initiative location;

“(4) Functions to be included in the initiative;

“(5) Timeline for implementation of the initiative;

“(6) Estimated duration of the initiative if such initiative is deemed to be temporary.

(b) RESTRICTION ON HIGH-PERFORMING ORGANIZATIONS.—With respect to matters concerning the Defense Agencies, and the Secretary of a military department, may not begin implementation of a business process reengineering initiative to establish a high performing organization until—

(1) the Secretary submits to Congress the notification describing the assessment required by subsection (a);

(2) the requirements of paragraphs (2) and (3) of section 7106(b) of title 5 are complied with,

(3) certain initiatives prohibited.—The Secretary of the Secretary of a military department, may not implement a high-performing organization if—

(1) a recent review to result in a change of the collective bargaining status of an employee in the Department of Defense or in the representation status of a labor organization with exclusive representation status, as provided in section 7114 of title 5; or

(2) any planned reductions in staffing are based on cost savings assumptions that are unrelated to the establishment of the high performing organization.

(d) CONGRESSIONAL NOTIFICATION.—Forty-five days before commencing a high-performing organization initiative (as defined in subsection (a)), the Secretary of Defense or the Secretary of a military department concerned shall submit to Congress a notification describing the assessment required by subsection (a).

(e) ANNUAL EVALUATION.—The Secretary of Defense or the Secretary of a military department concerned shall—

(1) conduct reviews of the participating organizations or functions under the jurisdiction of the Secretary. The reviews shall be submitted to Congress and the Secretary shall evaluate the performance of the high performance organization in the following areas;

(1) Costs, savings, and overall financial performance.

(2) Organic knowledge, skills or expertise.

(3) Efficiency and effectiveness of key functions or processes.

(4) Efficiency and effectiveness of the overall organization.

(f) DEFINITIONS.—In this section,

(1) The term ‘high-performing organization’ means an organization whose performance exceeds that of comparable providers, whether public or private.

(2) The term ‘business process reengineering initiative’ means an approach to reinvent or reorganize a business or organizational function or process.

(3) The term ‘high performing’ organizations means an approach to reinvent or reorganize a business or organizational function or process.

SEC. 325. TEMPORARY SUSPENSION OF STUDIES AND PUBLIC-PRIVATE COMPETITIONS REGARDING CONVERSION OF FUNCTIONS OF THE DEPARTMENT OF DEFENSE PERFORMED BY CIVILIAN PERSONNEL TO CONTRACTOR PERFORMANCE.

(a) FINDINGS.—Congress finds the following:

(1) The turbulence caused by the efforts of the Department of Defense to increase the size of the Armed Forces, implement the decisions of the 2005 round of base realignments and closures, and improve DoD management functions, combined with the strain on the Armed Forces due to ongoing contingency operations, could impede sound decisions regarding the conversion of functions to contractor performance.

(2) Public-private competitions may unnecessarily divert Department of Defense personnel and resources away from operational obligations.

(3) The Secretary of Defense needs to ensure that readiness is fully supported.

(b) SUSPENSION.—During the period beginning on the date of the enactment of this Act and ending on September 30, 2011, the Secretary shall not—

(1) conduct any study or public-private competition regarding the conversion to contractor performance of any function of the Department of Defense performed by civilian employees, unless the Secretary submits to Congress a notification described in section 546 of title 41, United States Code, and, otherwise pursuant to Office of Management and Budget Circular A-76.

(2) conduct any study or public-private competition regarding the conversion to contractor performance of any function of the Department of Defense performed by civilian employees, unless the Secretary submits to Congress a notification described in section 546 of title 41, United States Code, and, otherwise pursuant to Office of Management and Budget Circular A-76.

(c) RESTRICTION ON HIGH-PERFORMING ORGANIZATIONS.—With respect to matters concerning the Defense Agencies, and the Secretary of a military department, may not begin implementation of a business process reengineering initiative to establish a high performing organization until—

(1) the Secretary submits to Congress the notification describing the assessment required by subsection (a);

(2) the requirements of paragraphs (2) and (3) of section 7106(b) of title 5 are complied with,

(3) certain initiatives prohibited.—The Secretary of the Secretary of a military department, may not implement a high-performing organization if—

(1) the Secretary submits to Congress the notification describing the assessment required by subsection (a);

(2) the requirements of paragraphs (2) and (3) of section 7106(b) of title 5 are complied with,

(3) the Secretary submits to Congress, not later than 90 days after the date of the enactment of this Act, a report to the Committees on Armed Services of the Senate and the House of Representatives a report stating all the criteria being used by the Department of the Air Force and the Rand Corporation to evaluate the feasibility of consolidating Air Force maintenance functions into organizations that would integrate active, Guard, and Reserve components into a total-force approach. The report shall include the assumptions that were provided to or developed by the Rand Corporation for use in determining the feasibility of the consolidation proposal.

(4) REPORT ON FEASIBILITY STUDY.—At least 90 days before any consolidation actions, the Secretary of the Air Force shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the findings of the Rand Corporation feasibility study and the Rand Corporation’s recommendations, the Air Force’s assessment of the findings and recommendations, any plans developed for implementation of the consolidation, and a delineation of all increased costs anticipated as a result of implementation.

SEC. 327. GUIDANCE FOR PERFORMANCE OF CIVILIAN PERSONNEL CONSOLIDATION PLAN.

(a) GUIDANCE FOR CIVILIAN PERSONNEL MANAGEMENT CONSOLIDATION.—In determining which, if any, civilian personnel management functions may appropriately be consolidated under one command or in a central or regional location, the Secretary of the Air Force shall be guided by the anticipated positive or negative impact upon the productivity of the managed workforces at different commands and the consequent manner in which the productivity of the managed workforce impacts the productivity of the managed workforce and the extent to which mission accomplishment is dependent upon the productivity of the civilian workforce. What functions are deemed ‘transactional’ or ‘nontransactional’ may vary for each affected command. In general, more of the civilian personnel management functions may be conscripted in a central or regional location or command while fewer functions may be consolidated from larger, more civilian dependent commands.

(b) PROHIBITION ON CONSOLIDATION OF CERTAIN FUNCTIONS.—For the Large Civilian Centers, the Secretary of the Air Force will not consolidate in a central or regional location or command at least the following functions:

(1) Staffing positions filled through internal or external recruitment processes.

(2) Development of position classifications or job descriptions.

(3) Employee management relations, including performance management programs, conduct or discipline programs and labor management programs.

(4) Labor force planning and management, including internal pay pool management and employee performance reviews.

(5) Managing workers compensation program pursuant to chapter 81 of title 5, United States Code, or relevant State workers’ compensation programs.

(c) LARGE CIVILIAN CENTER DEFINED.—In this section, the term ‘Large Civilian Center’ refers to installations or commands with operational nonmilitary functions primarily dedicated to the productivity of civilian workforces typically numbering in the thousands and engaged in program management, systems engineering, research or development, logistics management, software management, management of existing aircraft systems, and depot level maintenance. Such an installation or command typically includes occupational series far in excess of those assigned to other, more typical, Air Force installations or commands.

SEC. 328. REPORT ON REDUCTION IN NUMBER OF FIREFIGHTERS ON AIR FORCE BASES.

In an effort to ensure the Air Force is meeting the minimum safety standards for staffing, equipment, and training as required by Department of Defense Installation and Environment Instruction 6055.6, the Secretary of the Air Force shall submit to Congress, not later than 90 days after the date of the enactment of this Act, a report on the effect of the reduction in fire fighters on Air Force bases as a result of PDB720. Such report shall include the following:

(1) An evaluation of current fire fighting capability and whether the reduction has increased the risk of harm to either fire fighters or the other, more typical, Air Force installations or commands.

(2) An evaluation on whether there is adequate capability within the surrounding municipal communities to support a base aircraft rescue or respond to a fire involving a combat aircraft, cargo aircraft or weapon system.

(4) An evaluation of the impact on certifications of the base fire departments as a result of the reductions in fire fighting personnel and functions at the base.

(b) Annual report required.—In determining which, if any, civilian personnel management functions may appropriately be consolidated under one command or in a central or regional location, the Secretary of the Air Force shall be guided by the anticipated positive or negative impact upon the productivity of the managed workforces at different commands and the consequent manner in which the productivity of the managed workforce impacts the productivity of the managed workforce and the extent to which mission accomplishment is dependent upon the productivity of the civilian workforce. What functions are deemed ‘transactional’ or ‘nontransactional’ may vary for each affected command. In general, more of the civilian personnel management functions may be conscripted in a central or regional location or command while fewer functions may be consolidated from larger, more civilian dependent commands.

(b) Annual report related to operational energy.—(1) Simultaneously with the
annual report required by subsection (a), the Secretary of Defense, acting through the Director of Operational Energy Plans and Programs, shall submit to the congressional defense committees a report on the operational energy management and the implementation of the operational energy strategy established pursuant to section 138h of this title.

(2) The annual report under this subsection shall address and include the following:

(A) Statistical information on operational energy demands, in terms of expenditures and costs, as budgeted for the five fiscal years, including funding made available in regular defense appropriations Acts and any supplemental appropriation Acts.

(B) An estimate of operational energy demands for the current fiscal year and next fiscal year, including funding requested to meet operational energy needs in the budget submitted to Congress under section 1105 of title 31 and in any supplemental requests.

(C) A description of each initiative related to the current fiscal year strategy and a summary of funds appropriated for each initiative in the previous fiscal year and current fiscal year and requested for each initiative for the next five fiscal years.

(D) An evaluation of progress made by the Department of Defense in implementing the operational energy strategy, including the progress of key initiatives and technology investments related to operational energy demand and management; and

(U) in meeting the operational energy goals set forth in the strategy.

(E) Such recommendations as the Director considers appropriate for additional changes in organization or authority within the Department of Defense to enable further implementation of the energy strategy and such other comments and recommendations as the Director considers appropriate.

(3) If a report under this subsection is submitted in a classified form, the Secretary shall concurrently submit to the congressional defense committees an unclassified version of the information required by this subsection.

(A) In this subsection, the term ‘operational energy’ means the energy required for moving and sustaining military forces and weapons platforms for military operations. The term includes tactical power systems and generators and weapons platforms.

(b) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section as in the Classification Table of this title is amended by striking the item relating to section 2925 and inserting the following new item:

‘‘2925. Annual Department of Defense energy management reports’’.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 137 of title 13 of such title is amended by striking the item relating to section 2925 and inserting the following new item:

‘‘2925. Annual Department of Defense energy management reports’’.

SEC. 332. CONSIDERATION OF FUEL LOGISTICS MANAGEMENT REQUIREMENTS.

(a) PLANNING.—In the case of campaign analyses and force planning processes that are used to establish capability requirements and inform acquisition decisions, the Secretary of Defense shall require that campaign analyses and force planning processes consider the requirements for, and vulnerability of, fuel logistics and their relationship to operational capability.

(b) CAPABILITY REQUIREMENTS DEVELOPMENT PROVISION.—The report of the Secretary of Defense required by subsection (a) shall include the results of studies on the capabilities and requirements of the force for reduction of fuel costs and increased fuel efficiency.

(c) ACQUISITION.—The Secretary of Defense shall require that the life-cycle cost analysis for new capabilities include the fully burdened cost of fuel during analysis of alternatives and evaluation of alternatives and acquisition program design trades.

(d) IMPLEMENTATION.—The Secretary of Defense shall prepare a plan for implementing the requirements of this section. The plan shall be completed not later than 180 days after the date of the enactment of this Act and provide for implementation of the requirements not later than three years after such date.

(e) REPORT.—Until the certification required by subsection (g) is provided, the Secretary of Defense shall submit to the congressional defense committees a report, not later than January 1 of each year, describing progress made to implement the requirements of this section during the preceding fiscal year.

(f) FULLY BURDENED COST OF FUEL DEFINED.—In this section, the term ‘fully burdened cost of fuel’ means the commodity price for fuel plus the total cost of all personnel and assets required to move and, when necessary, protect the fuel from the point at which the fuel is received from the commercial supplier to the point of use.

(g) CERTIFICATION OF COMPLIANCE.—As soon as practicable during the three-year period beginning on the date of the enactment of this Act, the Secretary of Defense shall certify to the congressional defense committees that the Secretary has complied with the requirements of this section. If the Secretary is unable to provide the certification, the Secretary shall submit to the congressional defense committees at the end of the three-year period a report containing:

(1) an explanation of the reasons why the requirements, or portions of the requirements, have not been implemented; and

(2) a revised plan under subsection (d) to complete implementation or a rationale regarding why portions of the requirements cannot or should not be implemented.

SEC. 333. STUDY ON SOLAR ENERGY FOR USE AT FORWARD OPERATING LOCATIONS.

(a) STUDY REQUIRED.—The Secretary of Defense shall provide for a study to examine the feasibility of using solar energy to provide electricity at forward operating locations.

(b) MATTERS EXAMINED.—The study shall examine, at a minimum, the following:

(1) The potential for solar energy to reduce the fuel supply for the electricity at forward operating locations and the extent to which such reduction will decrease the risk of casualties by reducing the number of convoys needed to supply fuel to forward operating locations.

(2) The cost of using solar energy to provide electricity.

(3) The potential savings of using solar energy to provide electricity compared to current methods.

(4) The environmental benefits of using solar energy to provide electricity instead of the current methods.

(b) The sustainability and operating requirements of solar energy systems for providing electricity compared to current methods.

(c) REPORT.—Not later than March 1, 2009, the Secretary shall submit to the congressional defense committees a report on the results of the study required by subsection (a).

SEC. 334. STUDY ON COAL-TO-LIQUID FUELS.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study on alternatives to coal-to-liquid fuels and potential uses of coal-to-liquid fuels to meet the Department’s mobility energy requirements.

(b) MATTERS EXAMINED.—The study shall examine, at a minimum, the following:

(1) The potential clean energy alternatives for powering the conversion processes, including nuclear, solar, wind, and hydrogen.

(2) The alternatives for reducing carbon emissions during the conversion processes.

(3) The military utility of coal-to-liquid fuels for military operations and for use by expeditionary forces compared with the military utility and life cycle emissions of mobile, in-theater synthetic fuel processes.

(c) USE OF FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTER.—The Secretary of Defense shall select a federally funded research and development center to perform the study required by subsection (a).

(d) REPORT.—Not later than March 1, 2009, the federally funded research and development center shall submit to the congressional defense committees and the Secretary of Defense a report on the results of the study required by subsection (a).

Subtitle F—Reports

SEC. 341. COMPTROLLER GENERAL REPORT ON READINESS OF ARMED FORCES.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than June 1, 2009, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the readiness of the regular and reserve components of the Armed Forces. The report shall be unclassified but may contain a classified annex.

(2) ONE OR MORE REPORTS.—In complying with the requirements of this section, the Comptroller General may prepare and submit one report addressing all the elements specified in subsection (b) or two or more reports addressing any combination of such elements.

(b) ELEMENTS.—The elements specified in this subsection are the following:

(1) An analysis of the readiness status, as of the date of the enactment of this Act, of the regular and reserve components of the Army and the Marine Corps, including any significant changes in any trends with respect to such components since 2001.

(2) An analysis of the readiness status, as of such date, of the regular and reserve components of the Air Force and the Navy, including a description of any major factors that affect the ability of the Navy or Air Force to provide trained and ready forces for ongoing operations and to meet overall readiness goals.

(3) An analysis of the efforts of the Secretary of each military department to address any major factors affecting the readiness of the regular and reserve components under the jurisdiction of that Service.

SEC. 342. REPORT ON PLAN TO ENHANCE COMBAT SKILLS PERSONNEL OF NAVY AND AIR FORCE PERSONNEL.

(a) REPORT REQUIRED.—At the same time as the report for fiscal year 2010 is submitted under section 1105(a) of title 31, United States Code, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on—

(1) the plans of the Secretary of the Navy to improve the combat skills of the members of the Navy; and

(2) the plans of the Secretary of the Air Force to improve the combat skills of the members of the Air Force.

(b) ELEMENTS OF REPORT.—The report required under subsection (a) shall include each of the following:

(1) The criteria that the Secretary of the Air Force and the Secretary of the Navy use to select permanent sites for their respective Common Battlefield Airmen Training and Expeditionary Combat Training facilities.

(2) An identification of the extent to which the Secretary of the Navy and Secretary of the Air Force coordinated with each other and with the Commandant of the Marine Corps to coordinate the proposals and recommendations of the Marine Corps with respect to their plans to expand combat skills training for members of the Navy and Air Force, respectively, together with a complete list of assessment activities that were considered as possible sites for the coordinated training.
The estimated implementation and sustainment costs for the Air Force Common Battlefield Airmen Training and Navy Expeditionary Combat Skills courses.

The Secretary of the Army shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the use of the Army Reserve and National Guard forces as an operational reserve.

The report required by subsection (a) shall include—

(1) an analysis of the benefits of providing voyage repair capabilities for all United States Navy vessels operating at or near Guam, including—

(A) a description of the repair capabilities provided by the Military Sealift Command; and

(B) such requirements for ships operated by the Military Sealift Command; and

(2) an assessment of the Program mechanisms required under subsection (a) shall include each of the following:

(A) such requirements for ships operated by the Military Sealift Command; and

(3) The Secretary’s assessment of the benefits and limitations of each option for providing voyage repairs for all United States Navy vessels operating at or near Guam, including—

(a) training constraints limiting

(b) manning and force structure;

(c) access to the Combat Training Centers; and

(d) any conflicts with requirements under title 32, United States Code.

SEC. 344. COMPTROLLER GENERAL REPORT ON LINK BETWEEN PREPARATION AND USE OF ARMY RESERVE COMPONENT FORCES TO SUPPORT ONGOING OPERATIONS.

(a) REPORT REQUIRED.—Not later than June 1, 2009, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the link between the preparation and operational use of the Army’s reserve component forces.

(b) ELEMENTS.—The report required by subsection (a) shall include—

(1) an analysis of the Army’s ability to train and employ reserve component units—

(A) to execute the wartime or primary missions for which the units are designed; and

(B) for non-traditional missions to which such units are assigned, as of the date of the enactment of this Act, in support of ongoing operations, training, and deployment laws, goals, and policies on the Army’s ability to train and employ reserve component units for the purposes described in paragraph (1); and

(2) the Secretary of the Air Force shall revise the Air Transportation Regulation Number 5, including

(A) a consolidated budget justification display under section 1105(a) of title 31, United States Code, a consolidated budget justification display that covers all programs and activities of the Air Sovereignty Alert mission of the Air Force.

(4) The budget display under subsection (a) for a fiscal year shall include for such fiscal year the following:

(1) The funding requirements for the Air Sovereignty Alert mission, and the associated Command and Control mission, including such requirements for—

(A) pay and allowances;

(B) support costs;

(C) Medicare eligible retiree health fund contributions;

(D) flying hours; and

(E) any other associated mission costs.

(2) The amount in the budget for the Air Force for each of the items referred to in paragraph (1). The amount in the budget for the Air National Guard for each such item.

SEC. 355. SENSE OF CONGRESS THAT AIR SOVEREIGNTY ALERT MISSION SHOULD RECEIVE SUFFICIENT FUNDING AND RESOURCES.

It is the sense of Congress that—

(1) since the tragic events of September 11, 2001, the Air National Guard has bravely performed the Air Sovereignty Alert mission to defend the homeland in support of Operation Noble Eagle;

(2) the Air National Guard continues to serve as the backbone of this vital national security mission;

(3) the United States Air Force should include full funding for the Air Sovereignty Alert mission in the baseline budget of the Air Force;

(4) the United States Air Force should program sufficient personnel, equipment, and aircraft resources to the Air National Guard to fully and safely perform the Air Sovereignty Alert mission;

(5) the capability of Air National Guard aircrews assigned to the Air Alert mission is rapidly deteriorating due to age and may impede the ability of the Air National Guard to protect the homeland;

(6) by 2015, many of the Air National Guard’s fighter aircraft will have exceeded their service life and will be grounded, resulting in a breach of homeland defense, a potential closure of Air National Guard bases, the loss of critical personnel with the accompanying loss of experience and training, and the loss of the fighter capability of the Air National Guard; and

(7) the United States Air Force should ensure that the Air National Guard and the Air Sovereignty Alert mission are provided with resources and support this critical mission now and in the future.

SEC. 356. REVISION OF CERTAIN AIR FORCE REGULATIONS REQUIRED.

(a) REVISION REQUIRED.—Not later than 90 days after the date of enactment of this Act, the Secretary of the Air Force shall review the Air Freight Transportation Regulation Number 5, dated January 15, 1999, to conform with Defense Travel Regulations to ensure that freight covered by Air Freight Transportation Regulation Number 5 is carried in accordance with commercial practices that are based upon a mode-neutral approach.

(b) MODE-NEUTRAL APPROACH DEFINED.—For purposes of this section, the term ‘‘mode-neutral approach’’ means a method of shipment that allows a shipper to choose a carrier with a time-definite performance standard for delivery without specifying a particular mode of conveyance and that may use conveyance using best commercial practices as long as the mode of conveyance can reasonably be expected to ensure the time-definite delivery required by the shipper.
Forestry and Fire Protection (hereinafter in this section referred to as “CAL FIRE”), all right, title, and interest of the United States in three C-12 aircraft that the Secretary has determined are suitable for CAL FIRE.

SEC. 358. AVAILABILITY OF FUNDS FOR IRREGULAR WARFARE SUPPORT PROGRAM.

Of the amount appropriated pursuant to an authorization of appropriations or otherwise available for the Joint Improvised Explosive Device Defeat Organization for fiscal year 2009, $75,000,000 shall be available for the Irregular Warfare Support program (program element line 0603121D1Z, SO/LIC Advanced Development).

SEC. 359. SENSE OF CONGRESS REGARDING PROCUREMENT AND USE OF MUNITIONS.

It is the sense of Congress that the Secretary of Defense should—

(1) in making decisions with respect to procurement of munitions, develop methods to account for the full life cycle costs of munitions, including the effects of failure rates on the cost of disposal; and

(2) undertake a review of live-fire practices for the purpose of reducing unexploded ordnance and munitions-constituent contamination without impairing military readiness.

SEC. 360. LIMITATION ON OBLIGATION OF FUNDS FOR AIR COMBAT COMMAND MANAGEMENT HEADQUARTERS.

Of the funds appropriated pursuant to an authorization of appropriations or otherwise available for Operation and Maintenance, Air Force, for fiscal year 2009, the amount that may be obligated for Air Force Commander, Air Combat Command Management Headquarters, Sub-Activity Group 012E, for any fiscal quarter of such fiscal year may not exceed 80 percent of the amount of such funds obligated for such purpose for the corresponding fiscal quarter of fiscal year 2008 until the Secretary of Defense certifies to the congressional defense committees that by not later than February 3, 2009, the Future Years Plan will include funding for 76 commonly configured B-52 aircraft.

SEC. 361. INCREASE OF DOMESTIC SOURCING OF MILITARY WORKING DOGS USED BY ARMED FORCES OF DEFENSE.

(a) INCREASED CAPACITY.—The Secretary of Defense, acting through the Executive Agent for Military Working Dogs (hereinafter in this section referred to as the “Executive Agent”), shall—

(1) identify the number of military working dogs required to fulfill the various missions of the Department of Defense for which such dogs are used, including force protection, facility and check point security, and explosives and drug detection;

(2) ensure such steps as are practicable to ensure an adequate number of military working dog teams are available to meet and sustain the mission requirements identified in paragraph (1);

(3) ensure that the Department’s needs and performance standards with respect to military working dogs are readily available to dog breeders and trainers; and

(4) coordinate with other Federal, State, or local agencies, nonprofit organizations, universities, or private sector entities, as appropriate, to increase the training capacity for military working dog teams.

(b) MILITARY WORKING DOG PROCUREMENT.—The Secretary, acting through the Executive Agent shall work to ensure that military working dogs are trained and utilized efficiently as possible and at the best value to the Government, while maintaining the necessary level of quality and encouraging increased domestic breeding, with the ultimate goal of procuring all military working dog teams through domestic breeders.

(c) MILITARY WORKING DOG DEFINED.—For purposes of this section, the term “military working dog” means a dog used in any official military capacity, as defined by the Secretary of Defense.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.

Sec. 402. Revision in permanent active duty end strength minimum levels.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.

Sec. 412. End strengths for Reserves on active duty in support of the Reserves.

Sec. 413. End strengths for military technicians (dual status).

Sec. 414. Fiscal year 2009 limitation on number of non-dual status technicians.

Sec. 415. Maximum number of reserve personnel authorized to be on active duty for operational support.

Sec. 416. Additional waiver authority of limitation on number of reserve component military technicians.

Subtitle C—Authorization of Appropriations

Sec. 421. Military personnel.

Subtitle A—Active Forces

Sec. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2009, as follows:

(1) The Army, 532,400.

(2) The Navy, 326,323.

(3) The Marine Corps, 194,000.


Sec. 402. REVISION IN PERMANENT ACTIVE DUTY END STRENGTH MINIMUM LEVELS.

Section 691(b) of title 10, United States Code, is amended by striking paragraphs (1) through (4) and inserting the following new paragraphs:

“(1) For the Army, 532,400.

(2) For the Navy, 326,323.

(3) For the Marine Corps, 194,000.

(4) For the Air Force, 317,050.”

Subtitle B—Reserve Forces

Sec. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2009, as follows:

(1) The Army National Guard of the United States, 352,600.

(2) The Army Reserve, 205,000.

(3) The Navy Reserve, 66,700.

(4) The Marine Corps Reserve, 39,600.


(7) The Coast Guard Reserve, 10,000.

(b) END STRENGTH REDUCTIONS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized for the purpose of serving as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory conduct on training) without their consent at the end of the fiscal year.

(c) END STRENGTH INCREASES.—Whenever units or individual members of the Selected Reserve of any reserve component are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be increased proportionately by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2009, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 32,060.

(2) The Army Reserve, 17,070.

(3) The Navy Reserve, 11,095.

(4) The Marine Corps Reserve, 2,261.

(5) The Air National Guard of the United States, 14,337.

(6) The Air Force Reserve, 2,723.

Sec. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

The minimum number of military technicians (dual status) as of the last day of fiscal year 2009 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) For the Army Reserve, 8,395.

(2) For the Army National Guard of the United States, 27,210.

(3) For the Air Force Reserve, 10,003.

(4) For the Air National Guard of the United States, 22,452.

Sec. 414. FISCAL YEAR 2009 LIMITATION ON NUMBER OF NON-DUAL STATUS TECHNICIANS.

(a) LIMITATIONS.—

(1) NATIONAL GUARD.—Within the limitation provided in section 10217(c)(2) of title 10, United States Code, the number of non-dual status technicians employed by the National Guard as of September 30, 2009, may not exceed the following:

(A) For the Army National Guard of the United States, 1,600.

(B) For the Air National Guard of the United States, 350.

(2) ARMY RESERVE.—The number of non-dual status technicians employed by the Army Reserve as of September 30, 2009, may not exceed 955.

(3) AIR FORCE RESERVE.—The number of non-dual status technicians employed by the Air Force Reserve as of September 30, 2009, may not exceed 90.

(b) NON-DUAL STATUS TECHNICIANS DEFINED.—For purposes of this section, the term “non-dual status technician” has the meaning given that term in section 10217(a) of title 10, United States Code.

Sec. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY FOR OPERATIONAL SUPPORT.

During fiscal year 2009, the maximum number of members of the reserve components of the Armed Forces who may be serving at any time on full-time operational support duty under section 123(a)(2) of title 10, United States Code, is 15.

(a) ADDITIONAL WAIVER AUTHORITY OF LIMITATION ON NUMBER OF RESERVE COMPONENT MEMBERS AUTHORIZED TO BE ON ACTIVE DUTY.

(1) ADDITIONAL WAIVER AUTHORITY.—Subsection (a) of section 123(a) of title 10, United States Code, is amended—
Sec. 513. Clarification of authority to consider
designation of the major disaster or
emergency (as those terms are defined in section
102 of the Robert T. Stafford Disaster Relief and
Emergency Assistance Act (42 U.S.C. 5122)) is in
effect, the President may waive any statutory
limit that would otherwise apply during the pe-
riod of designation on the number of mem-
bers of a reserve component who are authorized
to be on active duty under subparagraph (A) or
(B) of section 115(b)(1) of this title, if the Presi-
dent determines the waiver is necessary to pro-
vide assistance in responding to the major dis-
aster or emergency.

(b) TERMINATION OF WAIVER.—Subsection (b)
of such section is amended—
(1) by striking the subsection heading and in-
serting the following: “TERMINATION OF WAIV-
ER.—(1)”; and
(2) by striking “subsection (a)” and inserting
“subsection (a)(1)”; and
(3) by adding at the end the following new
paragraph:
“(2) A waiver granted under subsection (a)(2)
shall terminate not later than 90 days after the
date on which the designation of the major dis-
aster or emergency that was the basis for the
waiver expires.”.

(c) CLERICAL AMENDMENTS.—
(1) SECTION HEADING.—The heading of such
section is amended to read as follows: “§123a. Suspension of end-strength and other
strength limitations in time of war or na-
tional emergency”.

(2) TABLE OF SECTIONS.—The table of sections
at the beginning of chapter 3 of such title is
amended by striking the item relating to section
123a and inserting the following new item:
“123a. Suspension of end-strength and other
strength limitations in time of war or
national emergency.”.

Subtitle C—Authorization of Appropriations
SEC. 421. MILITARY PERSONNEL.
There is hereby authorized to be appropriated to the Department of Defense for military per-
sonnel for fiscal year 2009 a total of $124,659,768,000. The authorization in the pre-
ceding sentence supersedes any other authoriza-
tion of appropriations (definite or indefinite) for such purpose for fiscal year 2009.

TITLE V—MILITARY PERSONNEL POLICY
Subtitle A—Officer Personnel Policy Generally
Sec. 501. Mandatory separation requirements for regular warrant officers for length of service.
Sec. 502. Requirements for issuance of post-
humous commissions and warrants.
Sec. 503. Extension of authority to reduce min-
imum length of active service re-
quired for voluntary retirement as
an officer.
Sec. 504. Increase in authorized number of gen-
eral officers on active duty in the
Marine Corps.

Subtitle B—Reserve Component Management
Sec. 511. Extension to all military departments
of authority to defer mandatory separa-
tion of military technicians
(dual status).
Sec. 512. Increase in authorized strengths for
Marine Corps Reserve officers on
active duty in the grades of major
and lieutenant colonel to meet
force structure requirements.
Sec. 513. Clarification of authority to con-
sider for a vacancy promotion National
Guard officers ordered to active
duty in support of a contingency
operation.
Sec. 514. Increase in mandatory retirement age
for certain Reserve officers.
again during the one-year period beginning on October 1, 2013.

(b) NAVY AND MARINE CORPS.—Section 6323(a)(2)(B) of such title is amended by inserting after “December 31, 2008,” the following: “and again during the one-year period beginning on October 1, 2013.

(c) AIR FORCE.—Section 8911(b)(2) of such title is amended by inserting after “December 31, 2008,” the following: “and again during the one-year period beginning on October 1, 2013.

SEC. 504. INCREASE IN AUTHORIZED NUMBER OF GENERAL OFFICERS ON ACTIVE DUTY IN THE MARINE CORPS.

(a) INCREASE.—Section 526(a)(4) of title 10, United States Code, is amended by striking “80” and inserting “81”.

(b) CONFORMING AMENDMENTS REGARDING DISTRIBUTION OF MARINE GENERAL OFFICERS.—Section 525 of such title is amended—

(1) in the first sentence of subsection (a), by striking “the Army or Air Force, or more than 51 percent of the general officers of the Marine Corps,”; and

(2) in subsection (b)(2), by striking “17.5 percent” and inserting “19 percent”.

Subtitle B—Reserve Component Management

SEC. 511. EXTENSION TO ALL MILITARY DEPARTMENT OFFICERS OF AUTHORITY TO DEFER MANDATORY SEPARATION OF MILITARY TECHNICIANS (DUAL STATUS).

Section 10216(f) of title 10, United States Code, is amended by striking “Secretary of the Army” and inserting “Secretary concerned”.

SEC. 512. INCREASE IN AUTHORIZED STRENGTHS FOR MARINE CORPS RESERVE OFFICERS ON ACTIVE DUTY IN THE GRADES OF MAJOR AND LIEUTENANT COLONEL TO MEET FORCE STRUCTURE REQUIREMENTS.

The table in section 12011(a) of title 10, United States Code, relating to the number of officers of a reserve component who may be serving in certain grades given the total number of members of that reserve component serving on full-time reserve component duty, is amended by striking the portion of the table relating to the Marine Corps Reserve and inserting the following:

<table>
<thead>
<tr>
<th>&quot;marine Corps Reserve&quot;:</th>
<th>Major</th>
<th>Lieutenant Colonel</th>
<th>Colonel</th>
</tr>
</thead>
<tbody>
<tr>
<td>1,100</td>
<td>99</td>
<td>63</td>
<td>20</td>
</tr>
<tr>
<td>1,200</td>
<td>103</td>
<td>67</td>
<td>21</td>
</tr>
<tr>
<td>1,300</td>
<td>107</td>
<td>70</td>
<td>22</td>
</tr>
<tr>
<td>1,400</td>
<td>111</td>
<td>73</td>
<td>23</td>
</tr>
<tr>
<td>1,500</td>
<td>114</td>
<td>76</td>
<td>24</td>
</tr>
<tr>
<td>1,600</td>
<td>117</td>
<td>79</td>
<td>25</td>
</tr>
<tr>
<td>1,700</td>
<td>120</td>
<td>82</td>
<td>26</td>
</tr>
<tr>
<td>1,800</td>
<td>123</td>
<td>85</td>
<td>27</td>
</tr>
<tr>
<td>1,900</td>
<td>126</td>
<td>88</td>
<td>28</td>
</tr>
<tr>
<td>2,000</td>
<td>129</td>
<td>91</td>
<td>29</td>
</tr>
<tr>
<td>2,100</td>
<td>132</td>
<td>94</td>
<td>30</td>
</tr>
<tr>
<td>2,200</td>
<td>134</td>
<td>97</td>
<td>31</td>
</tr>
<tr>
<td>2,300</td>
<td>136</td>
<td>99</td>
<td>32</td>
</tr>
<tr>
<td>2,400</td>
<td>138</td>
<td>101</td>
<td>33</td>
</tr>
<tr>
<td>2,500</td>
<td>140</td>
<td>103</td>
<td>34</td>
</tr>
<tr>
<td>2,600</td>
<td>142</td>
<td>105</td>
<td>35’</td>
</tr>
</tbody>
</table>

SEC. 513. CLARIFICATION OF AUTHORITY TO CONSIDER FOR A VACANCY PROMOTION NAVY AND MARINE CORPS GUARD OFFICERS OR MEDICAL OFFICERS OR MEDICAL OFFICERS ORDERED TO ACTIVE DUTY IN SUPPORT OF A CONTINGENCY OPERATION.

(a) ADDITIONAL EXCEPTION.—Subsection (d) of section 14317 of title 10, United States Code, is amended—

(1) in the first sentence—

(A) by striking “Except” and inserting “(1) Except”; and

(B) by striking “unless the officer is ordered” and inserting “unless the officer—”;

“(A) is ordered”; and

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

and

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

“(B) has been ordered to or is serving on active duty in support of a contingency operation.”;

and

(2) in the second sentence, by striking “if” and inserting the following:

“(2) If”.

(b) CONSIDERATION FOR PROMOTION BY EXAMINATION FOR FEDERAL RECOGNITION.—Subsection (e)(1)(B) of such section is amended by inserting before the period at the end the following:

“; or by examination for Federal recognition under title 32.”

SEC. 514. INCREASE IN MANDATORY RETIREMENT AGES FOR CERTAIN RESERVE OFFICERS.

(a) SELECTIVE SERVICE AND PROPERTY AND FISCAL OFFICERS.—Section 12647 of title 10, United States Code, is amended by striking “60 years” and inserting “62 years”.

(b) CERTAIN RESERVE OFFICERS IN GRADES OF MAJOR THROUGH BRIGADIER GENERAL.—

(1) INCREASED AGE.—Section 14702(b) of such title is amended—

(A) in the subsection heading, by striking “at Age 60” and inserting “after Age 62”;

and

(B) by striking “subsection (a)(1) or (a)(2),” and all that follows through the period at the end of the last sentence and inserting the following: “paragraph (1) or (2) of subsection (a).

An officer described in paragraph (1) of such subsection may not be retained under this section after the last day of the month in which the officer becomes 62 years of age. An officer described in paragraph (2) of such subsection may not be retained under this section after the last day of the month in which the officer becomes 60 years of age.”.

(c) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of section 14702 of such title is amended to read as follows: “§ 14702. Retention on reserve active-status list of certain officers in the grade of major, lieutenant colonel, colonel, or brigadier general.”

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 1409 of such title is amended by striking the item relating to section 14702 and inserting the following new item:

“§ 14702. Retention on reserve active-status list of certain officers in the grade of major, lieutenant colonel, colonel, or brigadier general.”

SEC. 515. AGE LIMIT FOR RETENTION OF CERTAIN RESERVE OFFICERS ON ACTIVE-DUTY RETIREMENT LIST AS EXCEPTION TO REMOVAL FOR YEARS OF COMMISSIONED SERVICE.

Section 14508 of title 10, United States Code, is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following new subsection (g):

“§ 14508. Retention of lieutenant generals.

Section 14508 of such title is amended by striking paragraph (2) of subsection (a) and inserting the following:

“Subsection (d) of section 14507(b) of such title is amended by striking “80 years” and inserting “81 years”.

SEC. 516. AUTHORITY TO RETAIN RESERVE CHAPLAINS AND OFFICERS IN MEDICAL AND RELATED SPECIALTIES UNTIL AGE 65.

(a) RESERVE CHAPLAINS AND MEDICAL OFFICERS.—Section 14703(b) of such title is amended by striking “67 years” and inserting “65 years”.

(b) NATIONAL GUARD CHAPLAINS AND MEDICAL OFFICERS.—Section 324 of title 32, United States Code, is amended by adding at the end the following new section:

“(c) Notwithstanding subsection (a)(1), an officer of the National Guard serving as a chaplain, medical officer, dental officer, nurse, veterinarian, Medical Service Corps officer, or biomedical sciences officer may be retained, with the officer’s consent, until the date on which the officer becomes 68 years of age.”.

SEC. 517. STUDY AND REPORT REGARDING PERSONNEL MOVEMENTS IN MARINE CORPS INDIVIDUAL READY RESERVE.

The Secretary of the Navy shall conduct a study to analyze the policies and procedures used by the Marine Corps Reserve during fiscal years 2001 through 2008 for the movement of personnel in and out of the Individual Ready Reserve. Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report containing the results of the study.

Subtitle C—Joint Qualified Officers and Requirements

SEC. 521. JOINT DUTY REQUIREMENTS FOR PROMOTION TO GENERAL OR FLAG OFFICER.

(a) IN GENERAL.—Section 619a of title 10, United States Code, is amended—

(1) in subsection (a), by striking “unless—” and all that follows through “the joint specialty” and inserting “unless the officer has been designated as a Joint Qualified Officer”; and

(2) in subsection (b)—

(A) by striking “(1) or paragraph (2) of subsection (a), or both paragraphs (1) and (2) of subsection (a),” in the matter preceding paragraph (1) and inserting “subsection (a);” and

(B) in paragraph (4), by striking “within that immediate organization is not less than two years” and inserting “is not less than two years and the officer has successfully completed a program of education described in subsections (b) and (c) of section 2155 of this title”; and

(3) by striking subsection (h).

(b) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:
Joint Qualified Officer

designated as a Joint Qualified Officer

have the joint specialty

manner as the Secretary of Defense directs

§

section is amended to read as follows:

665 and inserting the following new item:

amended by striking the item related to section 665 and inserting the following new item:

SEC. 526. TREATMENT OF CERTAIN SERVICE AS JOINT DUTY ASSIGNMENTS—Subsection (f) of such section is amended by striking paragraph (2) and inserting the following new paragraph:

(6) A comparison of the number of officers in the grade of flag officer position as of the Secretary of Defense with the advice of the Chairman of the Joint Chiefs of Staff.

(c) CONSTRUCTIVE CREDIT.—Subsection (h) of such section is amended to read as follows:

(1) by striking “(f)(1), (f)(2), (f)(4), or (g)(2)” and inserting “(1), (2), and (4)” in paragraph (f); and

(2) by striking paragraph (3).

SEC. 526. DESIGNATION OF GENERAL AND FLAG OFFICER POSITIONS ON JOINT STAFF AS POSITIONS TO BE HELD ONLY BY RESERVE COMPONENT OFFICERS.

Section 526(b)(2)(A) of title 10, United States Code, is amended by striking “a general and flag officer position” and inserting “up to three general and flag officer positions”.

SEC. 526. TREATMENT OF CERTAIN SERVICE AS JOINT DUTY EXPERIENCE.

(a) VICE CHIEFS, ARMY AND NATIONAL GUARD.—Section 10906(a)(3) of title 10, United States Code is amended—

(1) by redesigning subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively; and

(2) by inserting after subparagraph (B) the following new subparagraph (C):—

'(C) Service as an adjutant general shall be treated as joint duty experience for purposes of assignment or promotion to any position designated by law as open to a National Guard general officers.'
(c) Report on Duty in Joint Force Headquarters to Qualify as Joint Duty Experience—Not later than April 1, 2009, the Chief of the National Guard Bureau shall, in consultation with the Chiefs of the Army National Guard and of the Air National Forces in other than an in-resident duty status, make a report to the Congress, in accordance with the provisions of law requiring such duty or experience as a condition of assignment or promotion.

(d) Reports on Joint Education Courses—Not later than April 1 of each of 2009, 2010, and 2011, the Chairman of the Joint Chiefs of Staff shall submit to Congress a report setting forth information on the joint education courses available through the National Guard Bureau to the purposes of the pursuit of joint careers by officers in the Armed Forces. Each report shall include, for the preceding year, the following:

(1) A list and description of the joint education courses so available during such year.

(2) A list and description of the joint education courses so available during such year, for purposes of the provisions of law requiring such duty or experience as a condition of assignment or promotion.

(e) Memorandum of Understanding Regarding the United States Northern Command and Other Combatant Commands—

(1) Memorandum Required.—Not later than 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008, the Commander of the United States Northern Command, the Commander of the United States Pacific Command, and the Chief of the National Guard Bureau shall, with the approval of the Secretary of Defense, jointly enter into a memorandum of understanding setting forth the operational relationships, and individual roles and responsibilities, during responses to domestic emergencies among the United States Northern Command, the United States Pacific Command, and the National Guard Bureau.

(2) The Commander of the United States Northern Command, the Commander of the United States Pacific Command, and the Chief of the National Guard Bureau shall submit a report to the Congress setting forth the provisions of the memorandum and a list of the key officials who will participate in the program.

(f) Report on Defense of the Homeland—

(1) Review.—The Secretary of Defense, in consultation with the Chief of the National Guard Bureau, shall conduct a review of the role of the Department of Defense in the defense of the homeland. In conducting that review, the Secretary shall—

(A) assess section II of the Final Report to Congress and the Secretary of Defense of the Commanders of the Army National Guard and the Air National Guard, dated January 31, 2008, and titled “Transforming the National Guard and Reserve into a 21st-Century Operational Force”; and

(B) comment on recommendation number 2 under section II of the report described in sub-paragraph (A).

(2) Not later than April 1, 2009, the Secretary of Defense shall issue to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the review.

Subtitle D—General Service Authorities

SEC. 531. INCREASE IN AUTHORIZED MAXIMUM REENLISTMENT TERM.

(a) INCREASE TO EIGHT-YEAR MAXIMUM.—Section 365(d) of title 10, United States Code, is amended—

(1) in paragraph (2), by inserting “six years” and “eight years” for “four years” and “six years” respectively;

(2) by striking “four years” for “six years” in subsection (d); and

(3) by striking “four years” for “eight years” in subsection (g).

(b) CONFIRMATION REGARDING REENLISTMENT BONUS.—Section 308(a)(2)(G) of title 37, United States Code, is amended by striking “not to exceed six years” and inserting “eight years.”

SEC. 532. CAREER INTERMISSION PILOT PROGRAM.

(a) PROGRAM AUTHORIZED.—Chapter 40 of title 10, United States Code, is amended by inserting after section 708 the following new section:

#### $708a. Career intermission pilot program

(a) PROGRAM AUTHORIZED.—(1) The Secretary of a military department may establish a Career Intermission Pilot Program designed to enable officers of the reserve components of the Armed Forces in the Armed Forces. Each report shall in—

(b) Basic Pay.—Basic pay for a member participating in the program shall be—

(c) Promotion Eligibility.—(1) An officer participating in the program shall not be eligible for consideration for promotion during the period of either March 30 or April 15 of this title during the period of the officer’s release from active duty. Upon return to active duty—

(d) Ineligibility.—(1) A member released from active duty under the program, the member is entitled to the travel and transportation allowances under section 404 of title 37 for travel between the date of the member’s release from active duty and until such time after the member returns to active duty when the member becomes eligible for promotion by reason of time in grade and such other requirements as may be specified in regulations.

(e) Memorandum of Understanding Regarding the United States Northern Command and Other Combatant Commands—

(1) Memorandum Required.—Not later than 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008, the Commander of the United States Northern Command, the Commander of the United States Pacific Command, and the Chief of the National Guard Bureau shall, with the approval of the Secretary of Defense, jointly enter into a memorandum of understanding setting forth the operational relationships, and individual roles and responsibilities, during responses to domestic emergencies among the United States Northern Command, the United States Pacific Command, and the National Guard Bureau.

(2) The Commander of the United States Northern Command, the Commander of the United States Pacific Command, and the Chief of the National Guard Bureau shall, with the approval of the Secretary of Defense, jointly enter into a memorandum of understanding setting forth the operational relationships, and individual roles and responsibilities, during responses to domestic emergencies among the United States Northern Command, the United States Pacific Command, and the National Guard Bureau.

(3) Notwithstanding any other provision of law, a member participating in the program is entitled to the travel and transportation allowances under section 404 of title 37 for travel between the date of the member’s release from active duty and until such time after the member returns to active duty when the member becomes eligible for promotion by reason of time in grade and such other requirements as may be specified in regulations.

(4) An allowance will be paid under this sub-paragraph for travel to and from only one re-
SEC. 541. REPEAL OF PROHIBITION ON PHASED INCREASE IN MIDSHIPMEN ANDCADET STRENGTH LIMIT AT UNITED STATES NAVAL ACADEMY AND AIR FORCE ACADEMY.

(a) NAVAL ACADEMY.—Section 654(f)(1) of title 10, United States Code, is amended by striking the last sentence.

(b) AIR FORCE ACADEMY.—Section 9342(j)(1) of title 10, United States Code, is amended by striking the last sentence.

SEC. 542. PROMOTION OF FOREIGN AND CULTURAL EXCHANGE ACTIVITIES AT MILITARY SERVICE ACADEMIES.

(a) UNITED STATES NAVAL ACADEMY.—(1) IN GENERAL.—Chapter 403 of title 10, United States Code, is amended by inserting after section 4345 the following new section:

"§4345a. Foreign and cultural exchange activities"

"(a) ATTENDANCE AUTHORIZED.—The Secretary of the Army may authorize the Academy to permit students, officers, and other representatives of a foreign country to attend the Academy for periods of not more than two weeks if the Secretary determines that the attendance of such persons contributes significantly to the development of foreign language, cross cultural interactions and understanding, and cultural immersion of cadets.

(b) COSTS AND EXPENSES.—The Secretary may pay the travel, subsistence, and similar personal expenses of persons incurred to attend the Academy under subsection (a).

(c) EFFECT OF ATTENDANCE.—Persons attending the Academy under subsection (a) are not considered to be students enrolled at the Academy and are in addition to persons receiving instruction at the Academy under section 4344 or 4345 of this title.

"(d) SOURCE OF FUNDS: LIMITATION.—(1) The Academy shall bear the costs of the attendance of persons under subsection (a) from funds appropriated for the Air Force Academy and from such additional funds as may be available to the Academy from a source, other than appropriated funds, to support cultural immersion, regional awareness, or foreign language training activities in connection with their attendance.

(2) Expenditures from appropriated funds in support of activities under this section may not exceed $40,000 during any fiscal year.

"(2) CLERICAL AMENDMENT.—The table of sections at the beginning of this chapter is amended by striking the last sentence.

SEC. 543. COMPENSATION FOR CIVILIAN PRESIDENT OF NAVAL POSTGRADUATE SCHOOL.

Section 7042 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c)(1) If the individual holding the position of President of the Naval Postgraduate School is a civilian, the Secretary shall pay the individual such compensation for the individual’s service as President as the Secretary prescribes, except that—

"(A) basic pay for the President may not exceed the basic pay for a Member of the Executive Office of the President in level 1 of the Executive Schedule under section 5312 of title 5; and

"(B) total aggregate compensation for the President, including bonuses, awards, allowances, or other similar cash payments, may not exceed the total annual compensation payable under section 102 of title 5.

(2) The amount specified in subsection (a) of section 5323 of title 5 shall not apply to the authority of the Secretary under this subsection to prescribe the salary and other related benefits for the position of President of the Naval Postgraduate School.

SEC. 544. INCREASED AUTHORITY TO ENROLL DEFENSE INDUSTRY EMPLOYEES IN DEFENSE PRODUCT DEVELOPMENT PROGRAM.

Section 7049(a)(1) of title 10, United States Code, is amended by striking “25” and inserting “125”.

SEC. 545. REQUIREMENT OF COMPLETION OF SERVICE UNITS FOR MEMBERS SUPPORTING CONTINGENCY OPERATIONS.

(a) REQUIREMENT OF SERVICE UNITS.—Section 1664(a)(2) of title 10, United States Code, is amended by striking “other than dishonorable conditions” and inserting “honorable conditions”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and apply to persons described in section 1664 of title 10, United States Code, who separate on or after that date from a reserve component.

SEC. 546. CONSISTENT EDUCATION LOAN REPAYMENT AUTHORITY FOR PROFESSIONALS IN REGULAR COMPONENTS AND SELECTED RESERVE.

Section 7059(b) of title 10, United States Code, is amended by striking paragraphs (2) and (3) and inserting the following new paragraph:

"(2) The annual maximum amount of a loan that may be repaid under this section shall be the same as the maximum amount in effect for the same year under subsection (e)(2) of section 2173 of this title for the education loan repayment program under this section.

SEC. 547. INCREASE IN NUMBER OF UNITS OF JUNIOR RESERVE OFFICERS TRAINING CORPS.

(a) PLAN FOR INCREASE.—The Secretary of Defense, in consultation with the Secretaries of the military departments, shall develop and implement a plan to establish and support 4,000 Junior Reserve Officers’ Training Corps units not later than fiscal year 2020.

(b) EXCEPTIONS.—The requirement imposed in subsection (a) shall not apply—

(1) if the Secretary fails to receive an adequate number of requests for Junior Reserve Officers’ Training Corps units by public and private secondary educational institutions; or

(2) during a time of national emergency when the Secretary determines that funding must be allocated elsewhere.

(c) COOPERATION.—The Secretary of Defense, as part of the plan to establish and support additional Junior Reserve Officers’ Training Corps units, shall work with local educational agencies to increase the employment in Junior Reserve Officers’ Training Corps units of retired members of the Armed Forces who are veterans of more than 61 years of title 10, United States Code, especially members who were wounded or injured while deployed in a contingency operation.

(d) REPORT ON PLAN.—Upon completion of the plan, the Secretary of Defense shall provide a report to the congressional defense committees containing, at a minimum, the following:

(1) A description of how the Secretaries of the military departments expect to achieve the number of units of the Junior Reserve Officers’ Training Corps specified in subsection (a), including how many units will be established per year by each service.

(2) The annual funding necessary to support the increase in units, including the personnel costs associated.

(3) The number of qualified private and public schools, if any, who have requested a Junior Reserve Officers’ Training Corps unit that are on a waiting list.

(4) Efforts to improve the distributed use of units geographically across the United States.
(5) Efforts to increase distribution of units in educationally and economically deprived areas.

(6) Efforts to enhance employment opportunities for qualified former military members retired for disability, especially those wounded while deployed in a contingency operation.

(e) TIME FOR SUBMISSION.—The plan required under subsection (a), along with the report required by subsection (d), shall be submitted to the congressional defense committees not later than March 31, 2009. The Secretary of Defense shall submit an up-dated report annually thereafter until the table of units of the Junior Reserve Officers’ Training Corps specified in subsection (a) is achieved.

(f) ADDITIONAL CURRICULUM ELEMENT.—The Secretary of Defense shall develop and implement a segment of the Junior Reserve Officers’ Training Corps curriculum that includes the contribution and defense historiography of gender and ethnic specific groups.

Subtitle F—Military Justice

SEC. 551. GRADE OF STAFF JUDGE ADVOCATE TO THE COMMANDANT OF THE MARINE CORPS.

Section 5046(a) of title 10, United States Code, is amended by striking the last sentence and inserting the following new sentence: “The Staff Judge Advocate to the Commandant of the Marine Corps, while so serving, has the grade of major general.”.

SEC. 552. STANDING MILITARY PROTECTION ORDER.

(a) IN GENERAL.—Chapter 80 of title 10, United States Code, is amended by adding at the end the following new section:

“SEC. 1567. STANDING MILITARY PROTECTIVE ORDER TO CIVILIAN LAW ENFORCEMENT.

“The issuance of a military protective order by a military commander shall be deemed a standing order until—

(1) the matter prompting the protective order is resolved by investigation, courts martial, or other command determined adjudication; or

(2) the military commander issues a new order.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding to the end the following new item: “1567. Standing military protective order.”.

SEC. 553. MANDATORY NOTIFICATION OF ISSUANCE OF MILITARY PROTECTIVE ORDER TO CIVILIAN LAW ENFORCEMENT.

(a) IN GENERAL.—Chapter 80 of title 10, United States Code, is amended by inserting after section 1567, as added by section 552, the following new section:

“SEC. 1567a. MANDATORY NOTIFICATION OF ISSUANCE OF MILITARY PROTECTIVE ORDER TO CIVILIAN LAW ENFORCEMENT.

“In the event a military protective order is issued against a member of the armed forces and any individual involved in the order does not reside on a military installation at any time during the duration of the protective order, the commanding military installation shall notify the appropriate civilian authorities of—

(1) the issuance of the protective order;

(2) the duration of the protective order; and

(3) the individuals involved in the order.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1567 the following new item:

“1567a. Mandatory notification of issuance of military protective order to civilian law enforcement.”.

SEC. 554. IDENTIFICATION AND PROTECTION OF INFORMATION DATABASE ON SEXUAL ASSAULT INCIDENTS IN THE ARMED FORCES.

(a) DATABASE REQUIRED.—The Secretary of Defense shall develop and implement a centralized database for the collection, in a manner consistent with Department of Defense regulations for restricted reporting, and maintenance of information regarding sexual assaults involving a member of the Armed Forces, including information, if available, about the nature of the assault, the outcome of any legal proceedings in connection with the assault.

(b) AVAILABILITY OF DATABASE.—The database shall be available to personnel of the Sexual Assault Prevention and Response Office of the Department of Defense.

SEC. 555. IMPLEMENTATION OF ADOPTION OF THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006 REPEALING PROVISIONS RELATING TO THE NATIONAL MILITARY COMMISSION.

SEC. 556. AWARD OF VIETNAM SERVICE MEDAL TO VETERANS WHO PARTICIPATED IN MAYAGUEZ RESCUE OPERATION.

(a) IN GENERAL.—The Secretary of the military department concerned shall—

(1) upon the application of an individual who is an eligible veteran, subject to section 8135 of title 38, United States Code, award the Armed Forces Expeditionary Medal to the individual for the individual’s participation in the Mayaguez rescue operation; and

(b) ADMISSION OF ALASKA AND HAWAII.—The provisions of this section shall apply to the Armed Forces Expeditionary Medal for service in Alaska and Hawaii.

SEC. 557. AWARD OF MEDAL OF HONOR TO FORCES IN THE VIETNAM WAR.

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 8741 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals or decorations by the President to members of the Armed Forces, the President is authorized and requested to award the Medal of Honor under section 8741 of such title to former Chief Master Sergeant Richard L. Etchberger for the acts of valor during the Vietnam War described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of then Chief Master Sergeant Richard L. Etchberger as Ground Radar Superintendent of Detachment 1, 1043rd Radar Squadron on March 11, 1968, during the Vietnam War for which he was originally awarded the Air Force Cross.

SEC. 558. ADVANCEMENT OF BRIGADIER GENERAL CHARLES E. YEAGER, UNITED STATES AIR FORCE (RETIRED), ON THE RETIRED LIST.

(a) ADVANCEMENT.—Brigadier General Charles E. Yeager, United States Air Force (retired), is entitled to hold the rank of major general while on the retired list of the Air Force.

(b) ADDITIONAL BENEFITS NOT TO ACCRUE.—The advancement of Charles E. Yeager on the retired list of the Air Force under subsection (a) shall not affect the retired pay or other benefits from the United States to which Charles E. Yeager is now or may in the future be entitled based upon his military service or affect any benefits to which any other person may become entitled based on his service.

SEC. 559. ADVANCEMENT AUTHORIZED.—The President is authorized and requested by the Congress, by concurrent resolution, to promote and with the advice and consent of the Senate, Rear Admiral Wayne E. Meyer, United States Navy (retired), to the grade of vice admiral on the retired list of the Navy.

(b) ADDITIONAL BENEFITS NOT TO ACCRUE.—The advancement of Wayne E. Meyer on the retired list of the Navy under subsection (a) shall not affect the retired pay or other benefits from the United States to which Wayne E. Meyer is now or may in the future be entitled based upon his military service or affect any benefits to which any other person may become entitled based on his service.

SEC. 560. AWARD OF VIETNAM SERVICE MEDAL TO VETERANS WHO PARTICIPATED IN MAYAGUEZ RESCUE OPERATION.

(a) IN GENERAL.—The Secretary of the military department concerned shall—

(1) upon the application of an individual who is an eligible veteran, award the Armed Forces Expeditionary Medal, notwithstanding any otherwise applicable requirements for the award of that medal, any such award shall be made in lieu of any Armed Forces Expeditionary Medal awarded to the individual for the individual’s participation in the Mayaguez rescue operation.

(b) ELIGIBLE VETERANS.—For purposes of this section, the term ‘eligible veteran’ means a member or former member of the Armed Forces who was awarded the Armed Forces Expeditionary Medal for participation in military operations known as the Mayaguez rescue operation of May 12-15, 1975.

Subtitle H—Impact Aid

SEC. 571. CONTINUATION OF AUTHORITY TO ASSIST LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES IN THE DISABILITY PAYMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the amount authorized to be appropriated pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $30,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (a) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 163; 10 U.S.C. 7703b).

(b) ASSISTANCE TO SCHOOLS WITH ENROLLMENT CHANGES DUE TO BASE CLOSURES, FORCE MOVEMENT, AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.
SEC. 572. CALCULATION OF PAYMENTS UNDER DEPARTMENT OF EDUCATION'S IMPROVEMENT OF EDUCATION ACTS.

Paragraph (2) of section 8003(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(c)) is amended to read as follows:

"(2) Exception.—Calculation of payments for a local educational agency shall be based on data from the fiscal year for which the agency is making an application for assistance.

"(A) if such agency is newly established by a State (first year of operation only); or

"(B) if—

"(i) such agency was eligible to receive a payment under this section in the previous fiscal year;

"(ii) such agency has had an overall increase (as determined by the Secretary of Education in consultation with the Secretary of Defense, the Secretary of Interior, or other Federal agencies) of not less than 100 students or 10 percent as determined by the Secretary of the Interior, or other Federal agencies)

"(C) to the parents or parent of the decedent, and

"(D) to the person designated under subparagraph (A) if such child is a natural parent, a stepparent, a parent who has a legal right to receive the payment of a claim for the loss of a parent under section 1784a of this title, and a member of the Armed Forces who is serving on active duty.

"(2) EXCEPTION.—Calculation of payments for a local educational agency shall include—

"(A) by designating the current text as paragraph (2) and redesignating current paragraphs (3) and (4) as subparagraphs (A) and (B), respectively;

"(B) by inserting after paragraph (1) the following new subparagraph:

"(C) to the parents or parent of the decedent, and

"(D) to the person designated under subparagraph (A) if such child is a natural parent, a stepparent, a parent who has a legal right to receive the payment of a claim for the loss of a parent under section 1784a of this title, and a member of the Armed Forces who is serving on active duty.

"§1784a. Education and training opportunities for military spouses to expand employment and career opportunities.

"(a) PROGRAMS AND TUITION ASSISTANCE.—(1) The Secretary of Defense may establish programs to assist the spouse of a member of the armed forces described in subsection (b) in acquiring a degree or credential to expand the spouse's employment and career opportunities for the spouse;

"(A) the education and training required for a degree or credential at an accredited college, university, or technical school in the United States that expands employment and career opportunities for the spouse;

"(B) the education prerequisites and professional licensure required, by a government or government sanctioned licensing body, for an occupation that expands employment and career opportunities for the spouse.

"(2) As an additional benefit, the Secretary may provide tuition assistance to an eligible spouse who is pursuing education, training, or a license or credential to expand the spouse's employment and career opportunities.

"(b) ELIGIBLE SPOUSES.—Assistance under this section is limited to a spouse of a member of the armed forces on active duty.

"(c) EXCEPTIONS.—Subsection (b) does not include—

"(1) a person who is married to, but legally separated from, a member of the armed forces under court order or statute of any State or territorial possession of the United States; and

"(2) a spouse of a member of the armed forces who is also a member of the armed forces.

"(d) REGULATIONS.—The Secretary of Defense shall prescribe regulations to govern the availability and use of assistance under this section.

Subsection (c) established under this subsection does not result in inequitable treatment for spouses of members of the armed forces who are also members, since they are excluded from participation in the programs under subsection (c)(2).

"(2) As an additional benefit, the Secretary may provide tuition assistance to an eligible spouse who is pursuing education, training, or a license or credential to expand the spouse's employment and career opportunities.

"(b) ELIGIBLE SPOUSES.—Assistance under this section is limited to a spouse of a member of the armed forces on active duty.

"(c) EXCEPTIONS.—Subsection (b) does not include—

"(1) a person who is married to, but legally separated from, a member of the armed forces under court order or statute of any State or territorial possession of the United States; and

"(2) a spouse of a member of the armed forces who is also a member of the armed forces.

"(d) REGULATIONS.—The Secretary of Defense shall prescribe regulations to govern the availability and use of assistance under this section.

"(3) EXCEPTIONS.—Subsection (b) does not include—

"(1) a person who is married to, but legally separated from, a member of the armed forces under court order or statute of any State or territorial possession of the United States; and

"(2) a spouse of a member of the armed forces who is also a member of the armed forces.

"(b) ELIGIBLE SPOUSES.—Assistance under this section is limited to a spouse of a member of the armed forces on active duty.

"(c) EXCEPTIONS.—Subsection (b) does not include—

"(1) a person who is married to, but legally separated from, a member of the armed forces under court order or statute of any State or territorial possession of the United States; and

"(2) a spouse of a member of the armed forces who is also a member of the armed forces.

"(d) REGULATIONS.—The Secretary of Defense shall prescribe regulations to govern the availability and use of assistance under this section.

"(2) As an additional benefit, the Secretary may provide tuition assistance to an eligible spouse who is pursuing education, training, or a license or credential to expand the spouse's employment and career opportunities.

"(b) ELIGIBLE SPOUSES.—Assistance under this section is limited to a spouse of a member of the armed forces on active duty.

"(c) EXCEPTIONS.—Subsection (b) does not include—

"(1) a person who is married to, but legally separated from, a member of the armed forces under court order or statute of any State or territorial possession of the United States; and

"(2) a spouse of a member of the armed forces who is also a member of the armed forces.

"(d) REGULATIONS.—The Secretary of Defense shall prescribe regulations to govern the availability and use of assistance under this section.

Subsection (c) established under this subsection does not result in inequitable treatment for spouses of members of the armed forces who are also members, since they are excluded from participation in the programs under subsection (c)(2).

"(2) As an additional benefit, the Secretary may provide tuition assistance to an eligible spouse who is pursuing education, training, or a license or credential to expand the spouse's employment and career opportunities.

"(b) ELIGIBLE SPOUSES.—Assistance under this section is limited to a spouse of a member of the armed forces on active duty.

"(c) EXCEPTIONS.—Subsection (b) does not include—

"(1) a person who is married to, but legally separated from, a member of the armed forces under court order or statute of any State or territorial possession of the United States; and

"(2) a spouse of a member of the armed forces who is also a member of the armed forces.

"(d) REGULATIONS.—The Secretary of Defense shall prescribe regulations to govern the availability and use of assistance under this section.

Subsection (c) established under this subsection does not result in inequitable treatment for spouses of members of the armed forces who are also members, since they are excluded from participation in the programs under subsection (c)(2).

"(b) CLERICAL AMENDMENT.—The table of sections at the beginning of this chapter is amended by inserting after the item relating to section 1784 the following new item:

"§1784a. Education and training opportunities for military spouses to expand employment and career opportunities.

Subtitle J—Other Matters

SEC. 591. INCLUSION OF RESERVES IN PROVISIONS FAVORABLE TO STATE GOVERNMENTS FOR PROVIDING FEDERAL AUTHORITY, AND RESPONDING TO MAJOR PUBLIC EMERGENCIES.

(a) FEDERAL AUTHORITY.—Section 331 of title 10, United States Code, is amended by striking "armed forces, as he and

inserting "armed forces (including units and members of the Army Reserve, Navy Reserve, Air Force Reserve, Marine Corps Reserve, and Coast Guard Reserve ordered to active duty for this purpose), as the President may determine.

(b) ENFORCEMENT OF FEDERAL AUTHORITY.—Section 332 of such title is amended—

"(1) by striking "he may" and inserting "the President may"; and

"(2) by striking "armed forces, as he and inserting "armed forces (including units and members of the Army Reserve, Navy Reserve, Air Force Reserve, Marine Corps Reserve, and Coast Guard Reserve ordered to active duty for this purpose), as the President may determine.

"(c) RESPONSE TO PUBLIC EMERGENCIES.—Section 333(a)(1) of such title is amended by inserting after "Federal service" the following: "and units and members of the Army Reserve, Navy Reserve, Air Force Reserve, Marine Corps Reserve, and Coast Guard Reserve ordered to active duty for this purpose".

Subtitle K—Interest Payments on Certain Claims Arising from Correction of Military Records.

(a) INTEREST PAYABLE ON CLAIMS.—Subsection (c) of section 1552 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4) If the correction of military records under this section involves settling a case or inside a conviction by court-martial, the payment of a claim under this subsection in connection with the correction of the records shall include interest at not less than the rate of interest provided in section 1925 of this title at the time the payment is made. The interest shall be calculated on an annual basis, and compounded, using the amount of the lost pay, allowances, compensation, emoluments, or other pecuniary benefits involved, and the amount of any fine or forfeiture paid, beginning from the date of the conviction through the date on which the payment is made.

"(b) CONFORMING AMENDMENT REGARDING CORRECTION OF MILITARY RECORDS.—The amendment made by subsection (a) shall apply with respect to any sentence of a court-martial set aside by a Corrections Board on or after October 1, 2007, when the Corrections Board includes an order or recommendation for the payment of a claim for the loss of allowances, compensation, emoluments, or other pecuniary benefits, or for the repayment of a fine or forfeiture paid, that arose as a result of the conviction. In this subsection, the term "Corrections Board" has the meaning given that term in section 1557 of title 10, United States Code.
(1) by redesigning paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; (2) by inserting "(1)" before "The authority"; and (3) by adding at the end the following new paragraph: "(2) The authority under subsection (a) includes authority to restructure any unit of the Selected Reserve of the Army Reserve, Navy Reserve, Air Force Reserve, Marine Corps Reserve, or Coast Guard Reserve to active duty to provide assistance in responding to a major disaster or emergency (as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122))."

Sec. 595. SENIOR MILITARY LEADERSHIP DIVERSITY COMMISSION.

(a) ESTABLISHMENT OF COMMISSION. (1) IN GENERAL.—There is hereby established a commission to be known as the "Senior Military Leadership Diversity Commission." (b) COMPOSITION. (1) MEMBERSHIP.—The commission shall be composed of 23 members, as follows: (A) The Director of the Defense Manpower Management Center. (B) The Director of the Defense Equal Opportunity Management Institute. (C) 1 senior enlisted leader from each of the Army, Navy, Air Force, and Marine Corps who serves or has served in a leadership position with either a military department command or combatant command shall be appointed by the Secretary of Defense. (D) 1 retired general or flag officer from each of the Army, Navy, Air Force, and Marine Corps shall be appointed by the Secretary of Defense. (E) 1 retired noncommissioned officer from each of the Army, Navy, Air Force, and Marine Corps shall be appointed by the Secretary of Defense. (F) 5 retired senior officers who served in leadership positions with either a military department demand or combatant command shall be appointed by the Secretary of Defense, of which no less than 3 shall represent the views of minority veterans. (G) Individuals with expertise in cultivating diverse leaders in private or nonprofit organizations shall be appointed by the Secretary of Defense. (2) CHAIRMAN.—The Secretary of Defense shall designate one member described in paragraphs (1)(F) or (1)(G) as chairman of the commission. (3) PERIOD OF APPOINTMENT; VACANCIES.— Members shall be appointed for the life of the commission. Any vacancy in the commission shall be filled in the same manner as the original appointment. (4) DEADLINE FOR APPOINTMENT.—All members of the commission shall be appointed not later than 60 days after the date of the enactment of this Act. (5) QUORUM.—12 members of the commission shall constitute a quorum but a lesser number may hold hearings. (c) MEETINGS.— (1) INITIAL MEETING.—The commission shall conduct its first meeting not later than 30 days after the date on which a majority of the appointed members of the commission have been appointed. (2) MEETINGS.—The commission shall meet at the call of the chairman. (d) DUTIES:— (1) STUDY.—The commission shall study the diversity within the senior leadership of the Armed Forces. The study shall be a comprehensive evaluation and assessment of policies that provide opportunities for the advancement of minority members of the Armed Forces. (2) SCOPE OF STUDY.—In carrying out the study, the commission shall examine the following: (A) Efforts to develop and maintain diverse leadership at all levels of the Armed Forces. (B) The failures of developing and maintaining a diverse leadership, particularly at the general and flag officer positions. (C) The effect of expanding Department of Defense secondary educational programs to diverse civilian populations, to include service academy preparatory schools. (D) The ability of current recruitment and retention practices to attract and maintain a diverse pool of qualified individuals in sufficient numbers in officer pre-commissioning programs. (E) The ability of current activities to increase continuation rates for ethnic and gender specific members of the Armed Forces. (F) The benefits of conducting an annual conference attended by civilian military, active-duty and retired military, and corporate leaders on diversity, to include a review of current policy and the annual demographic data from the Defense Equal Opportunity Management Institute. (G) The status of prior recommendations made to the Department of Defense and to Congress concerning diversity initiatives within the Armed Forces. (H) The incorporation of private sector practices that have been successful in cultivating diverse leadership. (I) The establishment and maintenance of fair promotion and command opportunities for ethnic and gender specific members of the Armed Forces at the O-5 grade level and above. (J) An assessment of pre-command billet assignments of ethnic-specific members of the Armed Forces. (K) An assessment of command selection of ethnic-specific members of the Armed Forces. (L) CONSULTATION WITH THE PARTIES.—In carrying out the study under this subsection, the commission may consult with appropriate private, for-profit, and non-profit organizations and advocacy groups to learn methods for developing, implementing, and sustaining senior diverse leadership within the Department of Defense. (e) REPORTS.— (1) IN GENERAL.—Not later than 12 months after the date on which the commission first meets, the commission shall submit to the President and Congress a report on the study. The report shall include the following: (A) The findings and conclusions of the commission; (B) The recommendations of the commission for improving diversity within the Department of Defense; and (C) Other information and recommendations the commission considers appropriate. (2) INTERIM REPORTS.—The commission may submit to the President and Congress interim reports as the commission determines appropriate. (f) POWERS OF THE COMMISSION.— (1) HEARINGS.—The commission may hold such hearings and act at such times and places as it shall determine, and receive such evidence as the commission considers appropriate. (2) INFORMATION FROM FEDERAL AGENCIES.—Upon request by the chairman of the commission, any department or agency of the Federal Government may provide information that the commission considers necessary to carry out its duties. (g) TERMINATION OF COMMISSION.—The commission shall terminate 60 days after the date on which the commission submits the report under subsection (f)(1).

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Fiscal year 2009 increase in military pay. (a) SEC. 602. Permanent prohibition on charges for meals received at military treatment facilities by members receiving preferred care. Sec. 603. Equitable treatment of senior enlisted members in computation of basic allowance for housing. Sec. 604. Increase in marine commissioned officer pay. Sec. 605. Availability of portion of a second family separation allowance for married couples with dependents. Sec. 606. Stabilization of pay and allowances for senior enlisted members and warrant officers appointed as officers and warrant officers reappointed to a lower grade. Sec. 607. Extension of authority for income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service. Sec. 608. Guaranteed pay increase for members of the Armed Forces of one-half of one percent for performance other than Employment Cost Index. Subtitle B—Bonuses and Special and Incentive Pay

Sec. 611. Extension of certain bonus and special pay authorities for Reserve forces. Sec. 612. Extension of certain bonus and special pay authorities for health care professionals. Sec. 613. Extension of special pay and bonus authorities for nuclear officers. Sec. 614. Extension of authorities relating to payment of other title 37 bonuses and special and incentive pay. Sec. 615. Extension of authorities relating to payment of referral bonuses. Sec. 616. Increase in reenlistment and stipend amounts authorized under Nurse Officer Candidate Accession Program. Sec. 617. Maximum length of nuclear officer incentive pay agreements for service. Sec. 618. Technical changes regarding consolidation of special pay, incentive pay, and bonus authorities of the uniformed services. Sec. 619. Use of new skill incentive pay and proficiency bonuses to encourage training in critical foreign languages and foreign cultural studies. Sec. 620. Temporary targeted bonus authority to increase direct accessions of officers in certain health professional specialties. Subtitle C—Travel and Transportation Allowances

Sec. 631. Increased weight allowance for transportation of baggage and household effects for certain enlisted members. Sec. 632. Additional weight allowance for transportation of materials associated with employment of a member’s spouse or community support volunteer or charity activities. Sec. 633. Transportation of family pets during evacuation of nonessential personnel. Subtitle D—Retired Pay and Survivor Benefits

Sec. 641. Equity in computation of disability retirement pay for reserve component members wounded in action. Sec. 642. Effect of termination of subsequent marriage on payment of Survivor Benefit Plan annuity to surviving spouse or former spouse who previously transferred annuity to dependent children. Sec. 643. Extension to survivors of certain members who die on active duty of special survivor indemnity allowance for persons affected by required Survivor Benefit Plan annuity offset for dependency and indemnity compensation. Sec. 644. Election to receive retired pay for nonregular service upon retirement for a member of the reserve status performed after attaining eligibility for regular retirement.
Sec. 601. FISCAL YEAR 2009 INCREASE IN MILITARY BASIC PAY.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment to become effective during fiscal year 2009 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) INCREASE IN BASIC PAY.—Effective on January 1, 2009, the rates of monthly basic pay for members of the uniformed services who die, are separated or retired for disability, or meet other criteria.

Sec. 602. PERMANENT PROHIBITION ON CHARGES FOR MEALS RECEIVED AT MILITARY TREATMENT FACILITIES BY MEMBERS RECEIVING CONTINUOUS CARE.

Section 402(b) of title 37, United States Code, is amended by striking paragraph (3).

Sec. 603. EQUITABLE TREATMENT OF SENIOR ENLISTED MEMBERS AND WARRANT OFFICERS APPOINTED AS OFFICERS AND OFFICERS REAPPPOINTED IN A LOWER GRADE.

(a) IN GENERAL.—Section 907 of title 37, United States Code, is amended to read as follows:

"$907. Members appointed or reappointed as officers: no reduction in pay and allowances

"(a) STABILIZATION OF PAY AND ALLOWANCES.—A paragraph (1) shall continue to apply to any member to which the officer is entitled as an officer; or

"(2) the pay and allowances to which the officer would be entitled if the officer were in the last grade the officer held before the appointment or reappointment as an officer.

(b) COVERED PAY.—(1) Subject to paragraphs (2) and (3), for the purposes of this section, the pay of a grade formerly held by an officer described in subsection (a) include special and incentive pay under chapter 5 of this title.

(c) Determining the amount of the pay of a grade formerly held by an officer described in subsection (a) include special and incentive pay may be considered only so long as the officer continues to perform the duty that creates the entitlement to, or eligibility for, that pay and who is eligible to receive that pay in the former grade.

(d) Special and incentive pay that are dependent on a member being in an enlisted status hold for the purposes of this section the pay of a grade formerly held by an officer described in subsection (a) include special and incentive pay may be considered only so long as the officer continues to perform the duty that creates the entitlement to, or eligibility for, that pay and who is eligible to receive that pay in the former grade."

Sec. 604. INCREASE IN MAXIMUM AUTHORIZED PAYMENT OR REIMBURSEMENT AMOUNT FOR TEMPORARY LODGING EXPENSES.

(a) INCREASE.—Section 404(a)(4) of title 37, United States Code, is amended by inserting "$180 a day" and inserting "$360 a day".

(b) APPLICATION OF AMENDMENT.—Paragraph (A), (B), or (C) of subsection (a)(1) such section (a)(1) and the members resided together in the same dwelling or other similar arrangements, the Secretary concerned shall pay one of the members the full amount of the monthly allowance specified in such subsection (B) and the other member one-half of the monthly allowance amount until one of the members is no longer assigned to duties described in such subparagraphs. Upon expiration of the partial allowance, paragraph (1) shall continue to apply to the remaining member as long as the member is assigned to duties described in subparagraph (A), (B), or (C) of such subsection.

Sec. 605. AVAILABILITY OF PORTION OF A SECOND FAMILY SEPARATION ALLOWANCE FOR MARRIED COUPLES WITH DEPENDENTS.

(a) AVAILABILITY.—Section 427(d) of title 37, United States Code, is amended—

(1) by inserting "(1)" before "A member";

(2) by striking "Section 421" and inserting the following:

"(3) Section 421;"

(3) by striking "However" and inserting "Except as provided in paragraph (2)"; and

(4) by inserting before paragraph (3), as so designated, the following new paragraph:

"(2) If a married couple, both of whom are members of the uniformed services, with dependents are simultaneously assigned to duties described in subparagraph (A), (B), or (C) of subsection (a)(1) and the members resided together in the same dwelling or other similar arrangements, the Secretary concerned shall pay one of the members the full amount of the monthly allowance specified in such subsection (B) and the other member one-half of the monthly allowance amount until one of the members is no longer assigned to duties described in such subparagraphs. Upon expiration of the partial allowance, paragraph (1) shall continue to apply to the remaining member as long as the member is assigned to duties described in subparagraph (A), (B), or (C) of such subsection."

Sec. 606. STABILIZATION OF PAY AND ALLOWANCES FOR SENIOR ENLISTED MEMBERS AND WARRANT OFFICERS APPOINTED AS OFFICERS AND OFFICERS REAPPPOINTED IN A LOWER GRADE.

(a) IN GENERAL.—Section 907 of title 37, United States Code, is amended by striking "December 31, 2009" and inserting "December 31, 2008".

Sec. 607. EXTENSION OF AUTHORITY FOR INCOME REPLACEMENT PAYMENTS FOR RESERVE COMPONENT MEMBERS EXPANDING AND FREQUENT MOBILIZATION FOR ACTIVE DUTY SERVICE.

Section 909B of title 37, United States Code, is amended by striking "December 31, 2008" and inserting "December 31, 2009".

Sec. 608. GUARANTEED PAY INCREASE FOR MEMBERS OF THE ARMED FORCES OF ONE-HALF OF ONE PERCENTAGE POINT HIGHER THAN EMPLOYMENT COST INDEX.

Section 1009(c)(2) of title 37, United States Code, is amended by striking "fiscal years 2004, 2005, and 2006" and inserting "fiscal years 2010 through 2013".

Subtitle B—Bonuses and Special and Incentive Pay

Sec. 611. EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR Reserve Forces.

(a) SELECTED RESERVE REENLISTMENT BONUS.—Section 308(g) of title 37, United States Code, is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(b) SELECTED RESERVE AFFILIATION OR ENLISTMENT BONUS.—Section 308(c)(1) of such title is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(c) SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section 308(c)(2)(B) of such title is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(d) READY RESERVE ENLISTMENT BONUS FOR PERSONS WITHOUT PRIOR SERVICE.—Section 308(g)(2) of such title is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(e) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS FOR PERSONS WITH PRIOR SERVICE.—Section 308(e) of such title is amended by striking "December 31, 2008" and inserting "December 31, 2009".

Sec. 612. EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR HEALTH CARE PROFESSIONALS.

(a) NURSE OFFICER CANDIDATE ACADEMIC PROGRAM.—Section 2109a(a)(1) of title 10, United States Code, is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(b) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH CARE PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 16202(d) of such title is amended—
SEC. 615. EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF REFERRAL BONUSES.

(a) HEALTH PROFESSIONS REFERRAL BONUS.—

Subsection (b) of section 313 of title 10, United States Code, is amended by adding subsection (f)(1) that reads:

(1) the Secretary of Defense shall conduct a pilot program to provide a skill proficiency bonus to a member of a regular or reserve component of the unified services who—

(A) is entitled to basic pay under section 204 of this title or compensation under section 206 of this title who is enrolled in an officer training program; and

(B) is determined to have, and maintains, certified proficiency under subsection (d) in a critical foreign language or expertise in foreign cultural studies or in a related skill designated as critical by the Secretary concerned.

(2) INCLUSION OF CERTAIN SENIOR ROTC MEMBERS.—A proficiency bonus may be paid under this subsection to a student enrolled in the Senior Reserve Officers’ Training Corps program even though the student is in the first year of the four-year course under the program. During the period covered by the proficiency bonus, the student shall also be entitled to a monthly subsistence allowance under section 209(c) of this title even though the student has not entered into an agreement under section 2130a(a) of title 10. However, if the student receives incentive pay under subsection (g)(2) for the same period, the student may receive only a single monthly subsistence allowance under section 209(c) of this title.

(b) AVAILABILITY OF INCENTIVE PAY FOR PARTICIPATION IN FOREIGN LANGUAGE EDUCATION OR TRAINING PROGRAMS.—Such section is further amended—

(1) by redesignating subsections (g), (h), and (i) as subsections (h), (i), and (j), respectively; and

(2) by inserting after subsection (j) the following new subsection (k):

"(k) FOREIGN LANGUAGE STUDIES IN OFFICER TRAINING PROGRAMS.—

"(1) AVAILABILITY OF INCENTIVE PAY.—The Secretary concerned may pay incentive pay to a person enrolled in an officer training program to also participate in an education or training program to acquire proficiency in a critical foreign language or expertise in foreign cultural studies or a related skill designated as critical by the Secretary concerned.

"(2) INCLUSION OF CERTAIN SENIOR ROTC MEMBERS.—Incentive pay may be paid under this subsection to a student who is enrolled in the Senior Reserve Officers’ Training Corps program even though the student is in the first year of the four-year course under the program. While the student receives the incentive pay under this subsection, the student shall also be entitled to a monthly subsistence allowance under section 209(c) of this title even though the student has not entered into an agreement under section 2130a(a) of title 10. However, if the student receives incentive pay under subsection (g)(2) for the same period, the student may receive only a single monthly subsistence allowance under section 209(c) of this title.

"(3) CRITICAL FOREIGN LANGUAGE DEFINED.—In this section, the term 'critical foreign language' includes Arabic, Korean, Farsi, Chinese, Pashto, Persian-Farsi, Serbian-Croatian, Russian, Portuguese, or other language designated as critical by the Secretary concerned.

"(4) PILOT PROGRAM REQUIRED.—The Secretary of Defense shall conduct a pilot program to provide a skill proficiency bonus under section 335(b) of title 37, United States Code, to a member of a reserve component of the unified services who is entitled to compensation under section 206 of such title while the member participates in an education or training program to acquire proficiency in a critical foreign language or expertise in foreign cultural studies or a related skill designated as critical under such section.

(d) TERMINATION OF PILOT PROGRAM.—The Secretary shall conduct the pilot program during the period beginning on October 1, 2008, and..."
end on December 31, 2013. Incentive pay may not be provided under the pilot program after December 31, 2013.

(3) REPORTING REQUIREMENT.—Not later than March 31, 2012, the Secretary shall submit to Congress a report containing the results of the pilot program and the recommendations of the Secretary regarding whether to continue or expand the pilot program.

(d) EXPEDITED IMPLEMENTATION.—Notwithstanding section 622 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181), the Secretary of a military department may immediately implement the amendments made by subsections (a) and (b) in order to ensure the prompt allocation of bonus and incentive pay under section 353 of title 37, United States Code, as amended by such subsections, for persons enrolled in officer training programs.

SEC. 620. TEMPORARY TARGETED BONUS AUTHORITY TO INCREASE DIRECT ACCESSIONS OF OFFICERS IN CERTAIN HEALTH PROFESSIONS.

(a) DESIGNATION OF CRITICALLY SHORT WARTIME HEALTH SPECIALTIES.—For purposes of section 353 of title 37, United States Code, as added by section 601 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181), the following health specialties are designated as critically short wartime specialties under subsection (a)(2) of such section:

(1) Psychologists who have been awarded a diploma as a Psychologist by the American Board of Professional Psychology, and such other medical health practitioners as the Secretary concerned determines to be necessary.

(b) SPECIAL AGREEMENT AUTHORITY.—Under the authority provided by this section, the Secretary concerned may enter into an agreement under subsection (f) of section 325 of title 37, United States Code, to pay a health professions bonus under such section to a person who accepts a commission or appointment as an officer under such section.

(c) EFFECTIVE PERIOD.—This section shall take effect on October 1, 2008.

Subtitle C—Travel and Transportation Allowances

SEC. 631. INCREASED WEIGHT ALLOWANCE FOR TRANSPORTATION OF BAGGAGE AND HOUSEHOLD EFFECTS FOR CERTAIN ENLISTED MEMBERS.

(a) ALLOWANCE.—The table in section 406(b)(1)(C) of title 37, United States Code, is amended by striking the items relating to pay grades E–5 through E–9 and inserting the following new items:

<table>
<thead>
<tr>
<th>Pay Grade</th>
<th>Without Dependents</th>
<th>With Dependents</th>
</tr>
</thead>
<tbody>
<tr>
<td>E–9</td>
<td>5,600</td>
<td>6,600</td>
</tr>
<tr>
<td>E–8</td>
<td>11,500</td>
<td>14,500</td>
</tr>
<tr>
<td>E–7</td>
<td>14,500</td>
<td>17,500</td>
</tr>
<tr>
<td>E–6</td>
<td>17,500</td>
<td>20,500</td>
</tr>
<tr>
<td>E–5</td>
<td>24,500</td>
<td>29,500</td>
</tr>
</tbody>
</table>

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2008.

SEC. 632. ADDITIONAL WEIGHT ALLOWANCE FOR TRANSPORTATION OF MATERIALS ASSOCIATED WITH EMPLOYMENT OF A MEMBER’S SPOUSE OR COMMUNITY SUPPORT VOLUNTEER OR CHARITY ACTIVITIES.

(a) ADDITIONAL WEIGHT ALLOWANCE.—Section 406(b)(1) of title 37, United States Code, is amended by adding at the end the following new sentence: “(H) In connection with a change of permanent station of a member, the Secretary concerned shall increase the weight allowance otherwise applicable under subparagraph (C) for the member by 200 pounds for the purpose of facilitating the shipment of materials associated with employment of the member’s spouse or with community support volunteer or charity activities of the member and any dependents of the member.”

(b) APPLICATION OF AMENDMENT.—The amendment made by subsection (a) shall apply with respect to the month beginning on October 1, 2008, and subsequent months as provided by section 12731(a)(6) of title 10, United States Code, as added by section 644 of the National Defense Authorization Act for Fiscal Year 2008.

SEC. 644. ELECTION TO RECEIVE RETIRED PAY FOR NON-REGULAR SERVICE UPON RETIREMENT FOR SERVICE IN AN ACTIVE RETIREMENT STATUS PERFORMED AFTER ATTAINING ELIGIBILITY FOR REGULAR RETIREMENT.

(a) ELECTION AUTHORITY; REQUIREMENTS.—Subsection (a) of section 12731 of title 10, United States Code, is amended to read as follows:

“(a) AUTHORITY TO ELECT TO RECEIVE RETIRED PAY.—(1) A person may elect to receive retired pay under this chapter, instead of receiving retired or retainer pay under chapter 63, 367, 571, or 867 of this title, if—

(A) the person satisfies the requirements specified in paragraphs (1) and (2) of section 12731(a) of this title for entitlement to retired pay under this chapter;

(B) the person served in an active status in the Selected Reserve of the Ready Reserve after becoming eligible for retirement under chapter 63, 367, 571, or 867 of this title (without regard to whether the person actually received retired or retainer pay under one of those chapters);

(C) the person completed not less than two years of service in such active status (excluding any period of active service); and

(D) the service of the person in such active status is determined by the Secretary concerned to have been satisfactory.

(2) The Secretary concerned may reduce the two-year service requirement specified in paragraph (1)(C) in the case of a person who—

(A) completed at least 6 months of service in a position of adjutant general required under section 314 of title 32 or in a position of assistant adjutant general subordinate to such a position of adjutant general; and

(B) failed to complete the minimum two years of service solely because the appointment of the person to such position was terminated or vacated as described in section 224(b) of title 32.”.

(b) ACTIONS TO EFFECTUATE ELECTION.—Subsection (b) of such section is amended by striking paragraph (1) and inserting the following new paragraph:

“(1) terminate the eligibility of the person to receive retired pay under chapter 63, 367, 571, or 867 of this title, if the person is not already retired under one of those chapters, and terminate entitlement of the person to retired or retainer pay under one of those chapters, if the person was already receiving retired or retainer pay under one of those chapters; and”.  

(c) CONFORMING AMENDMENT TO REFLECT NEW VARIABLE AGE REQUIREMENT FOR RETIREMENT.—Subsection (d) of such section is amended—

(1) in paragraph (1), by striking “attains 50 years of age” and inserting “attains 60 years of age and is determined eligible by the Secretary to receive retired pay under section 12731(f) of this title”;

(2) in paragraph (2)(A), by striking “attains 60 years of age and is determined eligible by the Secretary to receive retired pay under section 12731(f) of this title”;

(3) in paragraph (2)(B), by striking “attains 50 years of age and is determined eligible by the Secretary to receive retired pay under section 12731(f) of this title”;

(d) REPEAL OF RESTRICTION ON ELECTION TO RECEIVE RETIRED PAY.—Section 12731(a) of such title is amended—

(1) by inserting “and” at the end of paragraph (2);

(2) by striking “and” at the end of paragraph (3) and inserting a period; and

(3) by striking paragraph (4).

(e) CLERICAL AMENDMENTS.—Subsection (c) of section 12731 of the National Defense Authorization Act for Fiscal Year 2008, as the heading for section 12741 of such title is amended to read as follows:
$12741. Retirement for service in an active status performed in the Selected Reserve of the Ready Reserve after eligibility for regular retirement.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 1233 of this title is amended by striking the item relating to section 12741 and inserting the following new item:

"12741. Retirement for service in an active status performed in the Selected Reserve of the Ready Reserve after eligibility for regular retirement."

(f) RETROACTIVE APPLICABILITY.—The amendments made by this section shall take effect as of January 1, 2008.

SEC. 645. RECOMPUTATION OF RETIRED PAY AND ADJUSTMENT OF RETIRED GRADE OF RETIREES TO REFLECT SERVICE AFTER RETIREMENT.

(a) RECOMPUTATION.—Section 10145 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c)(1) If a member of the Retired Reserve is recalled to an active status under subsection (d) in the Selected Reserve of the Ready Reserve and completes not less than two years of service in such active status, the member is entitled to—

(A) the recomputation of the retired pay of the member determined under section 12359 of this title; and

(B) in the case of a commissioned officer, an adjustment in the retired grade of the member in the manner prescribed in section 1717 of this title.

(2) The Secretary concerned may reduce the two-year service requirement specified in paragraph (1) in the case of a member who—

(A) is reenlisted in service in a position of adjutant general required under section 314 of title 32 or in a position of assistant adjutant general subordinate to such a position of adjutant general; and

(B) completes at least six months of service in such position; and

(C) for a period of not less than two years renders qualifying service as required by paragraph (1) solely because the appointment of the member to such position is terminated or vacated as described in section 32(b) of title 32.

(b) RETROACTIVE APPLICABILITY.—The amendment made by this section shall take effect as of January 1, 2008.

SEC. 646. CORRECTION OF UNINTENDED REDUCTION IN SURVIVOR BENEFIT PLAN ANNUITY DUE TO PHASED ELIMINATION OF TWO-TIER ANNUITY COMPUTATION AND SUPPLEMENTAL ANNUITY.

Effective as of October 28, 2004, and as included in the amendments made by Public Law 108–373, the Secretary of the Navy, Donald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–373; 118 Stat. 361; 19 U.S.C. 1459 note) is amended by adding at the end the following new paragraph:

"(3) SAVINGS PROVISION.—If, as a result of the recomputation of annuities under section 1450 of title 10, United States Code, and supplemental survivor annuities under section 1457 of such title, as required by paragraph (1), the total amount of both annuities to be paid to an annuitant for a month would be less (because of the offset required by section 1450(c) of such title for dependency and indemnity compensation) than the amount that would be paid to the annuitant in the absence of recomputation, the Secretary of Defense shall take such actions as are necessary to adjust the annuity amounts to eliminate the reduction.

SEC. 647. PROVISION OF DEATH FOR PARTICIPANTS IN SURVIVOR BENEFIT PLAN IN MISSING STATUS.

(a) CONDITIONS ON PRESUMPTION.—In the case of a participant in the Survivor Benefit Plan who has been determined by the Secretary of State to have been kidnapped in Iraq or Afghanistan on or after August 1, 2007, the Secretary of Defense may, after making a determination under section 1450(l) of title 10, United States Code, that the participant is missing, with the presumptions of death, until the earlier of—

(1) a period of at least 7 years expires after the date of the determination of the Secretary of State or

(2) the date on which the participant is confirmed dead and a death certificate is delivered to the next of kin.

(b) RESUMPTION OF RETIRED PAY; PAYMENT OF BACK PAY.—In the case of a participant in the Survivor Benefit Plan described in subsection (a) who is presumed to be dead before the date of the enactment of this Act under section 1450(l) of title 10, United States Code, the Secretary of a military department concerned shall—

(1) resume payment of any retired pay to which the participant is entitled to as a retired member of the Ready Reserve after the determination of the conditions specified in subsection (a); and

(2) pay retired pay for periods occurring before the date of the enactment of this Act for which retired pay was not paid because of the presumption of death.

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits and Operations

SEC. 651. USE OF COMMISSARY STORES SURCHARGES DERIVED FROM TEMPORARY AND MOBILE COMMISSARY INITIATIVES FOR RESERVE COMPONENTS AND RETIRED MEMBERS.

Section 2450h(b) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) in such paragraph (4), as so redesignated, by striking "paragraph (1) or (2)" and inserting "paragraph (1), (2), or (3)"; and

(b) COMMISSARY REIMBURSEMENT FOR TRAVEL EXPENSE.

(1) In general.—The Secretary of Defense shall—

(A) reenlist in the Ready Reserve after eligibility for retirement under section 1450 of title 10, United States Code, the individual who has been determined by the Secretary of Defense to have been kidnapped in Iraq or Afghanistan on or after August 1, 2007, or

(B) in the case of a participant in the Survivor Benefit Plan described in subsection (a) who was presumed to be dead before the date of the enactment of this Act under section 1450(l) of title 10, United States Code, the Secretary of a military department concerned shall—

(1) resume payment of any retired pay to which the participant is entitled to as a retired member of the Ready Reserve after the determination of the conditions specified in subsection (a); and

(2) pay retired pay for periods occurring before the date of the enactment of this Act for which retired pay was not paid because of the presumption of death.

Subtitle F—Commissary and Nonappropriated Fund Instrumentality Benefits and Operations

SEC. 652. RECOMPUTATION OF RETIRED GRADE OF RETIREES TO REFLECT SERVICE AFTER RETIREMENT.

(a) RECOMPUTATION.—Section 2485(a)(2) of title 10, United States Code, is amended by striking the last sentence by striking "December 31, 2008" and inserting "December 31, 2013".

(b) ADDITIONAL EXCEPTION TO LIMITATION ON USE OF APPROPRIATED FUNDS FOR DEPARTMENT OF DEFENSE GOLF COURSES.

Section 2491a of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) of subsection (b) as subsection (c) and, in such subsection (as so redesignated)—

(A) by inserting "REGULATIONS," before "the Secretary"; and

(B) by striking "this subsection" and inserting "such subsection"; and

(2) by inserting after paragraph (1) of subsection (b) the following new paragraph:

"(2) Subsection (a) does not apply to the purchase and maintenance of specialized golf carts designed to accommodate persons with disabilities and the use at a facility or installation where the Secretary determines the golf carts can be safely operated."

SEC. 653. ENHANCED ENFORCEMENT OF PROHIBITION ON USE OF NON-ASSIGNED MILITARY MATERIAL FOR SEXUALLY EXPLICIT MATERIAL ON MILITARY INSTALLATIONS.

(a) ESTABLISHMENT OF MILITARY MATERIAL ACTIVITIES REVIEW BOARD.—Section 2495b of title 10, United States Code, is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following new subsection:

"(2)(A) The Secretary of Defense shall appoint six members of the board to broadly represent the interests of the patron base served by the department commissary system and the exchange system. The Secretary shall appoint one of the members to serve as the chairman of the board. At least one member appointed under this subsection shall be a person with experience managing or advocating for military family programs and who is also an eligible patron of the department commissary system and the exchange system.

"(B) The Secretary of each of the military departments shall appoint one member of the board.

"(C) A vacancy on the board shall be filled in the same manner as the original appointment.

"(3) The Secretary of Defense may detail persons to serve as staff for the board. At a minimum, the Secretary shall ensure that the board is assisted at meetings by military resale and legal advisors.

"(4) The recommendations made by the board under paragraph (1) shall be made available to the public. The Secretary of Defense shall publicize the availability of such recommendations by such means as the Secretary considers appropriate.

"(5) Members of the board shall be allowed travel expense, including per diem in lieu of subsistence and rates authorized by agencies under subchapter 1 of chapter 57 of title 5 while away from their homes or regular places of business in the performance of services for the board.

(b) DEADLINE FOR ESTABLISHMENT AND INITIAL MEETING.—

(1) ESTABLISHMENT.—The board required by subsection (c) of section 2495b of title 10, United States Code, as added by subsection (a), shall be established, and its initial nine members appointed, not later than 120 days after the date of the enactment of this Act.

(2) MEETINGS.—The board shall conduct an initial meeting within one year after the date of the enactment of this Act. The Secretary shall provide such facilities and accommodations as are necessary for a minimum of 10 days following the initial meeting of the board.

SEC. 655. REQUIREMENT TO BUY MILITARY DECORATIONS, RIBBONS, BADGES, MEDALS, INSIGNIA, AND OTHER UNIFORM ACCOUTREMENTS PRODUCED IN THE UNITED STATES.

(a) REQUIREMENT.—Subchapter III of chapter 147 of title 10, United States Code, is amended by adding at the end the following new section:

"§2495c. Requirement to buy military decorations and other uniform accoutrements from American sources; exceptions

"(a) BUY-AMERICAN REQUIREMENT.—A military exchange store or other nonappropriated fund instrumentality of the Department of Defense may not purchase or sell military decorations, ribbons, badges, medals, insignia, and other uniform accoutrements that are not produced in the United States.

"(b) EXCEPTION.—(1) A satisfactory quality and sufficient quantity of an item otherwise not produced in the United States cannot be procured; or
“(2) the purchase of the item produced outside the United States is in the best interests of members of the armed forces.

(c) CONGRESSIONAL NOTIFICATION.—As soon as practicable after an exception is granted under subsection (b), the Secretary of Defense shall submit to Congress a report explaining the reasons for the exception.

(d) Use of Bonuses Defined.—In this section, the term ‘United States’ includes the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, American Samoa, and any other territory or possession of the United States.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“2495c. Requirement to buy military decorations and other persons to refer persons for enlistment in the Army.”.

SEC. 656. USE OF APPROPRIATED FUNDS TO PAY POST ALLOWANCES OR OVERSEAS COST OF LIVING ALLOWANCES TO NONAPPROPRIATED FUND INSTRUMENTALITY EMPLOYEES SERVING OVERSEAS.

(a) AUTHORITY TO USE APPROPRIATED FUNDS.—Chapter 81 of title 10, United States Code, is amended by inserting after section 1587a the following new section:

“§1587b. Employees of nonappropriated fund instrumentalities: payment of post allowances or overseas cost of living allowances

(1) AT THE REQUEST OF A MEMBER.—The Secretary of Defense may authorize the payment of post allowances or overseas cost of living allowances to an entity contracted to recruit persons for enlistment in the Army, and any other territory or possession of the United States.

(2) BY THE SECRETARY.—In the case of the Secretary of Defense, the authorized post allowance or overseas cost of living allowance to the best interests of the United States.

(3) by redesigning paragraph (2) as subparagraph (B) of paragraph (1).

(B) MANDATORY PAYMENT OF UNPAID AMOUNTS UNDER CERTAIN CIRCUMSTANCES; NO PAYMENT OF UNPAID AMOUNTS.—Section 360a(e) of title 37, United States Code, is amended by adding after the words ‘section 360a(e)’ the following:

“(1) If a member of the uniformed services dies (other than as a result the member’s misconduct) or is retired or separated for disability under chapter 61 of title 10, the Secretary concerned—

(i) shall not require repayment by the member or the member’s estate of the unearned portion of any bonus or similar benefit previously paid to the member; and

(ii) shall require the payment to the member’s estate of the remainder of any bonus or similar benefit that was not yet paid to the member, but to which the member was entitled immediately before the death, retirement, or separation of the member, and would be paid if not for the death, retirement, or separation of the member.

(B) The amount to be paid under subparagraph (A)(ii) shall be equal to the full amount specified by the agreement or contract applicable to the bonus or similar benefit as if the member continued to be entitled to the bonus or similar benefit following the death, retirement, or separation of the member.

(C) Amounts to be paid to a member or the member’s estate under subparagraph (A)(ii) shall be paid in a lump sum not later than 90 days after the date of the death, retirement, or separation of the member, whichever applicable.

(c) CONFORMING AMENDMENTS REFLECTING CONSOLIDATED PAY AND BONUS AUTHORITY.—

(1) CONFORMING AMENDMENTS.—Section 373 of title 37, United States Code, as added by section 661 of the National Defense Authorization Act for Fiscal Year 2008, is amended—

(A) in subsection (a)—

(i) in the subsection heading, by inserting “AND TERMINATION” after “REPAYMENT”; and

(ii) by inserting before the period at the end the following: “, and the member may not receive any unpaid amounts of the bonus, incentive pay, or similar benefit after the member fails to satisfy such service or eligibility requirement”; and

(B) by striking subsection (b) and inserting the following new subsection:

“(b) EXCEPTIONS.—

(1) DISCRETION TO PROVIDE EXCEPTION TO TERMINATION AND REPAYMENT REQUIREMENTS.— Pursuant to the regulations prescribed to administer this section, the Secretary concerned may grant an exception to the repayment requirement and requirement to terminate the payment of unpaid amounts of the bonus, incentive pay, or similar benefit if the Secretary concerned determines that the imposition of the repayment and termination requirements with respect to a member of the uniformed services would be contrary to a personnel policy or management objective, would be against equity and good conscience, or would be contrary to the best interests of the United States.

(2) MANDATORY PAYMENT OF UNPAID AMOUNTS UNDER CERTAIN CIRCUMSTANCES; NO PAYMENT OF UNPAID AMOUNTS UNDER CERTAIN CIRCUMSTANCES; NO
REPAYMENT OF UNEARNED AMOUNTS.—(A) If a member of the uniformed services dies (other than as a result the member’s misconduct) or is retired or separated for disability under chapter 61 of title 37, United States Code, the Secretary of the department concerned shall—

(i) shall not require repayment by the member or the member’s estate of the unearned portion of any bonus, incentive pay, or similar benefit previously paid to the member; and

(ii) shall require the payment to the member or the member’s estate of the remainder of any bonus, incentive pay, or similar benefit that was not yet paid to the member, but to which the member was entitled immediately before the death, retirement, or separation of the member, and until for the death, retirement, or separation of the member.

(B) The amount to be paid under subparagraph (A)(ii) shall be equal to the full amount specified by the agreement or contract applicable to the bonus, incentive pay, or similar benefit as if the member continued to be entitled to the bonus, incentive pay, or similar benefit following the death, retirement, or separation.

(C) Amounts to be paid to a member or the member’s estate under subparagraph (A)(ii) shall be paid in a lump sum not later than 90 days after the date of the death, retirement, or separation of the member, whichever applies.

(2) CLERICAL AMENDMENTS.—

(A) In title 37.—The heading of such section is amended to read as follows:—

"§373. Repayment of unearned portion of bonus, incentive pay, or similar benefit, and termination of remaining payments, when conditions not met.

(B) TABLE OF CONTENTS.—The table of sections at the beginning of chapter 5 of title 37, United States Code, is amended by striking the item relating to section 373 and inserting the following new item:

"373. Repayment of unearned portion of bonus, incentive pay, or similar benefit, and termination of remaining payments, when conditions of payment not met."

SEC. 663. PROVIDING INJURED MEMBERS OF THE ARMED FORCES INFORMATION CONCERNING BENEFITS.

Section 1651 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 476; 10 U.S.C. 1071 note) is amended by striking the section as afootnotetext{Note:} Note: as afootnotetext{Note:} amended to read as follows:

"SEC. 1651. HANDBOOK FOR MEMBERS OF THE ARMED FORCES ON COMPENSATION AND BENEFITS AVAILABLE FOR SERIOUS INJURIES AND ILLNESSES.

(a) INFORMATION ON AVAILABLE COMPENSATION AND BENEFITS.—Not later than March 31, 2009, the Secretary of Defense shall develop and maintain 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 separation or retirement of the member from the Armed Forces as a result of a serious injury or illness.

(b) CONTENTS.—The comprehensive description shall include the following:

(1) The range of compensation and benefits based on the member’s service, degree of disability at separation or retirement, and other factors affecting compensation and benefits as the Secretary considers appropriate.

(2) The information concerning the Disability Evaluation System of each military department, including—

(A) an explanation of the process of the Disability Evaluation System;

(B) a general timeline of the process of the Disability Evaluation System;

(C) the role and responsibilities of the military department throughout the process of the Disability Evaluation System; and

(D) the role and responsibilities of a member of the Armed Forces throughout the process of the Disability Evaluation System.

(3) Benefits administered by the Department of Veterans Affairs under the jurisdiction of that Secretary that a member of the Armed Forces would be entitled upon the separation or retirement from the Armed Forces as a result of a serious injury or illness.

(4) A list of the organizations service organizations and their contact information and Internet website addresses.

(4) CONSULTATION.—The Secretary of Defense shall develop and maintain the comprehensive description required by subsection (a) in consultation with the Secretary of Veterans Affairs, the Secretary of Health and Human Services, and the Commissioner of Social Security.

(5) UPDATE.—The Secretary of Defense shall update—

(1) the handbook on a periodic basis, but not less often than annually; and

(2) the Internet website or comparable successor facility immediately after any change has been made to the compensation or other benefits described in subsection (a).

(c) PROVISION TO MEMBERS.—The Secretary of the military department concerned shall provide the handbook to each member of the Armed Forces under the jurisdiction of that Secretary as soon as practicable following an injury or illness for which the member may retire or separate from the Armed Forces.

(d) PROVISION TO REPRESENTATIVES.—If a member is incapacitated or otherwise unable to receive the handbook, 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.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Improvements to Health Benefits

Sec. 701. One-year extension of prohibition on increases in certain health care costs for members of the uniformed services.

Sec. 702. Temporary prohibition on increase in copayments under retail pharmacy system of pharmacy benefits program.

Sec. 703. Prohibition on conversion of military medical and dental positions to civilian medical and dental positions.

Sec. 704. Chiropractic care for members on active duty.

Sec. 705. Requirement to recalculate TRICARE Reserve Select premiums based on actual cost data.

Sec. 706. Program for health care delivery at military installations projected to grow.

Sec. 707. Guidelines for combined Federal medical facilities.

Subtitle B—Preventive Care

Sec. 711. Waiver of copayments for preventive services for certain TRICARE beneficiaries.

Sec. 712. Military health risk management demonstration project.

Sec. 713. Smoking cessation program under TRICARE.

Sec. 714. Availability of assistance to diagnose, manage, mitigate, treat, and rehabilitate hearing loss and auditory system injuries.

Sec. 721. Center of excellence in prevention, diagnosis, mitigation, treatment, and rehabilitation of hearing loss and auditory system injuries.

Sec. 722. Clarification to center of excellence in prevention, diagnosis, mitigation, treatment, and rehabilitation of hearing loss and auditory system injuries.

Sec. 723. National Casualty Care Research Center.

Sec. 724. Peer-reviewed research program on extremity war injuries.

Sec. 725. Review of policies and processes related to the delivery of mail to wounded members of the Armed Forces.

Subtitle D—Other Matters

Sec. 731. Report on stipend for members of revolving components for health care for certain individuals.

Sec. 732. Report on providing the Extended Care Health Option Program to autistic dependents of military retirees.

Sec. 733. Sense of Congress regarding autism therapy services.

Subtitle A—Improvements to Health Benefits

Sec. 701. One-year extension of prohibition on increases in certain health care costs for members of the uniformed services.

(a) CHARGES UNDER CONTRACTS FOR MEDICAL CARE.—Section 1097(e) of title 10, United States Code, is amended by striking "September 30, 2008" and inserting "September 30, 2009".

(b) CHARGES FOR INPATIENT CARE.—Section 1086(b)(3) of such title is amended by striking "September 30, 2008" and inserting "September 30, 2009".

Sec. 702. Temporary prohibition on increase in copayments under retail pharmacy system of pharmacy benefits program.

During the period beginning on October 1, 2008, and ending on September 30, 2009, the Secretary shall—

(1) establish, maintain, and enforce sharing requirements established under paragraph (6) of section 1074(a) of title 10, United States Code, for pharmaceutical agents available through retail pharmacies covered by paragraph (2)(E)(ii) of such section that may not exceed amounts as follows:

(A) In the case of generic agents, $3.

(B) In the case of non-generic agents, $9.

(C) In the case of non-formulary agents, $22.

Sec. 703. Prohibition on conversion of military medical or dental positions to civilian medical and dental positions.

(a) PROHIBITION.—The Secretary of a military department may not convert any military medical or dental position to a civilian medical or dental position on or after October 1, 2008.

(b) RESTORATION OF CERTAIN POSITIONS TO MILITARY POSITIONS.—In the case of any military medical or dental position that is converted to a civilian medical or dental position during the period beginning on September 30, 2008, and ending on September 30, 2009, if the position is not filled by a civilian by September 30, 2008, the Secretary of the military department concerned shall—

(A) remove the position and restore the position as a military medical or dental position that can be filled only by a member of the Armed Forces who is a health professional.

(b) DEFINITIONS.—In this section:

(1) The term ‘military medical or dental position’ means a position for the performance of health care functions (or coded to work within a military treatment facility) within the Armed Forces held by a member of the Armed Forces.

(2) The term ‘military medical or dental position means a position for the performance of health care functions within the Department of Defense held by an employee of the Department or of a contractor of the Department.

(3) The term ‘conversion’ with respect to a military medical or dental position, means a change of the position to a civilian medical or dental position, effective with the signing of the manning authorization document of the military department making the change (through a change in designation from military to civilian in the document, the elimination of the listing of the position as a military position in the document, or through any other means indicating the change in the document or otherwise).

(d) REPEAL.—Section 3702 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) is repealed.
SEC. 704. CHIROPRACTIC HEALTH CARE FOR MEMBERS ON ACTIVE DUTY.

(a) REQUIREMENT FOR CHIROPRACTIC CARE.—

Subject to such regulations as the Secretary of Defense may prescribe, the Secretary shall provide chiropractic services for members of the uniformed services who are entitled to care under section 1074(a) of title 10, United States Code. Such chiropractic services may be provided only by a doctor of chiropractic.

(b) DEMONSTRATION PROJECTS.—The Secretary of Defense may conduct one or more demonstration projects to provide chiropractic services to deployed members of the uniformed services. Such chiropractic services may be provided only by a doctor of chiropractic.

(c) DEFINITIONS.—In this section:

(1) The term ‘‘chiropractic services’’—

(A) includes diagnosis (including by diagnostic imaging tests), evaluation and management, and therapeutic services for the treatment of a patient’s health condition, including neuromusculoskeletal conditions and the subluxation complex, and such other services determined appropriate by the Secretary and as authorized under State law; and

(B) does not include the use of drugs or sur- gery.

(2) The term ‘‘doctor of chiropractic’’ means only a doctor of chiropractic who is licensed as a doctor of chiropractic, chiropractic physician, or chiropractor by a State, the District of Co- lumbia, or a territory or possession of the United States.

SEC. 705. REQUIREMENT TO RECALCULATE TRICARE STANDARD PREMIUMS BASED ON ACTUAL COST DATA.

(a) CALCULATION BASED ON ACTUAL COST DATA.—Paragraph (3) of section 1076(d) of title 10, United States Code, is amended to read as follows:

‘‘(3) the monthly amount of the premium in effect for a month for TRICARE Standard coverage under this section shall be no more than the lesser of—

(A) the amount equal to 28 percent of the total average monthly amount for that coverage, as determined by the Secretary based on actual cost data for the preceding fiscal year; or

(B) the amount in effect for the month of March 2006.’’.

(b) EFFECTIVE DATE.—Paragraph (3) of section 1076(d) of title 10, United States Code, as amended by this section, shall apply with respect to fiscal year 2009 and fiscal years there- after.

SEC. 706. PROGRAM FOR HEALTH CARE DELIVERY AT MILITARY INSTALLATIONS PROJECTED TO GROW.

(a) PROGRAM.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall develop a plan to establish a program to build cooperative health care arrangements and agreements between military installations projected to grow and local and regional civilian health care systems.

(b) REQUIREMENTS OF PLAN.—In developing the plan, the Secretary of Defense shall—

(1) identify efforts to improve health care delivery involving the private sector and health care services in military facilities located on military installations;

(2) develop methods for determining the cost avoidance or savings resulting from innovative partnerships between the Department of Defense and the private sector;

(3) develop requirements for Department of Defense health care providers to deliver health care in civilian community hospitals; and

(4) collaborate with State and local authori- ties to create an arrangement to share and exchange, between the Department of Defense and nonmilitary health care systems, personal health information, and data of military personnel.

(c) COORDINATION WITH OTHER ENTITIES.—

The plan shall include requirements for coordi- nation with Federal, State, and local entities, TRICARE managed care support contractors, and other contracted assets around installations selected for participation in the program.

(d) CONSTRUCTION.—The Secretary of Defense shall develop the plan in consultation with the Secretaries of the military de- partments.

SEC. 707. GUIDELINES FOR COMBINED FEDERAL MEDICAL FACILITIES.

Before a facility may be designated a combined Federal medical facility of the Department of Defense and the Department of Veterans Affairs, the Secretary of Defense and the Secretary of Veterans Affairs shall issue a signed agree- ment that specifies, at a minimum, a binding operational agreement on the following areas:

(1) Patient priority categories.

(2) Budgeting.

(3) Staffing.

(4) Construction.

(5) Physical plant management.

Subtitle B—Preventive Care

SEC. 711. WAIVER OF COPAYMENTS FOR PREVENTIVE SERVICES FOR CERTAIN TRICARE BENEFICIARIES.

(a) WAIVER OF CERTAIN COPAYMENTS.—Subject to subsection (b), the Secretary of Defense may waive copayments prescribed by the Secretary of Defense for certain types of preventive care.

(b) EXCLUSION FOR MEDICARE-ELIGIBLE BENEFICIARIES.—Subsection (a) shall not apply to a Medicare-eligible beneficiary.

(c) REPORTS.—

(1) AUTHORITY.—Under regulations prescribed by the Secretary of Defense, the Secretary may pay a refund to a Medicare-eligible beneficiary excluded by subsection (b), subject to the avail- ability of appropriations specifically for such re- funds, consisting of an amount up to the dif- ference between—

(A) the amount the beneficiary pays for copayments for preventive services during fiscal year 2009; and

(B) the amount the beneficiary would have paid during such fiscal year if the copayments for preventive services had been waived pursuant to subsection (a) during that year.

(2) FUNDING.—Of the amounts authorized to be appropriated under title XIV of this Act for the Defense Health Program, $10,000,000 is authorized for the purpose of the refund author- ized under this subsection.

(d) DEFINITIONS.—In this section—

(1) PREVENTIVE SERVICES.—The term ‘‘preven- tive services’’ includes, taking into consider- ation the age and gender of the beneficiary—

(A) Colorectal screening.

(B) Breast screening.

(C) Cervical screening.

(D) Prostate screening.

(E) Annual physical exam.

(F) Vaccinations

(2) MEDICARE-ELIGIBLE.—The term ‘‘medicare- eligible’’ has the meaning provided by section 1111(b) of title 10, United States Code.

SEC. 712. MILITARY HEALTH SYSTEM MANAGEMENT DEMONSTRATION PROJECT.

(a) DEMONSTRATION PROJECT REQUIRED.—The Secretary of Defense shall conduct a demonstra- tion project designed to evaluate the efficacy of providing incentives to encourage healthy be- haviors on the part of eligible military health system beneficiaries.

(b) ELEMENTS OF DEMONSTRATION PROJECT.—

(1) WELLNESS ASSESSMENT.—The Secretary shall develop a wellness assessment to be offered to beneficiaries enrolled in the demonstration project. The wellness assessment shall incor- porate nationally recognized standards for health and healthy behaviors and shall be offer- ed to determine a baseline and at appropriate intervals determined by the Secretary.

The wellness assessment shall include the following:

(A) A self-reported health risk assessment.

(B) Physiological and biometric measures, in- cluding—

(i) blood pressure;

(ii) glucose level;

(iii) lipids; and

(iv) nicotine use.

(2) POPULATION ENROLLED.—Non-medicare eli- gible retired beneficiaries of the military health system and their dependents who are enrolled in TRICARE Prime and who reside in the demo- nstration project service area shall be enrolled in the demonstration project.

(c) GEOGRAPHIC COVERAGE OF DEMONSTRATION PROJECT.—The demonstration project shall be conducted in at least three geographic areas within the United States where TRICARE Prime beneficiaries constitute a minimum of two percent of the population, as determined by the Secretary, and the geographic area covered by the project shall be referred to as the demonstration project service area.

(d) PROGRAMS.—The Secretary shall develop programs to assist enrollees to improve healthy behaviors, as identified by the wellness assessment.

(e) INCLUSION OF INCENTIVES REQUIRED.—For the purpose of conducting the demonstration project, the Secretary may offer monetary and non-monetary incentives to enrollees to encour- age participation in the demonstration project.

(f) EVALUATION OF DEMONSTRATION PROJECT.—The Secretary shall annually evalu- ate the demonstration project for the following:

(1) The extent to which the health risk assess- ment and the physiological measures of beneficiaries are improved from the base- line (as determined in the wellness assessment).
(2) in the case of baseline health risk assessments and physiological and biometric measures that reflect healthy behaviors, the extent to which the measures are maintained.

(d) PLAN.—The Secretary of Defense shall submit a plan to implement the health risk management demonstration project required by this section not later than 90 days after the date of enactment of this Act.

(e) DURATION OF PROJECT.—The health risk management demonstration project shall be implemented for a period of three years, beginning not later than March 1, 2009, and ending three years after that date.

(f) REPORT.—(1) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives an annual report on the effectiveness of the health risk management demonstration project in improving the health risk measures of military health system beneficiaries enrolled in the demonstration project. The first report shall be submitted not later than one year after the date of enactment of this Act, and subsequent reports shall be submitted for each year of the demonstration project with the final report being submitted not later than 90 days after the termination of the demonstration project.

(2) MATTERS COVERED.—Each report shall address, at a minimum, the following:

(A) The number of beneficiaries who were enrolled in the project.

(B) The number of enrolled beneficiaries who participate in the project.

(C) The incentives that encourage healthy behaviors that were provided to the beneficiaries in each beneficiary category, and the extent to which the incentives encouraged healthy behaviors.

(D) An assessment of the effectiveness of the demonstration project.

(E) Recommendations for adjustments to the demonstration project.

(F) The estimated costs avoided as a result of decreased health risk conditions on the part of each of the beneficiary categories.

(G) Identification of legislative authorities required to implement a permanent program.

SEC. 713. SMOKING CESSATION PROGRAM UNDER TRICARE.

(a) TRICARE SMOKING CESSATION PROGRAM.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall establish a smoking cessation program under TRICARE, to be made available to all beneficiaries under the TRICARE program who are not medicare-eligible. The Secretary may prescribe such regulations as may be necessary to implement the program.

(b) ELEMENTS.—The program shall include, at a minimum, the following elements:

(1) [Description of elements as necessary to the program.]

(2) Access to a toll-free quit line that is available 24 hours a day, 7 days a week.

(3) Access to printed and Internet web-based tobacco cessation material.

(c) PLAN.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a plan to implement the program.

(d) REFUND OF CO-PAYMENTS.—(1) In general.—Under the program described by the Secretary of Defense, the Secretary may pay a refund to a medicare-eligible beneficiary otherwise excluded by this section, subject to the availability of funds in the program, of the copayment for smoking cessation services paid during fiscal years 2009 and 2010.

(2) Amounts refundable.—In determining the amount of the refund under paragraph (1), the Secretary shall take into account:

(A) the amount the beneficiary pays for copayments for smoking cessation services described in subsection (b) during fiscal years 2009 and 2010; and

(B) the amount the beneficiary would have paid during such fiscal year if the copayments for smoking cessation services had not been waived pursuant to subsection (b) during that year.

(e) DATA COLLECTION.—At a minimum, the Secretary shall monitor and record the health of members receiving a preventive health services allowance and their dependents and the results the testing required to qualify for payment of the allowance, if conducted. The Secretary shall assess the medical utility of the testing required to qualify for payment of a preventive health allowance.

(f) REPORTING REQUIREMENT.—Not later than March 31, 2010, and March 31, 2012, the Secretary of Defense shall submit to Congress a report on the status of the demonstration project, including findings regarding the medical utility of participants, recommendations to modify the policies and procedures of the program, and recommendations concerning the future utility of the program.

(g) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section.

SEC. 714. AVAILABILITY OF ALLOWANCE TO ASSESSORS OF THE ARMED FORCES AND THEIR DEPENDENTS PURSUANT TO PREVENTIVE HEALTH CARE SERVICES.

(a) ALLOWANCE.—Chapter 7 of title 37, United States Code, is amended by adding at the end the following new section:

"§438. Preventive health care allowance.

(a) ALLOWANCE.—In general—(1) The term ‘‘TRICARE’’ has the meaning provided in section 1072(7) of title 10, United States Code.

(2) MENTIONS.—The terms ‘‘Medicare-eligible’’ and ‘‘TRICARE program’’ have the meaning provided in section 1072(7) of title 10, United States Code.

(3) ‘‘Preventive health care allowance’’ means an allowance (to be known as a preventive health services allowance) of an amount up to the [amount specified by the Secretary of Defense], which shall be determined by the Secretary of Defense, subject to the availability of funds in the TRICARE program.

(4) ‘‘Preventive health services’’ means an amount equal to the cost of preventive health services that may be incurred in a fiscal year by a member of the Armed Forces while serving on active duty, for a period of not more than 6 months, for each member of a member’s family who is not employed by the Department of Defense, under the TRICARE program.

(b) ALLOWANCE.—Not later than March 1, 2009, and ending three years after that date.

(c) ADMINISTRATION.—The Secretary of Defense shall ensure that members selected to receive the preventive health services allowance and their dependents are provided a reasonable opportunity to receive the services authorized under this subsection in their local area.

(d) DATA COLLECTION.—At a minimum, the Secretary of Defense shall monitor and record the health of members receiving a preventive health services allowance and their dependents and the results the testing required to qualify for payment of the allowance, if conducted. The Secretary shall assess the medical utility of the testing required to qualify for payment of a preventive health allowance.

(e) REPORTING REQUIREMENT.—Not later than March 31, 2010, and March 31, 2012, the Secretary of Defense shall submit to Congress a report on the status of the demonstration project, including findings regarding the medical utility of participants, recommendations to modify the policies and procedures of the program, and recommendations concerning the future utility of the program.

(f) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section.

SEC. 715. CENTER OF EXCELLENCE IN PREVENTION, DIAGNOSIS, MITIGATION, TREATMENT, AND REHABILITATION OF HEARING LOSS AND AUDITORY SYSTEM INJURIES.

(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 hearing loss and auditory system injury to carry out the responsibilities specified in subsection (c).

(b) PARTNERSHIPS.—The Secretary shall ensure that the center collaborates to the maximum extent practicable with the Secretary 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.—(1) IN GENERAL.—The center shall—

(A) implement a comprehensive plan and strategy for the Department of Defense, as developed by the Secretary of Defense, for a registry of information for the tracking of the diagnosis, surgical intervention or other operative procedure, other treatment, and follow up for each case of hearing loss and auditory system injury sustained by a member of the Armed Forces while serving on active duty;

(B) ensure the electronic exchange with the Secretary of Veterans Affairs of information obtained through tracking under subparagraph (A); and

(C) enable the Secretary of Veterans Affairs to access the registry and add information pertinent to additional treatment procedures and eventual hearing outcomes for veterans who were entered into the registry and
of the Armed Forces.

(c) ACTIVITIES OF THE CENTER.—In addition to the functions already performed by the combat casualty care research program, the Center shall—

(1) provide a public-private partnership for funding clinical and experimental studies in combat injury;

(2) integrate laboratory and clinical research to hasten improvements in care to both civilians and members of the Armed Forces who are injured;

(3) ensure that data from both military and civilian entities, including the Joint Theater Trauma Registry and the National Trauma Data Bank, are optimally used to establish research agendas and measure improvements in outcomes;

(4) fund the full spectrum of injury research and evaluation, including—

(A) laboratory, translational, and clinical research;

(B) point of wounding and pre-hospital care;

(C) early resuscitative management;

(D) initial and definitive surgical care;

(E) rehabilitation and reintegration into society; and

(F) coordinate multi-institutional civilian/military collaboration and trauma research.

(d) AUTHORIZATION.—In addition to amounts authorized for the combat casualty care research program of the Army Medical Research and Material Command, there is authorized to be appropriated $1,000,000 for the Center established pursuant to this section.

(e) FUNDING ADJUSTMENTS.—For the amounts authorized in subsection (d),

(1) the amount for the Defense Health Program, Research and Development, is hereby increased by $1,000,000, to be available for the United States Army Medical Research and Material Command.

(2) the amount for Weapons Procurement, Navy, is hereby reduced by $1,000,000, to be de‐

rived from other appropriations.

 SEC. 724. PEER-REVIEWED RESEARCH PROGRAM ON EXTREMITY WAR INJURIES.

(a) ESTABLISHMENT OF PEER-REVIEWED EXTREMITY WAR INJURY RESEARCH PROGRAM.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall establish a competitive, peer-re‐

viewed research program within the Defense Health Program’s research and development function to conduct peer-reviewed medical research at military and civilian institutions de‐

signed to enhance understanding, treatment, and prevention of extremity war injuries and include the full range of scientific inquiry encompassing basic, translational, and clinical research.

(b) REPORT.—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 plans for establishment, management, and operation of the Peer-Reviewed Research Program on Extremity War Injuries required under this section.

(c) EFFECTIVE DATE.—This section shall be in effect as of October 1, 2012.

 SEC. 725. REVIEW OF POLICIES AND PROCESSES RELATED TO THE DELIVERY OF MAIL TO WOUNDED MEMBERS OF THE ARMED FORCES.

(a) REVIEW OF DELIVERY POLICY AND PROCESSES.—The Secretary of Defense shall review the policies and processes related to the delivery of letters, packages, messages, and other communications that are intended as measures of support and addressed generally to wounded and injured members of the Armed Forces (such as “To Any Wounded Warrior” or “To Any Wounded Service Member”) in military medical treatment facilities and other locations where members of the Armed Forces are treated and re‐

habilitated.

(b) SPECIFIC PROCESSES.—In conducting the review under subsection (a), the Secretary of Defense shall determine the following:

(1) Whether the current Department of De‐

fense prohibition on the direct delivery of such letters, packages, messages, and other commu‐

nications to wounded and injured members of the Armed Forces should be modified.

(2) The adequacy, particularly from the per‐

spective of wounded and injured members of the Armed Forces, of the current governmental and non-governmental delivery processes.

(c) CORRECTIVE ACTIONS.—Based on the re‐

view under subsection (a), the Secretary of De‐

fense may take actions to correct or modify the policies and processes related to the delivery of letters, packages, messages, and other commu‐

nications to wounded and injured members of the Armed Forces as the Secretary determines appropriate.

(d) REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that contains a plan for including autistic dependents of military retirees in the Extended Care Health Option program (hereafter in this section referred to as the ‘‘ECHO program’’).

SEC. 726. PEER-REVIEWED RESEARCH PROGRAM FOR AUTISTIC DEPENDENTS OF MILITARY RETIREES.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that contains a plan for including autistic dependents of military retirees in the Extended Care Health Option program.

(b) CONTENTS OF REPORT.—The report re‐

quired under subsection (a) shall include the following:

(1) The current data on the number of military retirees with autistic dependents and an estimate of the number of future military retirees with autistic dependents.

(2) The current data on the number of military retirees with autistic dependents.

(3) The feasibility of including autistic de‐

pendents of military retirees in any ongoing demonstration or pilot programs within the ECHO program.

(4) The statutory and regulatory impediments to including autistic dependents of military retirees.
ensure that the process in determining eligibility for autistic therapy services provided to the children of members of the Armed Forces is conducted in an expeditious manner and without delay.

(b) STUDY AND REPORT.—

(1) STUDY.—The Secretary of Defense shall conduct a study on autistic therapy services in the Department of Defense. The study shall include—

(A) an evaluation of whether such services would be better managed under the TRICARE program; and

(C) the potential benefits and costs of a transition of the management of such services from the exceptional family program members to the TRICARE program.

(2) REPORT.—Not later than July 30, 2009, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the results of the study.

(c) DEFINITIONS.—In this section—

(1) AUTISTIC THERAPY SERVICES.—The term ‘‘autistic therapy services’’ includes applied behavior analysis.

(2) TRICARE PROGRAM.—The term ‘‘TRICARE program’’ has the meaning provided by section 1672 of title 10, United States Code.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Policy and Management

Sec. 801. Review of impact of illegal subsidies on acquisition of KC-45 aircraft.

Sec. 802. Assessment of urgent operational needs fulfillment.

Sec. 803. Preservation of tooling for major defense acquisition programs.

Sec. 804. Prohibition on procurement from beneficiaries of foreign subsidies.

Sec. 805. Determination of industrial base considerations during source selection.

Sec. 806. Commercial software reuse preference.

Sec. 807. Comprehensive proposal analysis required during source selection.

Subtitle B—Amendments to General Contracting Authorities, Procedures, and Limitations

Sec. 811. Acquisition workforce expedited hiring authority.

Sec. 812. Definition of system for Defense Acquisition Challenge Program.

Sec. 813. Career path and other requirements for military personnel in the acquisition workforce.

Sec. 814. Technical data rights for non-FAR agreements.

Sec. 815. Clarification that cost accounting standards apply to Federal contracts performed outside the United States.

Subtitle C—Provisions Relating to Inherently Governmental Functions

Sec. 821. Avoiding personal conflicts of interest by employees of Department of Defense contractors.

Sec. 822. Development of guidance on personal conflicts of interest by contractors.

Sec. 823. Limitation on performance of product support integrator functions.

Subtitle D—Defense Industrial Security

Sec. 831. Requirements relating to facility clearances.

Sec. 832. Foreign ownership control or influence.

Sec. 833. Congressional oversight relating to facility clearances and foreign ownership control or influence, definitions.

Subtitle E—Other Matters

Sec. 841. Clarification of status of Government rights in the designs of department of defense vessels, boats, and craft, and components thereof.
high priority capability gap from an ongoing, named operation—
(A) that is validated and resourced by a specific military department or defense agency; and
(B) the event, if not addressed immediately, will seriously endanger personnel or pose a major threat to ongoing operations.

(2) ‘‘Unlike operational need’’ means a high priority capability gap from an ongoing, named operation—
(A) that is identified by a combatant commander (B); that requires validation and resourcing by the Joint Chiefs of Staff; (C) that falls outside of the established processes of military departments; and
(D) that, if not addressed immediately, will seriously endanger personnel or pose a major threat to ongoing operations.

SEC. 803. PRESERVATION OF TOOLING FOR MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) Guidance Required.—The Secretary of Defense shall issue guidance requiring that all unique tooling associated with the production of hardware for a major defense acquisition program be preserved and stored through the end of the service life of the end item associated with such a program. Such guidance shall—
(1) provide that either a component of the Department of Defense or a contractor (or subcontractor at any tier) may be responsible for preservation and storage of such tooling;
(2) require the milestone decision authority to approve a plan for the preservation and storage of tooling prior to granting a Milestone C approval;
(3) provide that tooling is to be preserved and stored by a component of the Department of Defense, require the component to ensure adequate funds and facilities are available to preserve and store such tooling through the projected service life of the end item;
(4) if such tooling is to be preserved and stored by a contractor, or a subcontractor at any tier, require that the milestone decision authority ensure that a preservation and storage plan for such tooling is included in the procurement documentation;
(5) provide a mechanism for the Secretary of Defense to waive such requirement if—
(A) the Secretary determines that such a waiver is in the best interest of national security; and
(B) notifies the congressional defense committees and the Committees on Appropriations of such action.

(b) Definitions.—In this section:
(1) MAJOR DEFENSE ACQUISITION PROGRAM.—The term ‘‘major defense acquisition program’’ has the meaning provided in section 2303(b) of title 10, United States Code.
(2) MILESTONE C DECISION.—The term ‘‘milestone decision authority’’ has the meaning provided in section 2309(j)(2).
(3) MILESTONE C APPROVAL.—The term ‘‘Milestone C approval’’ has the meaning provided in section 2366(a)(8) of title 10, United States Code.

SEC. 804. PROHIBITION ON PROCUREMENT FROM BENEFICIARIES OF FOREIGN SUBSIDIES.

(a) Prohibition.—Except as provided in subsections (c) and (d), the Secretary of Defense may not enter into a contract for the procurement of goods or services from any foreign person for which the government of a foreign country that is a member of the World Trade Organization has provided a subsidy if—
(1) the United States has requested consultations with that foreign country under the Agreement on Subsidies and Countervailing Measures on the basis, in whole or in part, that the subsidy is a prohibited subsidy under that Agreement; or
(2) either—
(A) the dispute before the World Trade Organization has been resolved; or
(B) the World Trade Organization has ruled that the subsidy provided by the foreign country is a prohibited subsidy under the Agreement on Subsidies and Countervailing Measures.

(b) Additional Applicability.—
(1) JOINT VENTURES.—The prohibition under subsection (a) also applies to any joint venture, cooperative organization, partnership, or contracting team of which that foreign person is a member.
(2) SUBCONTRACTS AND TASK AND DELIVERY ORDERS.—The prohibition under subsection (a) with respect to a contract also applies to any subcontract at any tier entered into under the contract and any task orders or delivery orders at any tier issued under the contract.

(c) Exceptions to Applicability.—
(1) APPEAL OF SANCTIONS WITH MILSTONE B APPROVAL.—The prohibition under subsection (a) shall not apply to any contract under a major defense acquisition program that has received Milestone B approval as of the date of the enactment of this Act.
(2) INAPPLICABILITY TO CERTAIN PROCUREMENTS.—The prohibition under subsection (a) shall not apply to a contract for the procurement of goods or services from a foreign person who—
(A) in any case in which goods or services are the subject of the consultation requested by the United States (as described in subsection (a)(1)), the goods or services to be procured under the contract are wood, food, or other services that are the subject of the consultation; or
(B) in any case in which the subject of the consultation requested by the United States (as described in subsection (a)) is not a good or service (but is law, regulations, or other policies of the foreign country), the Department of Defense contracting officer for the contract has certified that the contract will not demonstrably cause the foreign country to decrease the cost of the offeror’s proposal, thereby not materially affecting the offeror’s ability to procure the contract.

(d) WAIVER.—The prohibition under this section with respect to a specific contract if the President (without delegation) determines that failure to waive the prohibition will result in a significant and unique threat to national security. The President shall submit to Congress a notice of any waiver granted under this subsection within 7 days after granting it.

(e) Duration of Prohibition.—In the case of a subsidy that the World Trade Organization has ruled is a prohibited subsidy as described in subsection (a)(1), the prohibition under subsection (a) shall not apply to a contract for the procurement of goods or services that were the subject of the consultation after—
(1) the dispute is resolved; or
(2) either—
(A) a mutual agreement has been reached between the United States and the foreign government with respect to the prohibited subsidy; or
(B) the foreign government has agreed to comply with the requirements of the ruling issued by the World Trade Organization in the dispute.

(f) Definitions.—In this section:
(1) The term ‘‘Agreement on Subsidies and Countervailing Measures’’ means the agreement described in section 101(d)(12) of the Uruguay Round Agreements Act (19 U.S.C. 3501(d)(12)).
(2) The term ‘‘foreign person’’ means—
(A) an individual who is not a United States person or an alien lawfully admitted for permanent residence into the United States; or
(B) a corporation, partnership, or other governmental entity that is a citizen of a country other than the United States.
(3) The term ‘‘United States person’’ means—
(A) an individual who is a citizen of the United States or who owes permanent allegiance to the United States; and
(B) a corporation or other legal entity which is organized under the laws of the United States, any State or territory thereof, or the District of Columbia, if natural persons described in subparagraph (A) own, directly or indirectly, more than 50 percent of the total ownership capital or stock or other beneficial interest in such legal entity.

(4) The term ‘‘major defense acquisition program’’ means a Department of Defense acquisition program that is a major defense acquisition program for purposes of section 2340 of title 10, United States Code.

(5) The term ‘‘Milestone B approval’’ has the meaning provided that term in section 2366(e)(7) of such title.

SEC. 805. DOMESTIC INDUSTRIAL BASE CONSIDERATIONS DURING SOURCE SELECTION.

(a) Regulations Required.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations regarding the application of a domestic industrial base evaluation factor during source selection for a major defense acquisition program of the Department of Defense. Such regulations shall—
(1) allow the source selection authority to consider impacts on the domestic industrial base as an evaluation factor during the source selection process;
(2) provide the source selection authority flexibility with regard to the importance assigned to such an evaluation factor; and
(3) provide that the source selection authority may not use the domestic industrial base evaluation factor or any other factor to search for a supplier that is a member of the World Trade Organization in the dispute.

(b) Impacts on Domestic Industrial Base.—For purposes of the regulations prescribed under subsection (a), ‘‘impacts on the domestic industrial base’’—
(1) the creation or maintenance of domestic capability for production of critical supplies;
(2) the creation or maintenance of domestic jobs;
(3) the creation or maintenance of domestic scientific and technological competencies or manufacturing capacity;
(4) REPORT REQUIRED.—The Secretary of Defense shall notify the congressional defense committees and the Committees on Appropriations of any request for proposal for any major defense acquisition program that will not use a domestic industrial base evaluation factor during the source selection process.

(d) Definitions.—In this section:
(1) DOMESTIC INDUSTRIAL BASE.—The term ‘‘domestic industrial base’’ means—
(A) persons and organizations that are engaged in research, development, production, or other non-defense activities conducted within the United States and United States territories; and
(B) includes, at a minimum, prime contractors, as well as second and third tier subcontractors, engaged in such activities.

(2) MAJOR DEFENSE ACQUISITION PROGRAM.—The term ‘‘major defense acquisition program’’ has the meaning provided in section 2340 of title 10, United States Code.

(3) SOURCE SELECTION.—The term ‘‘source selection’’, with respect to a major defense acquisition program, means the selection, through the use of competitive procedures or such other procurement procedures as may be applicable, of a contractor to perform a contract to carry out the procurement.

(4) SOURCE SELECTION AUTHORITY.—The term ‘‘source selection authority’’, with respect to a
major defense acquisition program, means the official in the Department of Defense designated as responsible for the source selection for that program.

SEC. 806. COMMERCIAL SOFTWARE REUSE PREFERENCE.

(a) In General.—The Secretary of Defense shall ensure that contracting officials identify and evaluate, at all stages of the acquisition process shall be determined to result in significant cost, benefit, and developmental risk, the extent to which software and, if practicable, use such software in the performance of the contract.

(b) Regulations.—The Secretary of Defense shall review and revise the Federal Acquisitions Regulation Supplement, Part 207.103, to clarify and provide guidance for software items in the acquisition processes that includes a preference for commercial computer software, and the preference applies at all stages of the acquisition process.

SEC. 807. COMPREHENSIVE PROPOSAL ANALYSIS REQUIRED DURING SOURCE SELECTION.

(a) Regulations Required.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations regarding the comprehensive evaluation of a proposal for a major defense acquisition program that shall require a best value determination to be made by the Secretary, in consultation with the Secretary of the military department concerned, based on a comparison of the relative advantages and disadvantages of each proposal. Such regulations shall—

(1) require the offeror of such a proposal, in addition to providing a breakdown of costs as required by the Federal Acquisition Regulation, to provide a requirement that will allow the offeror to submit a proposal in the United States, and such costs shall—

(A) include, at a minimum, costs borne by a foreign government that are not borne by a local, State, or Federal government in the United States, such as government-borne—

(i) health care;

(ii) retirement compensation;

(iii) worker's compensation;

(B) not include direct labor and material costs; and

(C) be limited to those costs that would otherwise be allocable and allocable to the contract for the major defense acquisition program if all activities were performed in the United States;

(2) be applicable only to proposals submitted in response to a solicitation from the Secretary of Defense that requires costs or pricing data;

(3) require the contracting officer responsible for conducting proposal analysis to consider such costs in any cost and price analysis performed; and

(4) require the contracting officer to certify, prior to source selection, that the contracting officer has no reasonable grounds to believe that the foreign government or the potential party or other element of price (such as the monetary policy of a foreign government) that other offers performing in the United States could not also exclude.

(b) Additional Applicability With Respect To Subcontractors.—The regulations under subsection (a) also shall apply with respect to any subcontractor (at any tier) of a prospective contractor if the subcontractor is expected to perform outside the United States a significant portion of the research, design, development, manufacturing, assembly, or test and evaluation work performed outside the United States.

(c) Definition.—In this section, the term "major defense acquisition program" means a Department of Defense acquisition program that is a major defense acquisition program that is a major defense acquisition program.

amendment of title 10, United States Code, is amended by adding at the end the following new subsection:

‘‘§1722a. Special requirements for military personnel in the acquisition field.

‘‘(a) Requirement for Policy and Guidance Regarding Military Personnel in Acquisition.—The Secretary of Defense shall require the Secretary of each military department (with respect to the military departments) and the Under Secretary of Defense for Acquisition, Technology, and Logistics (with respect to the Office of the Secretary of Defense, the unified combatant commands, the Defense Agencies, and Defense Field Activities), to establish policies and issue guidance to ensure the proper development, assignment, and employment of members of the armed forces in the acquisition field to achieve the objectives of this section as specified in subsection (b).

‘‘(b) Objectives.—Policies established and guidance issued pursuant to subsection (a) shall ensure, at a minimum, the following:

‘‘(1) A career path in the acquisition field that attracts the highest quality officers and enlisted personnel.

‘‘(2) A number of command positions and senior non-commissioned officer positions, including acquisition billets reserved for general officers and flag officers under subsection (c), sufficient to ensure that members of the armed forces have opportunities for promotion and advancement in the acquisition field.

‘‘(3) A number of qualified, trained members of the armed forces that are assigned and active in the acquisition field sufficient to ensure the appropriate use of military personnel in contingency contracting.

‘‘(c) Preservation of Acquisition Billets for General Officers and Flag Officers.—

(1) The Secretary of Defense shall establish for each military department a minimum number of billets coded or classified for acquisition personnel that are reserved for general officers and flag officers and shall ensure that the policies established and guidance issued pursuant to subsection (a) by the Secretary of that military department reserve at least a minimum number of billets and fill the billets with qualified and trained general officers and flag officers.

(2) The Secretary of Defense shall ensure that a sufficient number of billets for acquisition personnel who are general officers or flag officers within the Office of the Secretary of Defense, the unified combatant commands, the Defense Agencies, and the Defense Field Activities.

(3) The Secretary of Defense shall ensure that a portion of the billets referred to in paragraphs (1) and (2) involve command of organizations primarily focused on contracting.

(4) Relationship to Limitation on Preference for Military Personnel.—Any designation or reservation of a position for a member of the armed forces as a result of a policy established or guidance issued pursuant to this section shall be deemed to meet the requirements for an exception under paragraph (2) of section 1722b of the United States Code.

(c) Report.—Not later than January 1 of each year, the Secretary of each military department and the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the Secretary of Defense and the House of Representatives a report that—

(1) includes an overview of the number of billets in the acquisition field offered to general officers and flag officers, and such other information as the Secretary deems appropriate.

Section 1705 of title 10, United States Code, is amended by adding after section 1722b the following new section:

‘‘§1722a. Special requirements for military personnel in the acquisition field.

(1) In General.—Chapter 67 of title 10, United States Code, is amended by inserting after section 1722 the following new section:

(2) The guidance shall—

(A) include the requirements relevant to the promotion, assignment, and employment of members of the armed forces as a result of a policy established or guidance issued pursuant to this section.

(3) The Secretary of Defense shall ensure that policies and guidance in the guidance issued pursuant to this section (1) and (2) shall ensure, at a minimum, the following:

(1) career path in the acquisition field that attracts the highest quality officers and enlisted personnel.

(2) number of command positions and senior non-commissioned officer positions, including acquisition billets reserved for general officers and flag officers under subsection (c), sufficient to ensure that members of the armed forces have opportunities for promotion and advancement in the acquisition field.

(3) number of qualified, trained members of the armed forces that are assigned and active in the acquisition field sufficient to ensure the appropriate use of military personnel in contingency contracting.

(4) preservation of acquisition billets for general officers and flag officers.

(5) relationship to limitation on preference for military personnel.

(6) report.—Not later than January 1 of each year, the Secretary of each military department and the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the Secretary of Defense and the House of Representatives a report that—

(1) includes an overview of the number of billets in the acquisition field offered to general officers and flag officers, and such other information as the Secretary deems appropriate.

(2) includes an overview of the number of billets in the acquisition field offered to general officers and flag officers, and such other information as the Secretary deems appropriate.
to the agreement, except in any case in which the Secretary of Defense determines, on the basis of criteria established in such policy guidance, that the establishment of rights during or through acquisition negotiations would not be practicable.

(b) PROVISIONS IN NON-FAR AGREEMENTS.—Whenever practicable, a non-FAR agreement described in subsection (a) shall contain appropriate provisions relating to technical data, including provisions—

(1) defining the respective rights of the United States and the party to the agreement regarding any technical data to be delivered under the agreement;

(2) specifying the technical data to be delivered under the agreement and delivery schedules for such delivery;

(3) establishing or referencing procedures for determining the acceptability of technical data to be delivered under the agreement;

(4) to the maximum practicable extent, identifying, in advance of delivery, technical data which is to be delivered with restrictions on the right of the United States to use such data;

(5) requiring the party to the agreement to revise any technical data delivered under the agreement to reflect engineering design changes made to the equipment or performance of the agreement and affecting the form, fit, and function of the items specified in the agreement and to deliver such revised technical data to an agency within a time specified in the agreement but not less than 90 days after the date such revised technical data is delivered;

(6) establishing remedies to be available to the United States when technical data required to be delivered or made available under the agreement is found to be incomplete or inadequate or to not satisfy the requirements of the agreement concerning technical data;

(c) ASSESSMENT OF LONG-TERM TECHNICAL DATA NEEDS.—The Secretary of Defense shall require the program manager for a major weapon system or an item of personal protective equipment that is to be developed using a non-FAR agreement described in subsection (a) to assess the long-term technical data needs of such systems and items, in accordance with the requirements of section 2320(e) of this title.

(d) DEFINITIONS.—In this section—

(1) the term ‘‘non-FAR agreement’’ means an agreement that is not subject to laws pursuant to which the Federal Acquisition Regulation is promulgated, including—

(A) a transaction authorized under section 2327 of this title; and

(B) a cooperative research and development agreement;

(2) the term ‘‘party,’’ with respect to a non-FAR agreement, means a non-Federal entity and includes any of the following:

(A) a contractor and its subcontractors (at any tier);

(B) a joint venture;

(C) a consortium;

(3) clerical amendment.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2320 the following new item:

‘‘2320a. Rights in technical data for non-FAR agreements.’’;

(b) REPORT ON LIFE CYCLE PLANNING FOR TECHNICAL DATA NEEDS.—Not later than 120 days after the date of 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 on the implementation of the requirements in section 2320(e) of title 10, United States Code, for the assessment of long-term technical data needs to sustain major weapon systems. Such report shall include—

(1) a description of all relevant guidance or policies issued;

(2) the extent to which program managers have revised or are seeking to better assure agreement on long-term technical data needs of major weapon systems and subsystems;

(3) a description of the data rights strategies developed prior to the issuance of contract solicitations released since October 17, 2006; and

(4) a characterization of the extent to which such contracts contained such contract options for the future delivery of technical data or acquired all relevant technical data upon contract award.

SEC. 415. CLARIFICATION THAT COST ACCOUNTING STANDARDS APPLY TO FEDERAL CONTRACTS PERFORMED OUTSIDE THE UNITED STATES.

(a) CLARIFICATION.—Section 26(f)(2)(A) of the Office of Federal Procurement Policy Act (41 U.S.C. 422(f)(2)(A)) is amended by adding at the end the following:

‘‘the cost accounting standards promulgated under section 26 of such Act shall be amended to take into account the amendment made by subsection (a).’’

(b) IMPLEMENTING REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the cost accounting standards promulgated under section 26 of this Act that are applicable to contracts or subcontracts that are performed outside the United States are amended to take into account the amendment made by subsection (a).’’

Subtitle C—Provisions Relating to Inherently Governmental Functions

SEC. 821. POLICY ON PERSONAL CONFLICTS OF INTEREST BY EMPLOYEES OF DEPARTMENT OF DEFENSE CONTRACTORS.

(a) POLICY REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall develop a standard policy to—

(G) require each contractor that participates in any department or agency contract, subcontract, or other arrangement for the future delivery of technical data or product support services to—

(1) provide a definition of the term ‘‘personal conflict of interest’’ as it relates to employees of Department of Defense contractors; and

(2) identify types of contracts that raise heightened concerns for personal conflicts of interest; and

(3) require each contractor that participates in the Department’s decision-making in such mission-critical areas as the development, award, and administration of Government contracts, and each contractor that is closely supporting inherently governmental functions, to—

(A) identify and prevent personal conflicts of interest for employees of the contractor who are performing such functions;

(B) report any personal conflict-of-interest violation to the applicable contracting officer or contracting officer’s representative as soon as it is identified; and

(C) maintain effective oversight to verify compliance with personal conflict-of-interest safeguards;

and

(D) have procedures in place to screen for potential conflicts of interest for all employees in a position to make or materially influence findings, recommendations, and decisions regarding Department of Defense contracts and other advisory and assistance functions, either by screening on a task-by-task basis or on an annual basis.

(c) CONTRACT CLAUSE.—The Secretary shall include in each contract entered into by the Secretary for the performance of functions described in subsection (b) a clause that reflects the personal conflicts-of-interest policy developed under this section and that sets forth the contractor’s responsibility under such policy.

(d) PANEL ON CONTRACTING INTEGRITY RECOMMENDATIONS.—The Department of Defense Panel on Contracting Integrity, established by the Secretary of Defense under the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364), shall consider and make recommendations on the feasibility of applying certain provisions of this section to Department of Defense contractors to include such rules related to—

(1) improper business practices and personal conflicts of interest under Federal Acquisition Regulations 3.104;

(2) public corruption;

(3) financial conflicts of interest;

(4) seeking other employment conflicts of interest;

(5) gifts and travel; and

(6) misuse of position or endorsement.

SEC. 822. DEVELOPMENT OF GUIDANCE ON PERSONAL SERVICES CONTRACTS.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall develop guidance to—

(a) establish a clear definition of the term ‘‘personal services contract’’; and

(b) provide appropriate safeguards with respect to personal services contracts.

Subtitle D—Defense Industrial Security

SEC. 831. REQUIREMENTS RELATING TO FACILITY CLEARANCES.

Chapter 21 of title 10, United States Code, is amended by adding at the end the following new section:

‘‘Subchapter III—Defense Industrial Security

Sec. 438. Facility clearances: requirements.

Sec. 439. Facility clearances: requirements.

(a) FACILITY CLEARANCES: GENERAL PROVISIONS.

(1) ACCESS TO CLASSIFIED INFORMATION BY CONTRACTORS.—A contractor of the Department

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of Defense may not be granted custody of classified information unless the contractor has a facility clearance.

(2) REQUIREMENTS FOR ENTITIES WITH FACILITY CLEARANCES.—The entity may not be granted a facility clearance by the Department of Defense or continue to hold such a facility clearance unless the entity agrees to comply with, and maintains compliance with, the requirements set forth in this subchapter.

(3) AUTHORITY TO REVOKE OR SUSPEND FACILITY CLEARANCES.—The Secretary of Defense may revoke or suspend a facility clearance granted by the Department of Defense at any time.

(b) GENERAL REQUIREMENTS FOR FACILITY CLEARANCES.—The Secretary of Defense shall require an entity granted a facility clearance by the Department of Defense to comply with the following requirements:

(1) The entity shall safeguard classified information in its possession.

(2) The entity shall safeguard controlled unclassified information in its possession.

(3) The entity shall ensure that it complies with Department of Defense security agreements, contract provisions regarding security, and relevant regulations of the Department of Defense pertaining to industrial security.

(4) The entity shall ensure that its business and management practices do not result in the compromise of classified information; that it safeguards classified information; and maintains policies and procedures that meet the general requirements for facility clearances listed in subsection (b).

(5) By-Laws Requirement.—The requirements of paragraph (1) shall be set forth in the by-laws of the entity.

(6) Requirements relating to the entity, that the entity employs and maintains policies and procedures that meet the general requirements for facility clearances listed in subsection (b).

(c) REQUIREMENTS FOR DIRECTORS OF ENTITIES WITH FACILITY CLEARANCES.—

(1) Designation of Employee Responsible for Security.—The Secretary of Defense may waive the requirements of paragraph (1) for reasons of national security. In the event the Secretary grants such a waiver, the Secretary may require the Committee on Permanent Security of the Senate and the House of Representatives to certify that such a waiver has been granted and a justification for grant- ing the waiver.

(2) The requirements of paragraph (1) shall not apply to an entity determined by the Secretary of Defense under section 439(a) of this title to be under foreign ownership control or influence.

(d) REQUIREMENTS RELATING TO SECURITY MANAGEMENT OF ENTITIES WITH FACILITY CLEARANCES.—

(1) Designation of Employer Responsible for Security.—The Secretary of Defense shall require an entity, in consultation with and subject to the approval of the chairman of its board of directors, to designate an employee who meets the requirements of paragraph (2) to be responsible for the following:

(a) Reporting to the board of directors of the entity as its principal advisor concerning the general requirements for facility clearances listed in subsection (b), the manner in which they are carried out through the policies and procedures required by subsection (c), and the related Federal requirements for classified information.

(b) Directing security measures necessary for implementing such requirements, policies, and procedures.

(c) Establishing and administering all intracompany procedures to prevent unauthorized disclosure and export of controlled unclassified information and ensuring that the entity otherwise complies with the requirements of Federal export control laws.

(d) Qualifications of Employee.—An employee may not be designated to be responsible for the matters described in paragraph (1) unless the employee—

(1) is a citizen of the United States;

(2) obtains a security clearance at the same level as the facility clearance; and

(3) completes security training that meets the requirements of the Department of Defense.

(e) REQUIREMENTS FOR FACILITY CLEARANCES OF ENTITIES WITH FOREIGN OWNERSHIP OR CONTROL.—The Secretary of Defense shall require an entity with a facility clearance to provide a certification of security responsibilities to the Secretary. The certification of security responsibilities shall:

(1) affirm the entity’s responsibility—

(1) to identify the key management personnel of the entity involved in the performance of classified contracts or in the setting of policies and practices for such contracts and to designate a secondary point of primary responsibility for security functions;

(B) to ensure that such key management personnel of the entity have the capability necessary to safeguard classified information and controlled unclassified information in the performance of classified contracts in accordance with regulations prescribed by the Secretary; and

(D) to manage all subcontractors and suppliers of the entity performing work on a classified contract or subcontract, and to control the business and management practices of the contractor that results in the compromise of classified information or adversely affect the performance of classified contracts.

(2) be signed by an appropriate member of the board of directors of the entity or a similar executive body determined by the Secretary to function as an equivalent to a board of directors.

(3) be disseminated to all appropriate personnel of the entity.

(4) be updated as necessary according to procedures prescribed by the Secretary.

(f) REPORTING REQUIREMENTS.—The Secretary of Defense shall require an entity with a facility clearance to submit to the Department of Defense a report on any event—

(1) that affects the status of the facility clearance;

(2) that affects proper safeguarding of classified or controlled unclassified information or that indicates classified information has been lost or compromised;

(3) that affects the entity’s compliance with Department of Defense security agreements, contract provisions regarding security, and relevant regulations of the Department of Defense pertaining to industrial security; or

(4) that is related to the entity’s business and management practices that results in the compromise of classified information.

SEC. 832. FOREIGN OWNERSHIP CONTROL OR INFLUENCE.

(a) In General.—Subchapter III of chapter 21 of title 10, United States Code, as added by section 1831, is amended by adding at the end the following new section:

§839. Foreign ownership control or influence

(a) Determination of Foreign Ownership Control or Influence.

(1) In General.—Before granting a facility clearance to an entity, and while such entity holds a facility clearance, the Secretary of Defense shall require the entity to submit to the head of the Department of Defense a report on the entity’s foreign ownership control or influence (in this subsection referred to as ‘‘FOCI’’).

(b) Determination of Foreign Ownership Control or Influence.

(1) In General.—Before granting a facility clearance to an entity, and while such entity holds a facility clearance, the Secretary of Defense shall require the entity to submit to the head of the Department of Defense a report on the entity’s foreign ownership control or influence (in this subsection referred to as ‘‘FOCI’’).
Committee', for purposes of carrying out the requirements of this paragraph.

"(B) RESPONSIBILITIES OF GSC.—The responsibilities of the Government Security Committee of an entity to ensure that the entity employs and maintains policies and procedures that ensure that the entity complies with the general requirements for facility clearances listed in subsection (B) of section 438 of this title shall be the principal advisor to the Government Security Committee and attend committee meetings. The chairperson of the Government Security Committee with the agreement and replacement of persons filling the position of security manager selected by management of the entity. The functions of the security manager shall be under the authority of the Government Security Committee.

"(3) RELATIONSHIP TO FACILITY CLEARANCE.—In the case of an entity with a facility clearance under FOCI, as determined under subsection (B) of section 438 of this title, the entity is negotiating with the Secretary a mitigation measure and the Secretary determines that there is no indication that classified information is at risk of compromise.

"(4) FACILITATION OF SECURITY COMPLIANCE.—In the case of an entity with a facility clearance under FOCI, as determined under subsection (B) of section 438 of this title, the entity has measures in place to mitigate foreign ownership control or influence.

"(5) TERMINATION OF FACILITATION.—In the case of an entity with a facility clearance under FOCI, as determined under subsection (B) of section 438 of this title, the entity enters into negotiations for a proposed merger, acquisition, or takeover by a foreign person.

"(6) ADDRESSING VIOLATIONS.—The Secretary of Defense shall, not later than September 1, 2009, and biannually thereafter, submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing the following:

"(A) Specific, cumulative, and, as appropriate, trend information on the numbers of entities:

(i) holding facility clearances;

(ii) that have reported a material change relating to FOCI factors;

(iii) that have measures in place to mitigate foreign ownership control or influence;

(iv) that have had a facility clearance suspended or revoked;

(B) Specific, cumulative, and, as appropriate, trend information on—

(i) the entities that have filed for or maintained facility clearances;

(ii) the number of such entities determined to be under foreign ownership control or influence;

(iii) the countries from which such entities have originated;

(iv) the number that went through the Committee on Foreign Investment in the United States;

(C) An analysis of trends in the Industrial Security Program, including an assessment of the number and types of errors found in compliance within the Program;

(D) An analysis of details of companies that have committed violations of the Industrial Security Program and the frequency of the violations, including the number of companies that have committed violations.

"(7) IN GENERAL.—The Secretary of Defense shall prescribe regulations to carry out subchapter III of chapter 21 of title 10, United States Code, not later than September 1, 2009.

"(e) STUDY AND REPORT.—(1) IN GENERAL.—The Secretary of Defense shall conduct a study on investments in entities by foreign governments, persons of foreign countries, and hedge funds. The study shall examine investments in such entities by:

(A) foreign governments;

(B) entities controlled by or acting on behalf of a foreign government;

(C) persons of foreign countries;

(D) hedge funds.

(2) REPORT.—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 results of the study conducted under paragraph (1). The information in the report shall be organized and set forth separately by defense sector within the defense industrial base.

SEC. 441. CLARIFICATION OF STATUS OF GOVERNMENT RIGHTS IN THE DESIGNS OF VESSELS, BOATS, AND CRAFT, AND COMPONENTS THEREOF.

"(a) IN GENERAL.—Chapter 633 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 7317. Status of Government rights in the designs of vessels, boats, and craft, and components thereof.

"Government rights in the design of a vessel, boat, or craft, or its components, including the hull, decks, and superstructure, shall be determined solely by operation of section 2320 of this title or by the instrument under which the design was developed for the purposes of title 10, United States Code, as added by this title. The study shall examine investments in such entities by:

(A) foreign governments;

(B) entities controlled by or acting on behalf of a foreign government;

(C) persons of foreign countries;

(D) hedge funds.

(2) REPORT.—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 results of the study conducted under paragraph (1). The information in the report shall be organized and set forth separately by defense sector within the defense industrial base.

Subtitle E—Other Matters

SEC. 439. Foreign ownership control or influence.

SEC. 433. CONGRESSIONAL OVERSIGHT RELATING TO FACILITY CLEARANCES AND FOREIGN OWNERSHIP CONTROL OR INFLUENCE.

(a) NOTIFICATIONS AND REPORTS.—Subchapter III of chapter 21 of title 10, United States Code, as added by section 831, is further amended by adding at the end the following new section:

"§ 440. Notifications and reports.

"(B) REQUIREMENTS.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a notification within 30 days after the occurrence of any of the following:

(1) The revocation or suspension by the Secretary of a facility clearance of an entity previously determined to be under foreign ownership control or influence.

(2) The receipt by the Secretary of a notification under subsection (A) as the entity has entered into negotiations for a proposed merger, acquisition, or takeover by a foreign person.

(3) The receipt by the Secretary of a notification under subsection (A) as the entity has entered into negotiations for a classified contract.

"(7) COVERED CONTROLLED UNCLASSIFIED INFORMATION.—The term 'covered controlled unclassified information' means unclassified information the export of which—

(A) is controlled in the case of technical data that is inherently military in nature, by the International Traffic in Arms Regulations (ITAR); and

(B) is controlled in the case of technical data that has both military and commercial uses, by the Export Administration Regulations (EAR)."

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

"Sec. 460. Notifications and reports.

"Sec. 460a. Definitions.

"Sec. 460b. Regulations.—The Secretary of Defense shall prescribe regulations to carry out subchapter III of chapter 21 of title 10, United States Code, not later than September 1, 2009.

"(e) STUDY AND REPORT.—(1) IN GENERAL.—The Secretary of Defense shall conduct a study on investments in entities by foreign governments, persons of foreign countries, and hedge funds. The study shall examine investments in such entities by:

(A) foreign governments;

(B) entities controlled by or acting on behalf of a foreign government;

(C) persons of foreign countries;

(D) hedge funds.

(2) REPORT.—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 results of the study conducted under paragraph (1). The information in the report shall be organized and set forth separately by defense sector within the defense industrial base.

Subtitle E—Other Matters

SEC. 441. CLARIFICATION OF STATUS OF GOVERNMENT RIGHTS IN THE DESIGNS OF VESSELS, BOATS, AND CRAFT, AND COMPONENTS THEREOF.

(a) IN GENERAL.—Chapter 633 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 7317. Status of Government rights in the designs of vessels, boats, and craft, and components thereof.

"Government rights in the design of a vessel, boat, or craft, or its components, including the hull, decks, and superstructure, shall be determined solely by operation of section 2320 of this title or by the instrument under which the design was developed for the purposes of title 10, United States Code, as added by this title.
“(1) The”; and
(B) by adding at the end the following new paragraph:
“(2) The term ‘Secretary concerned’ has the meaning provided in section 101(a)(9) of this title and also includes—
(A) the Secretary of Defense, with respect to matters concerning the Defense Agencies and Department of Defense Field Activities; and
(B) the Secretary of Homeland Security, with respect to matters concerning the Coast Guard when it is used as a service in the Department of the Navy.”.

SEC. 843. TRANSFER OF SECTIONS OF TITLE 10 RELATING TO MILESTONE A AND MILESTONE B FOR CLARITY.

(a) REVERSAL OF ORDER OF SECTIONS.—Section 2366b of title 10, United States Code, is transferred, as so to appear before section 2366a of such title.

(b) REDESIGNATION OF SECTIONS.—Section 2366b (relating to Milestone A) and section 2366a (relating to Milestone B) of such title, as so transferred, are redesignated as sections 2366a and 2366b, respectively.

(c) TECHNICAL AMENDMENT.—The table of sections at the beginning of chapter 139 of title 10, United States Code, is amended by striking the items relating sections 2366a and 2366b and inserting the following new items:

“2366a. Major defense acquisition programs: certification required before Milestone A or Key Decision Point A approval.”

“2366b. Major defense acquisition programs: certification required before Milestone B or Key Decision Point B approval.”

(d) CONFOUNDED AMENDMENTS.—

(1) SECTION 181 OF TITLE 10, UNITED STATES CODE.—Section 181(b)(4) of title 10, United States Code, is amended by striking “section 2366a(a)(4), section 2366b(b),” and inserting “section 2366a(b), section 2366a(a)(4),”.

(2) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007.—The National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) is amended—

(A) in section 212(1) by striking “2366a” and inserting “2366b”;

(B) in section 816—

(i) in subsection (a) by striking “2366a” and inserting “2366b”;

(ii) in subsection (a)(3) by striking “2366b of title 10, United States Code, as added by section 943 of this Act” and inserting “2366a of title 10, United States Code”;

(iii) in subsection (c)(2) by striking “2366a” each place such term appears (including in the panel) and inserting “2366b”;


(A) in section 812 (120 Stat. 2317), in each of subsections (a) through (f), by striking the “2366a” each place such term appears and inserting the “2366b”;

(B) in the definition of the term ‘small business’ in section 888(b)(3), by striking the “2366a” each place such term appears and inserting the “2366b”.

SEC. 844. EARNED VALUE MANAGEMENT STUDY AND REPORT.

(a) STUDY.—The Secretary of Defense shall conduct a study that—

(1) assesses weaknesses in earned value management implementation, including a review of the methodology, accuracy of data, training, and information technology systems used to develop and manage earned value management data;

(2) audits the accuracy of the earned value management data provided by vendors to the Federal Government concerning acquisition categories; and

(3) measures the success of utilizing earned value management to deliver program objectives.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees a report that—

(1) recommends recommendations for improving the implementation of earned value management, including alternatives; and

(2) contains the findings of the study conducted under subsection (a).

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES.—The term ‘appropriate committees’ shall be defined to mean—

(A) the Committees on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives;

(B) EARNED VALUE MANAGEMENT.—The term ‘earned value management’ has the meaning given that term in section 300 of part 7 of Office of Management and Budget Circular A–11.

SEC. 845. REPORT ON MARKET RESEARCH.

(a) REPORT REQUIRED.—Not later than October 1, 2009, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the market research conducted by the Secretary in implementing section 2377 of title 10, United States Code.

(b) SAMPLE EXAMINED.—For purposes of the report, the Secretary shall examine a representative sample of contracts and task or delivery orders, each of which—

(1) is for an amount in excess of $5,000,000; and

(2) is for the acquisition of a mission critical or a complex military system in which computer software is a component.

(c) MATTERS COVERED.—The report shall contain the following:

(1) A statement of the total number of contracts and task or delivery orders awarded in fiscal year 2007 for a mission critical or complex military system in which software is a component or subcomponent.

(2) A statement of the number of contracts and task or delivery orders in the sample examined for purposes of the report (as described in subsection (b)), and a description of those contracts and orders.

(3) For the sampled contracts and orders, a description of how often market research was performed on the sampled contracts and orders.

(4) For the sampled contracts and orders, a description of whether a Government employee or a contractor employee performed the market research and how the market research was performed.

(5) For the sampled contracts and orders, an identification of—

(A) instances when the market research identified software that was available as a commercial item and that could be used to meet the Government’s requirements;

(B) instances when the software was modified or proposed to be modified to meet the Department’s requirements; or

(C) instances when the Department’s requirements were modified to meet the capability of the commercial software.

(6) An identification of the training tools the Secretary of Defense has developed to assist contracting officials in performing market research.

(7) An identification of actions the Department of Defense intends to take to further implement section 2377 of title 10, United States Code, and section 826(b) of the National Defense Authorization Act for Fiscal Year 2007 (Public Law 110–181), including disseminating best practices and corrective actions where necessary.

(b) MAJOR DEFENSE ACQUISITION PROGRAMS INCLUDED.—For the purposes of this section, the major defense acquisition programs identified in subsection (b) shall be submitted to the congressional defense committees and prepared under this section—

(1) Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense has entered into a contract for system development and demonstration for such a major defense acquisition program prior to the date of enactment of this Act; or

(B) in accordance with the requirements for the establishment of a baseline description required by section 2345 of title 10, United States Code, in any other case.

(c) ALTERATIONS.—No alterations or revisions may be made to a system development and demonstration benchmark report for the first such report, except as prepared in accordance with paragraph (2).

(b) MAJOR DEFENSE ACQUISITION PROGRAMS INCLUDED.—For the purposes of this section, the major defense acquisition programs identified in subsection (b) shall be included in the pilot program are the following:

(1) BAMS, broad area missile surveillance unmanned aerial vehicle.

(2) CSAR-X, combat search and rescue helicopter.

(3) JLTV, joint light tactical vehicle.

(4) KC–45A, aerial refueling tanker.

(5) VH–71, presidential helicopter, increment II.

(6) Warrior-Alpha, unmanned aerial vehicle.

(c) SYSTEM DEVELOPMENT AND DEMONSTRATION CHANGES.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall establish a Configuration Steering Board for each major defense acquisition program identified in subsection (b). The Board shall oversee and ensure compliance to the requirements of the proposed technical configuration for such a major defense acquisition program during system development and demonstration. If such an alteration is approved by the Congress, extend the schedule by more than 30 days, or alter the proposed performance capabilities, as established in the system development and demonstration baseline description, the configuration Steering Board shall not approve the alteration until—
(1) the chair of the Configuration Steering Board has submitted to the congressional defense committees a written description of the alteration and an explanation of the rationale for the alteration; and
(2) not less than 15 days have expired since the date of submission of such description and explanation to those committees.

(d) ADDITIONAL SUBREPORTING REQUIREMENTS.—
(1) IN GENERAL.—The Secretary of a military department shall submit a semi-annual contract performance assessment report to the milestone decision authority for the major defense acquisition program identified in subsection (b). The report shall be classified form, but may have a classified annex or an annex that is restricted to protect source selection, business-sensitive, or proprietary information.

(2) NOTIFICATION.—Such report shall describe contract execution regarding contract cost performance, schedule performance, and incentive or award fee reviews and outlays, and an estimated cost at completion of the end item compared to the system development and demonstration benchmark report required in subsection (a)(1).

(3) FIRST REPORT.—The first such report shall be submitted not later than 180 days after—
(A) system design and development contract award; or
(B) after enactment of this Act in the case of a system design and development contract that was awarded before the date of the enactment of this Act.

(4) TERMINATION OF REPORTING REQUIREMENT.—The reporting requirement shall terminate upon a full rate production decision for each major defense acquisition program identified in subsection (b).

(e) PROHIBITION ON MILESTONE C APPROVAL.—(1) Except as provided in paragraph (2), no waiver shall be granted if the milestone decision authority determines, on the basis of a report submitted pursuant to subsection (a), or has other reason to believe, that—
(A) the cost (including any increase for expected inflation or currency exchange rates) for system development and demonstration has increased by more than 25 percent over the system development and demonstration baseline established in subsection (a)(1), or
(B) the schedule for key events is delayed by more than 15 percent of the total number of months between the award of the system development and demonstration contract and the scheduled milestone C approval date, as provided in the system development and demonstration baseline established in subsection (a)(1).

(2) The Under Secretary of Defense for Acquisition, Technology, and Logistics may waive the prohibition in paragraph (1) upon certification to the congressional defense committees, along with supporting rationale, that proceeding to low rate initial production is in the best interest of the Department of Defense.

(f) DEFINITIONS.—In this section:
(1) CONFIGURATION STEERING BOARD.—The term ‘Configuration Steering Board’ means the committee described in the memorandum regarding Configuration Steering Boards from the Under Secretary of Defense for Acquisition, Technology, and Logistics dated July 30, 2007, for the secretaries of the military departments, Chairman of the Joint Chiefs of Staff, Under Secretaries of Defense, and Commander, U.S. Special Operations Command.

(2) MILESTONE B APPROVAL.—The term ‘Milestone B approval’ means the meaning provided in section 236(e)(7) of title 10, United States Code.

(3) MILESTONE C APPROVAL.—The term ‘Milestone C approval’ means the meaning provided in section 236(e)(8) of title 10, United States Code.

(4) MAJOR DEFENSE ACQUISITION PROGRAM.—The term ‘major defense acquisition program’ means the meaning provided in section 2402 of title 10, United States Code.

SEC. 847. ADDITIONAL MATTERS REQUIRED TO BE REPORTED BY CONTRACTORS PERFORMING SECURITY FUNCTIONS IN DOD OPERATIONS.

Section 862(a)(2)(D) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181) is amended by—
(1) by striking ‘‘or’’ at the end of clause (ii); and
(2) by adding at the end the following new clause:
‘‘(iv) a weapon system is declared to perform against personnel performing private security functions in an area of operations from non-nuclear sources and the justification for awarding contracts to non-domestic sources. The report shall also include a plan to develop a domestic producer as the source for 60mm and 84mm munitions used by the Armed Forces by 2012.’’

SEC. 848. REPORT RELATING TO MUNITIONS.

Not later than March 1, 2009, the Secretary of Defense shall submit to the congressional defense committees a report detailing how 60mm and 84mm munitions used by the Armed Forces are procured, including, where relevant, an explanation of the decision to procure such munitions from non-nuclear sources and the justification for awarding contracts to non-domestic sources. The report shall also include a plan to develop a domestic producer as the source for 60mm and 84mm munitions used by the Armed Forces by 2012.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department of Defense Management

Sec. 901. Revisions in functions and activities of special operations command.

Sec. 902. Requirement to designate officials for irregular warfare.

Sec. 903. Plan for reorganization of personnel management of special operations forces.

Sec. 904. Director of Operational Energy Plans and Programs.

Sec. 905. Corrosion control and prevention executives for the military departments.

Sec. 906. Alignment of Deputy Chief Management Officer responsibilities.

Sec. 907. Requirement for the Secretary of Defense to prepare a strategic plan to enhance the role of the National Guard and Reserves.

Sec. 908. Redesignation of the Department of the Navy as the Department of the Navy and Marine Corps.

Sec. 909. Support to Community review.

Subtitle B—Space Activities

Sec. 911. Extension of authority for pilot program for provision of space surveillance network services to non-United States Government entities.

Sec. 912. Investment and acquisition strategy for commercial satellite capabilities.

Subtitle C—Chemical Demilitarization Program

Sec. 921. Chemical Demilitarization Citizens Advisory Commissions in Colorado and Kentucky.

Sec. 922. Prohibition on transport of hydrolysates of the Colorado Chemical Depot, Colorado.

Subtitle D—Intelligence-Related Matters

Sec. 931. Technical changes following the redesignation of National Imagery and Mapping Agency as National Geospatial-Intelligence Agency.


Sec. 933. Technical amendments relating to the Associate Director of the CIA for Military Affairs.

Subtitle E—Other Matters

Sec. 941. Department of Defense School of Nursing revisions.

Sec. 942. Amendments of authority for regional centers for security studies.

Sec. 943. Findings and sense of Congress regarding the Western Hemisphere Institute for Security Cooperation.

Sec. 944. Restriction on obligation of funds for United States Southern Command development assistance activities.

Sec. 945. Authorization of non-conventional assisted recovery capabilities.

Sec. 946. Report on United States Northern Command development of interagency plans and command and control relationships.

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Department of Defense (in this section referred to as the ‘Director’), appointed by the President, by and with the advice and consent of the Senate. The Director shall be appointed without regard to any limitation imposed by the Constitution on the basis of military service, and shall serve at the pleasure of the President.

The Director shall—

(1) provide leadership and facilitate communication regarding, and conduct oversight to manage and be accountable for, operational energy programs within the Department of Defense and the Army, Navy, Air Force, and Marine Corps;

(2) establish the operational energy strategy;

(3) coordinate and oversee planning and program activities of the Department of Defense and the Army, Navy, Air Force, and the Marine Corps; and

(4) monitor and review all operational energy activities of the Department of Defense.

The Director shall provide guidance to, and consult with, the Secretary of Defense, the Deputy Secretary of Defense, the Under Secretary of Defense (Comptroller), the Assistant Secretaries of Defense, the General Counsel of the Department of Defense, the Management Officer of the Department of Defense, the Director of the Defense Transformation Agency, the Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force, and the Secretary of the Marine Corps.

(1) The Secretary of Defense shall require that the Secretary of each military department and the head of each Defense Agency with responsibility for executing activities associated with the operational energy strategy, develop and submit proposed budget programs for those activities for a fiscal year to the Director for review before submission of the proposed budget to the Under Secretary of Defense (Comptroller).

(2) The Director shall review a proposed budget transmitted under paragraph (2) for a fiscal year and, not later than January 31 of the preceding fiscal year, submit to the Secretary of Defense a report containing the comments of the Director with respect to the proposed budget, together with the certification of the Director that the proposed budget is adequate for implementation of the strategy.

(3) Not later than 10 days after the date on which the budget for a fiscal year is submitted to Congress pursuant to section 1105 of title 31, the Secretary of Defense shall submit to Congress a report on the proposed budgets for that fiscal year that the Director has not certified under paragraph (3). The report shall include the following:

(A) A discussion of the actions that the Secretary of Defense proposes to take with respect to any recommended legislation that the Secretary considers appropriate, to address the inadequacy of the proposed budgets.

(B) Any additional comments that the Secretary considers appropriate regarding the inadequacy of the proposed budgets.

(C) The report required by paragraph (4) shall also include a separate statement of estimated expenditures and requested appropriations for that fiscal year for the activities of the Director in carrying out the duties of the Director.

(D) ACCESS TO INITIATIVE RESULTS AND RECORDS.—(1) The Secretary of a military department shall submit to the Director the results of all studies and analyses conducted by the military department in connection with the operational energy strategy.

(E) STAFF.—The Director shall have a dedicated professional staff of military and civilian personnel in a number sufficient to enable the Director to carry out the duties and responsibilities of the Director.

(F) DEFINITIONS.—In this section:

(1) OPERATIONAL ENERGY.—The term ‘operational energy’ means the energy required for generating military forces and weapons platforms for military operations. The term includes energy used by tactical power systems and generators and weapons platforms.

(2) OPERATIONAL ENERGY STRATEGY.—The term ‘operational energy strategy’ and ‘strategy’ mean the operational energy strategy developed under subparagraph (A).

(G) CLERICAL AMENDMENT.—The table of sections at the beginning of this chapter is amended by inserting after the last item relating to title 39a, the following:

‘1230. Director of Operational Energy Plans and Programs.’

SEC. 905. CORROSION CONTROL AND PREVENTION EXECUTIVES FOR THE MILITARY DEPARTMENTS

(a) REQUIREMENT TO DESIGNATE CORROSION CONTROL AND PREVENTION EXECUTIVE.—Not later than 90 days after the date of enactment of this Act, the Assistant Secretary of each military department with responsibility for acquisition, technology, and logistics shall designate an employee of the military department as the corrosion control and prevention executive. Such executive shall be the senior official in the department with responsibility for coordinating department-level corrosion control and prevention program activities (including budget programming) with the military department and the Office of the Secretary of Defense, the program executive officers of the military departments, and relevant major subordinate commands of the military departments.

(b) DUTIES.—(1) The corrosion control and prevention executive of a military department shall ensure that corrosion control and prevention is maintained in the department’s policy and guidance for management of each of the following:

(A) System acquisition and production, including design and maintenance.

(B) Research, development, test, and evaluation.

(C) Equipment standardization programs, including international standardization agreements.

(d) Logistics research and development initiatives.

(e) Logistics support analysis as it relates to integrated logistic support in the material acquisition process.

(f) Military infrastructure design, construction, and maintenance.

(2) The corrosion control and prevention executive of a military department shall, in cooperation with the appropriate staff of the department, develop, support, and provide the rationale for resources—

(A) to initiate and sustain an effective corrosion control and prevention program in the department;

(B) to evaluate the program’s effectiveness; and

(C) to ensure that corrosion control and prevention requirements for material are reflected in budgeting and policies of the department for the formulation, management, and evaluation of personnel and programs for the entire department, including its reserve components.

(3) The corrosion control and prevention executive of a military department shall submit an annual report to the Secretary of Defense concerning the implementation of the corrosion control and prevention program and the results of any periodic review under subsection (b).

SEC. 906. ALIGNMENT OF DEPUTY CHIEF MANAGEMENT OFFICER RESPONSIBILITIES

Section 192(e) of title 10, United States Code, is amended to read as follows:

‘‘(e) SPECIAL RULE FOR DEFENSE BUSINESS TRANSFORMATION AGENCY.—Notwithstanding any other provisions of this title, the Deputy Chief Management Officer of the National Guard Bureau shall perform the duties of the Deputy Chief Management Officer of the National Guard Bureau and the Deputy Chief Management Officer of the Coast Guard.''

SEC. 907. REQUIREMENT FOR THE SECRETARY OF DEFENSE TO PREPARE A STRATEGIC PLAN TO ENHANCE THE ROLE OF THE NATIONAL GUARD AND RESERVE FOR NATIONAL SECURITY

(a) PLAN.—Not later than April 1, 2009, the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff and the Chief of the National Guard Bureau, shall prepare a plan for enhancing the roles of the National Guard and Reserve—
(1) Title 10, United States Code, is amended by striking “Department of the Navy” and “Secretary of the Navy” each place they appear other than as specified in paragraphs (1), (2), (3), and (4), and in sections 5001(a)(1), 5017(2), and 5017(2a) of such title and inserting “Department of the Navy and Marine Corps” and “Secretary of the Navy and Marine Corps” respectively in each case with the matter inserted to be in the same typeface and typstyle as the matter stricken.

(b) CONFORMING AMENDMENTS TO TITLE 10—

(1) The findings, conclusions, and recommendations of the Final Report to Congress and the Secretary of Defense of the Commission on the National Guard and Reserves, dated January 31, 2008, and titled “Transforming the National Guard and Reserves into a 21st Century Operational Force,” are each amended to read as follows:

(a) Any amendment made to a provision of title 32, United States Code, or in support of State missions.

(b) Any amendment made to a provision of title 10, United States Code; and

(c) Any amendment made to a provision of sections 5011 of such title is amended to read

‘’


(1) DEFINITION OF MILITARY DEPARTMENT.—The military department designated as the Department of the Navy is redesignated as the Department of the Navy and Marine Corps.

(2) DESIGNATION OF SECRETARY AND OTHER STATUTORY OFFICES.—

(A) SECRETARY.—The position of the Secretary of the Navy is redesignated as the Secretary of the Navy and Marine Corps.

(B) OTHER STATUTORY OFFICES.—The positions of the Under Secretary of the Navy, the four Assistant Secretaries of the Navy, and the General Counsel of the Department of the Navy are redesignated as the Under Secretary of the Navy and Marine Corps, the Assistant Secretaries of the Navy and Marine Corps, and the General Counsel of the Department of the Navy and Marine Corps, respectively.

(b) AMENDMENTS TO TITLE 10, UNITED STATES CODE.—

(1) DEFINITION OF ‘‘MILITARY DEPARTMENT’’.—Paragraph (8) of section 191(a) of title 10, United States Code, is amended to read as follows:

‘’

(2) ORGANIZATION OF DEPARTMENT.—The text of section 5011 of such title is amended to read as follows: “The Department of the Navy and Marine Corps is separately organized under the Secretary of the Navy and Marine Corps.”

(c) CHAPTEr 503.—

(1) The heading of chapter 503 of such title is amended to read as follows:

‘’

(2) The heading of chapter 507 of such title is amended to read as follows:

‘’

(d) OTHER AMENDMENTS.—
SEC. 921. CHEMICAL DEMILITARIZATION CITIZENS ADVISORY COMMISSIONS.

(a) Section 172 of the National Defense Authorization Act for Fiscal Year 1993 (50 U.S.C. 1521 note) is amended by adding at the end the following:

“(i) COLORADO AND KENTUCKY CHEMICAL DEMILITARIZATION CITIZENS ADVISORY COMMISSIONS:—(1) the Department of Defense Appropriations Acts, 2003 (50 U.S.C. 1521 note), responsibilities for the Chemical Demilitarization Citizens Advisory Commissions in Colorado and Kentucky shall be transferred from the Secretary of the Army to the Program Manager for Assembled Chemical Weapons Alternatives. The Program Manager for Assembled Chemical Weapons Alternatives shall ensure the ability to receive citizen and State concerns regarding the ongoing chemical destruction program in these States. A representative from the Office of the Assistant to the Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs shall meet with these commissions not less often than twice a year. Funds appropriated for the Assembled Chemical Weapons Alternatives Program shall be used for travel and associated travel costs for these Citizens Advisory Commissions, when such travel is conducted at the invitation of the Department of Defense Special Assistant for Chemical and Biological Defense and Chemical Demilitarization Programs.

(b) SEC. 922. PROHIBITION ON TRANSPORT OF HYDROLYSATE AT PUEBLO CHEMICAL DEPOT, COLORADO.

(a) PROHIBITION.—During fiscal year 2009, the Secretary of Defense may not transport hydrolysat from the Pueblo Chemical Depot, Colorado, to an off-site location for treatment, storage, or disposal.

(b) SAVINGS CLAUSE.—Nothing in this section limits or otherwise affects section 8119 of the Department of Defense Appropriations Act, 2008 (Public Law 110–116; 50 U.S.C. 1521 note).

(c) REPORT.—Not later than February 15, 2009, the Secretary shall submit to the congressional defense committees a report on hydrolysate stockpiled at the Pueblo Chemical Depot, Colorado. The report shall include a comprehensive cost-benefit analysis between on-site and off-site methods for disposing of such hydrolysate.

Title 5—Title 5, United States Code, is amended by striking “Imagery and Mapping Agency” each place it appears and inserting “National Geospatial-Intelligence Agency”.

SEC. 924. TECHNICAL AMENDMENTS TO TITLE 10, UNITED STATES CODE, ARISING FROM ENACTMENT OF THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.

(a) REFEREES FOR NATIONAL INTELLIGENCE COMMUNITY.—Title 10, United States Code, is amended by striking “Director of Central Intelligence” each place it appears and inserting “Director of National Intelligence” in the following:

(1) Section 193(d)(2).

(2) Section 193(c).

(3) Section 201(a).

(4) Section 201(b)(1).

(5) Section 201(c)(1).

(6) Section 425(a).

(7) Section 431(b)(1).

(8) Section 440.

(9) Section 411(d).

(10) Section 443(d).

(11) Section 2273(b)(1).

(12) Section 2273(c).

(b) CLERICAL AMENDMENTS.—Such title is further amended by striking “DIRECTOR OF CENTRAL INTELLIGENCE” each place it appears and inserting “DIRECTOR OF NATIONAL INTELLIGENCE” in the following:

(1) Section 441(c).

(2) Section 441(d).

(c) REFERENCE TO HEAD OF CENTRAL INTELLIGENCE AGENCY.—Section 444 of such title is amended by striking “Director of Central Intelligence” and inserting “Director of the Central Intelligence Agency”.

SEC. 925. TECHNICAL AMENDMENTS RELATING TO THE ASSOCIATE DIRECTOR OF THE CIA FOR MILITARY AFFAIRS.

Section 528(e) of title 10, United States Code, is amended—

(1) in the heading, by striking “Military Support” and inserting “Military Affairs”;

(2) by striking “Military Support” and inserting “Military Affairs”. 
would have received for that period if on active duty. Payments by the Secretary concerned under this paragraph shall be made from funds specifically appropriated for that purpose.

(iv) Any other provision of law contained in title 10, title 32, or title 37, United States Code, such a retired nurse corps officer is not, while so employed, considered to be on active duty or inactive duty training for any purpose.

(4) SCHOLARSHIPS FOR NURSE OFFICER CANDIDATES.—For purposes of the eligibility of an institution under paragraph (2)(B)(v), the following amendments apply:

(A) Each accredited school of nursing at which a retired nurse corps officer serves on the faculty under this subsection shall provide full academic assistance to individuals undertaking an educational program at such school leading to a baccalaureate degree in nursing. Each such officer who agrees, upon completion of such program, to accept a commission as an officer in the nurse corps of one of the Armed Forces shall be considered as having satisfactory academic standing in the nurse corps as commissioned nurse corps officers.

(B) The total number of scholarships provided by an accredited school of nursing under subparagraph (A) for each officer serving on the faculty of that school under this subsection shall be such number as the Secretary of Defense shall specify for purposes of this subsection.

(C) Each accredited school of nursing shall pay to the Department of Defense an amount equal to the value of the scholarship for every nurse officer candidate who fails to be accessed as a nurse corps officer into one of the Armed Forces within one year of receiving a bachelor of science degree in nursing from that school.

(D) The Secretary concerned is authorized to discontinue the demonstration project authorized in this subsection at any institution of higher education that fails to fulfill the requirements of subparagraph (C).

(5) COMMENCEMENT.—(A) Not later than 24 months after the commencement of any demonstration project under this subsection, the Secretary of Defense shall submit to the congressional defense committees a report on the demonstration project. The report shall include a description of the project and a description of plans for the continuation of the project.

(B) ELEMENTS.—The report shall also include, at a minimum, the following:

(i) The current number of retired nurse corps officers who have at least 26 years of active Federal commissioned service who would be eligible to participate in the program.

(ii) The number of retired nurse corps officers participating in the demonstration project.

(iii) The number of accredited schools of nursing participating in the demonstration project.

(iv) The number of nurse officer candidates who have accessed into the military as commissioned nurse corps officers.

(v) The number of scholarships awarded to nurse officer candidates.

(vi) The number of nurse officer candidates who have failed to access into the military, if any.

(vii) The amount paid to the Department of Defense in the event any nurse officer candidates awarded scholarships by the accredited school of nursing fail to access into the military as commissioned corps officers.

(viii) The funds expended in the operation of the demonstration project.

(ix) The recommendation of the Secretary of Defense as to whether the demonstration project should be extended.

(6) SUNSET.—The authority in this subsection shall expire on June 30, 2009.

(7) DEFINITIONS.—In this subsection, the terms used therein shall have the meanings given those terms in section 801 of the Public Health Service Act (42 U.S.C. 296).

SEC. 942. AMENDMENTS OF AUTHORITY FOR REGIONAL CENTERS FOR SECURITY STUDIES.

(a) In General.—In section 144(f) of title 10, United States Code, is amended by adding at the end the following new paragraph:

(6) Funds available to the Department of Defense for any fiscal year for a regional center for security studies (beginning with funds available for fiscal year 2009), including funds available under paragraphs (4) and (5), are available for use for programs that begin in such fiscal year but end in the next fiscal year.

(b) ESTABLISHMENT OF A PILOT PROGRAM FOR NONGOVERNMENTAL PERSONNEL.—

(1) IN GENERAL.—Not later than 2009 and 2010, the Secretary of Defense, with the concurrence of the Secretary of State, may waive reimbursement of the costs of activities of the Regional Centers for Security Studies of non-governmental and international organization personnel who participate in activities that enhance cooperation of nongovernmental organizations and international organizations with Armed Forces of the United States, if the Secretary of Defense determines that attendance of such personnel without reimbursement is in the national security interests of the United States. Such reimbursement is waived pursuant to this subsection shall not exceed $1,000,000 in each of fiscal years 2009 and 2010 and shall be paid from appropriations available to the Regional Centers in each of those fiscal years.

(2) REPORT REQUIRED.—For each of fiscal years 2009 and 2010, the Secretary of Defense shall include in the annual report required under section 184(h) of title 10, United States Code, a description of the extent of nongovernmental and international organization participation in the programs of the regional centers, including the costs incurred by the United States for the participation of each organization.

SEC. 943. FINDINGS AND SENSE OF CONGRESS REGARDING THE WESTERN HEMISPHERE INSTITUTE FOR SECURITY COOPERATION.

(a) FINDINGS.—The Congress finds the following:

(1) The mission of the Western Hemisphere Institute for Security Cooperation (hereafter in this section referred to as “WHINSEC”) is to provide professional education and training to military personnel, law enforcement officials, and civil servants in support of the democratic principles set forth in the Charter of the Organization of American States, while fostering mutual knowledge, transparency, cooperation among the participating nations, and promoting democratic values, respect for human rights, and knowledge and understanding of United States customs and traditions.

(2) WHINSEC supports the Security Cooperation Guidance of the Secretary of Defense by addressing the training needs of the United States Southern Command and United States Northern Command.

(3) In enacting legislation establishing WHINSEC, the Congress finds that the curriculum of WHINSEC may include leadership development, counterdrug operations, peacekeeping, resource management, and disaster relief planning. Congress also mandated a minimum of eight hours of instruction on human rights, due process, the rule of law, the role of the Armed Forces in a democratic society, and civilian control of the military. WHINSEC averages twelve hours of such instruction per course.

(4) On March 21, 2007, Admiral Stavridis, Commander, United States Southern Command, stated before the House Armed Services Committee that WHINSEC “is the military's crown jewel for human rights training.”

(5) WHINSEC students are selected to participate. A partner nation nominates students to attend WHINSEC, and in accordance with the law of the United States and the policies of the Departments of Defense and State, the United States Embassy in such partner nation screens and conducts background checks on such candidates. The review of WHINSEC nominees includes a background check by United States embassies in partner nations, as well as checks by the Bureau of Western Hemisphere Affairs of Democracy, Human Rights, and Labor. Further, the Abuse Case Evaluation System of the Department of State, a central database that aggregates human rights data into a single, searchable location, is used as a resource for checking abuse allegations when conducting vetting requests.

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

(1) WHINSEC is one of the most effective mechanisms that the United States has to build relationships with future leaders that the Western Hemisphere, influence the human rights records and democracy trajectory of countries in the Western Hemisphere, and mitigate the growing influence of non-hemispheric powers;

(2) WHINSEC is succeeding in meeting its stated mission of providing professional education and training to eligible military personnel, law enforcement officials, and civilians of nations of the Western Hemisphere that support democratic principles; and

(3) WHINSEC is an invaluable education and training facility which the Department of Defense should continue to utilize in order to help foster a spirit of partnership that will ensure security and enhance stability and interoperability among the United States military and the militaries of participating nations.

SEC. 944. RESTRICTION ON OBLIGATION OF FUNDS FOR UNITED STATES SOUTH-ERN COMMAND DEVELOPMENT ASSISTANCE ACTIVITIES.

(a) REPORT AND CERTIFICATION REQUIRED.—Not later than 30 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 development assistance activities carried out by the United States Southern Command during fiscal year 2008 and planned for fiscal year 2009 and containing a certification by the Secretary that such development assistance activities—

(i) do not divert resources from funded or unfunded requirements of the United States Southern Command in connection with the role of the
The congressional defense committees.

Secretary of Defense, in consultation with the Secretary of Homeland Security and the heads of other Federal agencies, shall submit a report to Congress describing the progress made to address certain deficiencies in the United States Northern Command identified in the Comptroller General report 08-251/252. To prepare the report, the Secretary of Defense shall direct the United States Northern Command to perform the following:

(1) Provide a compendium of all roles, mission requirements and resources from all 50 States. Each role and mission in the docket will be accompanied by a brief description of the requirement and proof of endorsement by the respective State Adjutant Generals and the Department of Homeland Security.

(2) Synchronize and continually update its unit requirements with the deployment schedules of the units it depends on. The commander of the United States Northern Command shall coordinate with its Federal interagency partners to form charters that govern the agreements among them, including qualifications for personnel and liaison functions between interagency partners.

PROVISIONS

The authority that makes the funds appropriated pursuant to an authorization of appropriations otherwise prohibited by any other provision in law, including any provision of law relating to the control of imports of defense articles or defense services.

The authority under this section is in effect during each of the fiscal years 2009 through 2012.

SEC. 940. REPORT ON UNITED STATES NORTHERN COMMAND DEVELOPMENT OF INTERAGENCY PLANS AND COMMAND AND CONTROL RELATIONSHIPS.

(a) REPORT REQUIRED. Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the United States Northern Command's development of interagency plans and command and control relationships.

(b) REVIEW OF REPORT. The congressional defense committees shall review the report submitted under subsection (a) and make such recommendations to the Secretary of Defense as they may deem necessary for the development of United States Northern Command's command and control relationships.

(c) DEVELOPMENT ASSISTANCE ACTIVITIES DEFINED.—In this section, the term ‘development assistance activities’ means assistance activities carried out by the United States Southern Command that are comparable to the assistance activities carried out by the United States Northern Command.

(1) chapters 10, 11, and 12 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151, 2283, 2295, and 2296 et seq.); and

(2) any other provision of law for purposes comparable to the purposes for which assistance activities are carried out under the provisions of law referred to in paragraph (1).

SEC. 945. AUTHORIZATION OF NON-CONVENTIONAL ASSISTED RECOVERY CAPABILITIES.

(a) NON-CONVENTIONAL ASSISTED RECOVERY CAPABILITIES.—Upon a determination by a combatant commander that an action is necessary in connection with a non-conventional assisted recovery effort, an amount not to exceed $20,000,000 of the funds appropriated pursuant to an authorization of appropriations or otherwise made available for ‘Operation and Maintenance, Navy’ may be used to establish, develop, and maintain non-conventional assisted recovery capabilities.

(b) PROCEDURES.—The Secretary of Defense shall establish procedures for the exercise of the authority under subsection (a). The Secretary shall notify the congressional defense committees of those procedures before any exercise of that authority.

(c) AUTHORIZED ACTIVITIES.—Non-conventional assisted recovery capabilities authorized under subsection (a) are limited to fraud and other circumstances, include the provision of support to foreign forces, irregular forces, groups, or individuals in order to facilitate the recovery of Department of Defense or Coast Guard military or civilian personnel, or other individuals who, while conducting activities in support of United States military operations, become separated or isolated and cannot rejoin their units without the assistance authorized in subsection (a). Such support may include the provision of limited amounts of equipment, supplies, training, transportation, or other logistical support or funding.

(d) ANNUAL REPORT.—Not later than 30 days after the close of each fiscal year during which subsection (a) is in effect, the Secretary of Defense shall submit to the congressional defense committees a report on support provided under that subsection during that fiscal year.

(e) LIMITATION ON INTELLIGENCE ACTIVITIES.—This section does not constitute authority to conduct a covert action, as such term is defined in section 551(e) of the National Security Act of 1947 (50 U.S.C. 413j(e)).

(f) LIMITATION ON FOREIGN ASSISTANCE ACTIVITIES.—This section does not constitute authority to:

(1) to build the capacity of foreign military forces or provide security and stabilization assistance, as defined in sections 1296 and 1207 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3456 and 3458), respectively, and

(2) to provide assistance that is otherwise prohibited by any other provision in law, including any provision of law relating to the control of exports of defense articles or defense services.

Sec. 1011. Conveyance, Navy drydock, Aransas Pass, Texas.

Sec. 1013. Policy relating to major combatant forces to provide support to an interagency task force to perform the following:

(1) Provide a compendium of all roles, mission requirements and resources from all 50 States. Each role and mission in the docket will be accompanied by a brief description of the requirement and proof of endorsement by the respective State Adjutant Generals and the Department of Homeland Security.

(2) Synchronize and continually update its unit requirements with the deployment schedules of the units it depends on. The commander of the United States Northern Command shall coordinate with its Federal interagency partners to form charters that govern the agreements among them, including qualifications for personnel and liaison functions between interagency partners.

PROVISIONS

The authority that makes the funds appropriated pursuant to an authorization of appropriations otherwise prohibited by any other provision in law, including any provision of law relating to the control of imports of defense articles or defense services.

The authority under this section is in effect during each of the fiscal years 2009 through 2012.

SEC. 946. REPORT ON UNITED STATES NORTHERN COMMAND DEVELOPMENT OF INTERAGENCY PLANS AND COMMAND AND CONTROL RELATIONSHIPS.

(a) REPORT REQUIRED. Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the United States Northern Command's development of interagency plans and command and control relationships.

(b) REVIEW OF REPORT. The congressional defense committees shall review the report submitted under subsection (a) and make such recommendations to the Secretary of Defense as they may deem necessary for the development of United States Northern Command's command and control relationships.

(c) DEVELOPMENT ASSISTANCE ACTIVITIES DEFINED.—In this section, the term ‘development assistance activities’ means assistance activities carried out by the United States Southern Command that are comparable to the assistance activities carried out by the United States Northern Command.

(1) chapters 10, 11, and 12 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151, 2283, 2295, and 2296 et seq.); and

(2) any other provision of law for purposes comparable to the purposes for which assistance activities are carried out under the provisions of law referred to in paragraph (1).

Sec. 1015. Report on contributions to the domestic activities of section 1083.

Sec. 1016. Study on foreign defense assistance.

Sec. 1017. Report on foreign defense assistance.

Sec. 1018. Authorization of appropriations for defense systems.

Sec. 1019. Authorization of appropriations for defense systems.

Sec. 1020. Authorization of appropriations for defense systems.

Sec. 1021. Authorization of appropriations for defense systems.

Sec. 1022. Extension of authority for joint task forces to provide support to law enforcement agencies conducting counter-terrorism activities.

Sec. 1023. Extension of authority to support unified counter-drug and counter-terrorism campaign in Colombia and continuation of numerical period of authorization of United States personnel.

Sec. 1024. Expansion and extension of authority to provide additional support for counter-drug activities of certain foreign governments.

Sec. 1025. Comprehensive Department of Defense strategy for counter-narcotics efforts for West Africa and the Maghreb.

Sec. 1026. Comprehensive Department of Defense strategy for counter-narcotics efforts in South and Central Asian regions.

Subtitle D—Boards and Commissions

Sec. 1031. Strategic Communication Management Board.

Sec. 1032. Extension of certain dates for Congressional Commission on the Strategic Posture of the United States.

Sec. 1033. Extension of Commission to Assess the Threat from Electromagnetic Pulse (EMP).
SAS PASS, TEXAS.

SEC. 1011. CONVEYANCE, NAVY DRYDOCK, ARANSAS PASS, TEXAS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy is authorized to convey the floating drydock designated in subsection (a) to the Aransas Pass, Texas, Gulf Copper Ship Repair, that company being the current lessee of the drydock.

(b) CONDITION OF CONVEYANCE.—The Secretary shall ensure that the conveyance under subsection (a) is in a condition to perform the services required by the Secretary.

(c) CONSIDERATION.—As consideration for the conveyance of the drydock under subsection (a), the purchaser shall provide compensation to the United States in the form of a fee equal to the fair market value of the drydock.

(d) TRANSFER AT NO COST TO UNITED STATES.—The provisions of section 7306(c) of title 10, United States Code, shall apply to the conveyance under this section.

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

SEC. 1012. REPORT ON REPAIR OF NAVAL VESSEL IN FOREIGN SHIPYARDS.

Section 7110 of title 10, United States Code, is amended by adding at the end the following new subsection:

(c) REPORT.—The Secretary of the Navy shall submit to the Committees on Armed Services of the Senate and the House of Representa-
tives, not later than 30 days before the repair work begins, a report on the costs of the repair, including:

(1) the justification under law for the repair in a foreign shipyard;

(2) the vessel to be repaired;

(3) the shipyard where the repair work will be carried out;

(4) the cost of the repair;

(5) the schedule for repair.

(d) HOMESTEAD.—The homeport or location of the vessel prior to its repair for this purpose is as follows:

United States.

SEC. 1013. POLICY RELATING TO MAJOR COMBAT-ANT VESSELS OF THE UNITED STATES.

Section 1013(c)(1) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) is amended by adding at the end the following:

“(D) Amphibious assault ships, including dock landing ships (LSD), amphibious transport dock ships (LPD), helicopter assault ships (LHA/LHD), and amphibious command ships (LCC), if such vessels exceed 15,000 dead weight ton light ship displacement.”.

SEC. 1014. NATIONAL DEFENSE SEALIFT FUND AMENDMENTS.

Section 2218 of title 10, United States Code, is amended—

(1) by striking subsection (j) and redesignating subsections (k) and (l) as subsections (j) and (k), respectively; and

(2) in paragraph (2) of subsection (k) (as so redesignated), by striking subparagraphs (B) thru (I) and inserting the following new subparagraphs:

(B) Any other auxiliary vessel that was procured or chartered with specific authorization in law for the vessel, or class of vessels, to be funded in the National Defense Sealift Fund.

SEC. 1015. REPORT ON CONTRIBUTIONS TO THE DOMESTIC SUPPLY OF STEEL AND OTHER METALS FROM SCRAPPING OF CHINESE SHIPS.

Not later than 30 days after the date of enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report containing—

(1) the estimated contribution to the domestic market for steel and other metals from the scrapping of each vessel, as a consequence of the displacement stricken from the Naval Vessel Register but not yet disposed of by the Navy; and

(2) a plan for the sale and disposal of such vessels.

SEC. 1021. CONTINUATION OF REPORTING REQUIREMENT REGARDING DEPARTMENT OF DEFENSE PURCHASES TO SUPPORT FOREIGN COUNTER-DRUG ACTIVITIES.


SEC. 1022. EXTENSION OF AUTHORITY FOR JOINT TASK FORCES TO PROVIDE SUPPORT TO LAW ENFORCEMENT AGENCIES CONDUCTING COUNTER-TERRORISM ACTIVITIES.

Section 1022(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 109–181; 122 Stat. 304), is amended by striking “2008” and inserting “2009”.

SEC. 1023. EXTENSION OF AUTHORITY TO SUPPORT UNIFIED COUNTER-DRUG AND COUNTER-TERRORISM CAMPAIGNS IN COLOMBIA AND CONTINUATION OF NUMERICAL LIMITATION ON ASSIGNMENT OF UNITED STATES PERSONNEL.


(1) in subsection (a), by striking “2008” and inserting “2009”; and

(2) in subsection (c), by striking “2008” and inserting “2009”.

SEC. 1024. EXPANSION AND EXPRESSION OF AUTHORITY TO PROVIDE ADDITIONAL SUPPORT FOR COUNTER-DRUG ACTIVITIES OF CERTAIN FOREIGN GOVERNMENTS.

(a) EXTENSION OF AUTHORITY.—Subsection (a)(2) of section 1033 of the National Defense

(b) ADDITIONAL GOVERNMENTS ELIGIBLE TO RECEIVE UNIFORMED SERVICES SUPPORT.—Section (b) of such section is amended by adding at the end the following:

“(21) The Government of Ghana.”.

(c) MAXIMUM ANNUAL AMOUNT OF SUPPORT.—Subsection (c) of such section is amended by

(1) by striking “or” after “2006”; and
(2) by striking the period at the end and inserting “, or $65,000,000 during fiscal year 2009.”.

(d) CONDITION ON PROVISION OF SUPPORT.—Subsection (f) of such section is amended—

(1) in paragraph (2), by inserting after “In the case of the following:” the following:

“funds appropriated for fiscal year 2010 to carry out this section”;

and

(2) in paragraph (g)(B), by striking “Committee on International Relations” and inserting “Committee on Foreign Affairs”.

(e) COUNTER-DRUG PLAN.—Subsection (h) of such section is amended by

(1) in the matter preceding paragraph (1), by striking “fiscal year 2004” and inserting “fiscal year 2009”;

and

(2) in subparagraph (7), by striking “For the first fiscal year” and inserting “For fiscal year 2010, and thereafter, for the first fiscal year”.

SEC. 1025. COMPREHENSIVE DEPARTMENT OF DEFENSE STRATEGY FOR COUNTER-NARCOTICS EFFORTS FOR SOUTH AND CENTRAL ASIAN REGIONS.

(a) REPORT REQUIRED.—Not later than March 1, 2009, the Secretary of Defense shall submit to the congressional defense committees a comprehensive strategy of the Department of Defense with regard to counter-narcotics efforts in Afghanistan, Pakistan, and the Maghreb. The Secretary of Defense shall prepare the strategy in consultation with the Secretary of State.

(b) MATTERS TO BE INCLUDED.—The comprehensive strategy shall consist of a general overview and a separate detailed section for each of the following:

(1) The roles and missions of the Department of Defense in support of the overall United States counter-narcotics policy for the South and Central Asian regions and the other countries specified in subsection (a).

(2) The ongoing and planned counter-narcotics activities funded by the Department of Defense for such regions and countries, including a description of the expected allocation of resources of the Department of Defense to accomplish these priorities.

(3) The specific metrics used by the Department of Defense to evaluate progress of activities to reduce the supply and distribution of illicit narcotics in such regions and countries.

Subtitle D—Boards and Commissions

SEC. 1031. STRATEGIC COMMUNICATION MANAGEMENT BOARD.

(a) IN GENERAL.—The Secretary of Defense shall establish a Strategic Communication Management Board (in this section referred to as the “Board”) to provide advice to the Secretary on strategic direction and to help establish priorities for strategic communication activities.

(b) COMPOSITION.—

(1) IN GENERAL.—The Board shall be composed of the following:

(A) The Secretary of Defense.
(B) The Joint Staff.
(C) The combatant commands.
(D) The Office of the Secretary of Defense.
(E) The Department of State.
(F) The Department of Justice.
(G) The Department of Commerce.
(H) The United States Agency for International Development.
(I) The Office of the Director of National Intelligence.
(K) The Broadcasting Board of Governors.
(L) LEADERSHIP.—The Under Secretary of Defense for Policy (or his designee) shall chair the Board.

(c) DUTIES.—The duties of the Board are as follows:

(1) Provide strategic direction for efforts of the Department of Defense related to strategic communication and military support to public diplomacy.

(2) Establish Department of Defense priorities in these areas.

(3) Evaluate and select proposals for efforts that support the Department of Defense strategic communication mission.

(4) Such other duties as the Secretary may assign.

SEC. 1032. EXTENSION OF CERTAIN DATES FOR CONGRESSIONAL COMMISSION ON THE STRATEGIC POSTURE OF THE UNITED STATES.

(a) EXTENSION OF DATES.—Section 1062 of the National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–136) is amended by

(1) in subsection (e) by striking “December 1, 2008” and inserting “March 1, 2009”;

and

(2) in subsection (g) by striking “June 1, 2009” and inserting “September 30, 2009”.

(b) INTERIM REPORT.—Not later than December 1, 2008, the Congressional Commission on the Strategic Posture of the United States shall submit to the President, the Secretary of Defense, the Secretary of Energy, the Secretary of State, the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives an interim report on the commission’s initial findings, conclusions, and recommendations. To the extent practicable, the congressional report shall be required to be included in the report under subsection (e) of such section 1062.

SEC. 1033. EXTENSION OF COMMISSION TO ADDRESS THE THREAT TO THE UNITED STATES FROM ELECTROMAGNETIC PULSE (EMP) ATTACK.

(a) EXTENSION.—Section 1403 of that Act (114 Stat. 1644–346; 50 U.S.C. 2301 note), as amended by section 1052(2) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3434), is amended by adding at the end the following:

“(c) ANNUAL REPORT.—The Commission shall, not later than March 1 of each year beginning in 2010 and ending in 2012, submit to Congress a report—

(1) assessing the changes to the vulnerability of United States military systems and critical civil infrastructure from the EMP threat and changes in the threat;

(2) describing the progress, or lack of progress, in protecting United States military systems and critical civilian infrastructures from EMP attack; and

(3) containing recommendations to address the threat and protect United States military systems and critical civilian infrastructures from attack.”.

(b) FUNDING.—Section 1408 of that Act (114 Stat. 1644–346; 50 U.S.C. 2301 note), as amended by section 1052(1) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3434), is amended by adding at the end the following:

“(A) The Department of State.
(B) The Department of Justice.
(C) The Department of Commerce.
(D) The United States Agency for International Development.
(E) The Office of the Director of National Intelligence.
(F) The National Security Council.
(G) The Broadcasting Board of Governors.

(2) LEADERSHIP.—The Under Secretary of Defense for Policy (or his designee) shall chair the Board.

(c) DUTIES.—The duties of the Board are as follows:

(1) Provide strategic direction for efforts of the Department of Defense related to strategic communication and military support to public diplomacy.

(2) Establish Department of Defense priorities in these areas.

(3) Evaluate and select proposals for efforts that support the Department of Defense strategic communication mission.

(4) Such other duties as the Secretary may assign.

SEC. 1034. EXTENSION OF CERTAIN DATES FOR CONGRESSIONAL COMMISSION ON THE STRATEGIC POSTURE OF THE UNITED STATES.
SECTION 1041. ACQUISITION CONTROL AND PREVENTION.

(a) REPORT REQUIRED.—The Secretary of Defense, acting through the Director of Cost Assessment and Program Evaluation, shall prepare and submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on corrosion control and prevention in Department of Defense programs. This report shall address:

(b) MATTERS COVERED.—The report shall include the comments and recommendations of the Department of Defense regarding potential improvements in corrosion control and prevention through earlier planning. In particular, the report shall include an evaluation and business case analyses of options for preventing or controlling corrosion. The report shall include an evaluation of the impact of such potential improvements on system acquisition costs and life cycle sustainability. The options for improved corrosion control and prevention shall include corrosion control and prevention—

(1) as a key performance parameter for assessing the selection of materials and processes;

(2) as a key performance parameter for sustainment;

(3) as part of the capability development document in the joint capabilities integration and development system; and

(4) as a requirement for weapons systems managers to assess their corrosion control and prevention requirements over a system’s life cycle and incorporate the results into their acquisition strategies prior to issuing a solicitation for contracts.

(d) REVIEW BY CMC.—The report shall be submitted not later than February 1, 2009.

(h) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the results of the study conducted under subsection (a). The Secretary and the Chairman of the Joint Chiefs of Staff shall include an evaluation and business case analyses of options for preventing or controlling corrosion in Department of Defense programs. The Secretary shall submit the report to the congressional defense committees no later than 90 days after the Secretary receives the report.

(a) STUDIES REQUIRED.—

(1) FFRDC.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with an independent federally funded research and development center (FFRDC) to carry out a comprehensive study on rotorcraft survivability.

(b) JOINT CHIEFS OF STAFF.—Not later than 90 days after the date of the enactment of this Act, the Secretary and the Chairman shall submit to the congressional defense committees a report on the results of the study conducted under subsection (a). The report shall include an evaluation and business case analyses of options for preventing or controlling corrosion in Department of Defense programs. The report shall be submitted no later than 90 days after the Secretary receives the report.

SECTION 1044. STUDIES TO ANALYZE ALTERNATIVE MODELS FOR ACQUISITION AND FUNDING OF INTER-CONNECTED CYBERSECURITY SYSTEMS.

(a) STUDIES REQUIRED.—

(1) FFRDC.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of the Army shall enter into contracts with independent federally funded research and development centers (FFRDCs) to carry out studies on the role of investment in cybersecurity in the acquisition of Department of Defense systems. The Secretary of Defense and the Secretary of the Army shall enter into contracts with independent federally funded research and development centers (FFRDCs) to carry out studies on the role of investment in cybersecurity in the acquisition of Department of Defense systems.
SEC. 1045. REPORT ON NONSTRATEGIC NUCLEAR WEAPONS.

(a) FINDINGS.—Congress finds that—

(1) numerous nonstrategic nuclear weapons are held in the arsenals of various countries around the world and that their prevalence and portability make them attractive targets for theft and for use by terrorist organizations;

(2) the United States should identify, track, and monitor these weapons as a matter of national security;

(3) the United States should reevaluate the roles and missions of nonstrategic nuclear weapons within the United States nuclear posture;

(4) the United States should assess the security risks associated with existing stockpiles of nonstrategic nuclear weapons and should address the risks to nonstrategic nuclear weapon systems, such as those used in battlefields, via improvements to their development, acquisition, and deployment systems; and

(5) other countries that possess, or is believed to possess, nonstrategic nuclear weapons, and an evaluation of nonstrategic nuclear weapons and other weapons of mass destruction by state or non-state actors;

(6) an analysis of the reliance placed on nonstrategic nuclear weapons and other weapons of mass destruction by state or non-state actors; and

(b) REVIEW.—Not later than September 30, 2008, the Secretary of Defense shall submit to the congressional defense committees a report on the results of the studies required by subsection (a). The report shall include the findings and recommendations of the studies and any observations and comments that the Secretary considers appropriate.

SEC. 1046. STUDY ON NATIONAL DEFENSE IMPLICATIONS OF SECTION 1083.


TITLE VI. SENSE OF CONGRESS HONORING THE HONORABLE DUNCAN HUNTER.

(a) FINDINGS.—Congress makes the following findings:

(1) Representative Duncan Hunter was elected to serve northern and eastern San Diego in 1980 and served in the House of Representatives until the end of the 110th Congress in 2009, representing the people of California’s 52nd Congressional District.

(2) Previous to his service in Congress, Representative Hunter served in the Army’s 173rd Airborne and 75th Ranger Regiment from 1969 to 1970.

(3) Representative Hunter was awarded the Bronze Star, Air Medal, National Defense Service Medal, and Vietnam Service Medal for his heroic acts during the Vietnam Conflict.

(b) SENSE OF CONGRESS.—Congress makes the following sense of Congress:

(1) The Congress makes the following sense of Congress:

(b) sense of Congress.—It is the sense of Congress that the Honorable Duncan Hunter, Representative from California, has discharged his duties while in the House of Representatives, and has served the House of Representatives and the American people selflessly, and deserves the sincere and humble gratitude of Congress and the Nation.

SEC. 1052. SENSE OF CONGRESS IN HONOR OF THE HONORABLE JIM SAXTON, A CONGRESSMAN OF THE HOUSE OF REPRESENTATIVES.

(a) FINDINGS.—Congress makes the following findings:

(1) Representative Hugh James “Jim” Saxton was elected in November 1984 to fill the unexpired term of Congressman Edwin B. Forsythe in the 99th Congress, and served in the House of Representatives through 2008.

(2) Representative Saxton is a senior member of the Committee on Armed Services, having

such technologies into the acquisition programs of the military departments;

(B) a model under which an executive agent is established that would manage and oversee the acquisition and development of technologies for network-centric operations, but would not have exclusive ownership or control of funding for such programs;

(C) a model under which the current approach to the funding in the United States nuclear posture; and

(D) any other models that the entity carrying out the studies considers relevant and deserving of consideration.

(4) An analysis of each of the alternative models under paragraph (3) with respect to potential gains in—

(A) information sharing (collecting, processing, disseminating);

(B) network-centricity;

(C) common communications;

(D) interoperability;

(E) mission impact and success; and

(F) cost effectiveness.

(5) An evaluation of each of the alternative models under paragraph (3) with respect to feasibility, including identification of legal, policy, or regulatory barriers that would impede implementation.

(c) REPORT.—Not later than September 30, 2008, the Secretary of Defense shall submit to the congressional defense committees a report on the results of the studies required by subsection (a). The report shall include the findings and recommendations of the studies and any observations and comments that the Secretary considers appropriate.

(d) NETWORK-CENTRIC OPERATIONS DEFINED.—In this section, the term ‘‘network-centric operations’’ refers to the ability to exploit all human and technical elements of the Joint Force and mission partners through the full integration and sharing of information, awareness, knowledge, experience, and decision-making, enabled by secure access and distribution, all to achieve agility and effectiveness in a dispersed, decentralized, dynamic, or uncertain operational environment.

SEC. 1045. REPORT ON NONSTRATEGIC NUCLEAR WEAPONS.

(a) FINDINGS.—Congress finds that—

(1) numerous nonstrategic nuclear weapons are held in the arsenals of various countries around the world and that their prevalence and portability make them attractive targets for theft and for use by terrorist organizations;

(2) the United States should identify, track, and monitor these weapons as a matter of national security;

(3) the United States should reevaluate the roles and missions of nonstrategic nuclear weapons within the United States nuclear posture;

(4) the United States should assess the security risks associated with existing stockpiles of nonstrategic nuclear weapons and should address the risks to nonstrategic nuclear weapon systems, such as those used in battlefields, via improvements to their development, acquisition, and deployment systems; and

(5) other countries that possess, or is believed to possess, nonstrategic nuclear weapons, and an evaluation of nonstrategic nuclear weapons and other weapons of mass destruction by state or non-state actors;

(6) an analysis of the reliance placed on nonstrategic nuclear weapons and other weapons of mass destruction by state or non-state actors; and

(b) REVIEW.—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 findings and recommendations of the review required under subsection (b).

(c) CLASSIFICATION OF REPORT.—The report required under paragraph (1) shall be submitted in unclassified form, but it may be accompanied by a classified annex.

(d) DEFINITIONS.—For purposes of this section, the term ‘‘nonstrategic nuclear weapon’’ means a nuclear weapon employed by land, sea, or air (including, without limitation, by short, medium and intermediate range ballistic missiles, air and sea launched cruise missiles, gravity bombs, torpedoes, land mines, sea mines, artillery shells, and personnel carried devices) against opposing forces or forces and capabilities in support of operations that contribute to the accomplishment of a military mission of limited scope.

SEC. 1046. STUDY ON NATIONAL DEFENSE IMPLICATIONS OF SECTION 1083.


SEC. 1047. REPORT ON METHODS OF DEPLOYMENT OF U.S. PLANTS TO ENSURE COMPLIANCE WITH GUAM TAX AND LICENSING LAWS.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of the Navy and the Joint Guam Program Office, shall submit to the congressional defense committees a report on the steps that the Department is taking to ensure that all contractors of the Department performing work on Guam comply with local tax and licensing requirements.

The report shall—

(1) include what language will be utilized in contract documents requiring compliance with local tax and licensing laws;

(2) identify the authorities the Department will use to comply with such local laws; and

(3) include the steps being taken by the Department to partner with the Government of Guam, the Guam Department of Revenue and Taxation, to ensure that there is transparency and a coordination of effort to ensure that the local government has visibility of contractors performing work on Guam.

Title VI. Sense of Congress Honoring the Honorable Jim Saxton, a Congressman of the House of Representatives

(a) FINDINGS.—Congress makes the following findings:

(1) Representative Hugh James “Jim” Saxton was elected in November 1984 to fill the unexpired term of Congressman Edwin B. Forsythe in the 99th Congress, and served in the House of Representatives through 2008.

(2) Representative Saxton is a senior member of the Committee on Armed Services,
served on the committee since 1989, and is today the ranking Member of its Air and Land Forces Subcommittee in the 110th Congress, 2007–2008. 

(3) Representative Saxton is one of the few Members ever to have been elected as a United States Marshal and as a member of the Navy Reserve. 

(4) Representative Saxton served as Chairman of the Military Installations and Facilities Subcommittee from 2001 to 2002, and Chairman of the Terrorism and Unconventional Threats and Capabilities Subcommittee from 2003 to 2006. 

(5) Representative Saxton has served soldiers, sailors, airmen, and Department of Defense civilians and military families in New Jersey, the United States, and around the world, on issues of fair pay, housing modernization, benefits, health care, force protection, and other issues. 

(6) Representative Saxton worked diligently and successfully to save all three military bases in southern New Jersey—Fort Dix, McGuire Air Force Base, and Lakehurst Naval Air Engineering Station. 

(7) Representative Saxton secured the future of the three bases by having the foresight to encourage them to participate in multiple inter-service joint exercises for more than 10 years prior to the 2005 base realignment and closure (BRAC) action that directed that they become a single, joint installation, the Nation’s only Joint Reserve Base, to be stood-up in 2009 as Joint Base McGuire-Dix-Lakehurst. 

(8) Representative Saxton has helped modernize Fort Dix, McGuire Air Force Base, and Lakehurst by working with Secretary and Chiefs of the Army, Navy, Marine, and Air Force, and other officials, and in particular the Army Reserve, Army National Guard, National Guard Bureau, Air National Guard, Air Mobility Command, and Air Force Reserve, to enhance the three bases’ national security missions and bring $1,800,000,000 in infrastructure dollars here. 

(9) Representative Saxton saved the 1,400-member 108th New Jersey Air National Guard Air Refueling Wing from dismantlement in 2005 by directing that newer KC-135R Stratotanker aircraft be sent to replace retiring KC-135 E model aircraft. 

(10) Representative Saxton saved the cargo airlift mission of McGuire Air Force Base by bringing a squadron of C-17 Globemasters to McGuire after the mandatory retirement of all of the C-17s from the Air Force Reserve to work with many other C-17s for other bases across the country to perform the Nation’s airlift missions. 

(11) Representative Saxton took the leadership role in bringing the mothballed battleship USS New Jersey home to the Delaware River from where it was launched in 1943, so it could become a naval museum and monument to the 20th Century conflicts in which the dreadnought served. 

(12) Representative Saxton, a long time advocate of anti-terrorism efforts, served as the Chairman of the House Task Force on Terrorism and Unconventional Warfare from 1996 to 2003. 

(13) Representative Saxton in 1998 helped create and later expand the Weapons of Mass Destruction Civil Support Teams (WMD-CST) program in the National Guard, ultimately leading to a WMD-CST in each State and territory to respond to domestic terrorism. 

(14) Representative Saxton was appointed by the Speaker of the House of Representatives in March 2000 to be chairman of the Committee on Armed Services’ newly formed Special Oversight Panel on Terrorism, due to long advocacy of anti-terrorism preparedness. 

(15) Representative Davis is a long-time supporter of the warriors of the Special Operations Command (SOCOM), both before and after the attacks of September 11, 2001, and has met with special operators in Washington, DC at SOCOM bases in the United States, and in the—

(16) Representative Saxton worked for over a decade to create the first terrorism subcommittee on the Committee on Armed Services, becoming its first chairman when the Subcommittee on Terrorism, Unconventional Threats and Capabilities organized in 2003 with oversight of United States elite forces, including Army Rangers, Green Berets, Navy SEALs, and Marine Special Forces. 

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Honorable Jim Saxton, Representative from New Jersey, has discharged his official duties with integrity and distinction, has served the House of Representatives and the American people selflessly, and deserves the sincere and humble gratitude of Congress and the Nation. 

SEC. 1053. SENSE OF CONGRESS HONORING THE HONORABLE TERRY EVERETT. 

(a) FINDINGS.—Congress makes the following findings: 

(1) Representative Terry Everett was elected to represent Alabama’s 2d Congressional district in 1992 and served in the House of Representatives until the end of the 110th Congress in 2008 with distinction, class, integrity, and honor. 

(2) Representative Everett served on the Committee on Armed Services of the House of Representatives for fifteen years as Chairman of the Subcommittee on Strategic Forces from 2002 through 2006 and, from 2006 through 2008, as Ranking Member of the Subcommittee on Strategic Forces. 

(3) Representative Everett’s colleagues knew him to be a fair and effective lawmaker who worked for the national interest while always serving Southeastern Alabama. 

(4) Representative Everett’s efforts on the Committee on Armed Services have been instrumental to the military value of, and quality of life at, military installations in Southeastern Alabama, including Maxwell-Gunter Air Force Base in Montgomery, home of Air University, and Fort Rucker in the Wiregrass area, home of the Army’s Aviation Warfighting Center. 

(5) Representative Everett has been a leader in efforts to develop and deploy robust and effective space and intelligence capabilities and missile defense systems to enhance the capabilities of the Armed Forces and protect the American people, the United States and its deployed troops, and allies of the United States. 

(6) Representative Everett has been a leader on issues relating to national security space activities and missile defense space activities. 

(b) SENSE OF CONGRESS.—It is the Sense of Congress that the Honorable Terry Everett, Representative from Alabama, has served the House of Representatives and the American people selflessly, and deserves the sincere and humble gratitude of Congress and the Nation.

SEC. 1054. SENSE OF CONGRESS HONORING THE HONORABLE JO ANN DAVIS. 

(a) FINDINGS.—Congress makes the following findings: 

(1) Representative Jo Ann Davis was elected to the House of Representatives in November 2000 following the late Congressman Herbert H. Bateman. 

(2) Representative Davis was the second woman elected to Congress in the Commonwealth of Virginia, and the first Republican woman of the Subcommittee on Intelligence Policy. 

(3) Representative Davis, a strong proponent of Naval Force Structure, helped secure congressional approval for the Nimitz-class aircraft carrier, CVN-21, during her tenure. 

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Honorable Jo Ann Davis, a Virginia woman of the Subcommittee on Intelligence Policy, and the American people selflessly, and deserves the sincere and humble gratitude of Congress and the Nation. 

Subtitle G—Other Matters 

SEC. 1061. AMENDMENT TO ANNUAL SUBMISSION OF INFORMATION REGARDING INFRASTRUCTURE TECHNOLOGY CAPITAL ASSETS. 

Section 331(a)(2) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–114; 116 Stat. 2516) is amended to read as follows: 

(2) Information technology capital assets that— 

(A) have an estimated total cost for the fiscal year for which the budget is submitted in excess of $30,000,000; 

(B) have been determined by the Chief Information Officer of the Department of Defense and the Director of the Office of Management and Budget to be significant investments; and 

(C) have an estimated life at, military installations in Southeastern Alabama, including Maxwell-Gunter Air Force Base in Montgomery, home of Air University, and Fort Rucker in the Wiregrass area, home of the Army’s Aviation Warfighting Center. 

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Honorable Jo Ann Davis, a Virginia woman of the Subcommittee on Intelligence Policy, has served the House of Representatives and the American people selflessly, and deserves the sincere and humble gratitude of Congress and the Nation. 

SEC. 1062. RESTRICTION ON DEPARTMENT OF DEFENSE REALLOCATION OF MISSIONS OR FUNCTIONS FROM CHEYENNE MOUNTAIN AIR FORCE STATION. 

The Secretary of Defense may not relocate, make preparations for relocation, or undertake the relocation of any mission or function from Cheyenne Mountain Air Force Station until 30 days after the date on which the Secretary of Defense submits to the congressional defense committees certification in writing that the Secretary intends to relocate the mission or function. Such certification shall be comprised of a report, which shall include— 

(1) a description of the mission or function to be relocated; 

(2) the validated requirements for relocation of the mission or function, and the benefits of such relocation; 

(3) the estimate of the total costs associated with such relocation; 

(4) the results of independent vulnerability, security, and risk assessments of the relocation of the mission or function; and 

(5) the Secretary’s implementation plan for mitigating any security or vulnerability risk identified through an independent assessment referred to in paragraph (4), including the cost, schedule, and personnel estimates associated with such plan. 

SEC. 1063. TECHNICAL AND CLERICAL AMENDMENTS. 

(a) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows: 

(1) The table of sections at the beginning of Title 10, United States Code, is amended as follows: 

(2) The table of sections at the beginning of Title 10, United States Code, is amended as follows: 

(3) The table of sections at the beginning of Title 10, United States Code, is amended as follows: 

(4) The table of sections at the beginning of Title 10, United States Code, is amended as follows: 

(5) The table of sections at the beginning of Title 10, United States Code, is amended as follows:
(B) in subsection (f), by striking "title 10, United States Code" and inserting "this title".

(6) The table of chapters at the beginning of subtitle C of such title, and the table of chapters at the beginning of part IV of such subtitle, are each amended by striking the item relating to chapter 667 and inserting the following new item:

"667. Issue of Serviceable Material Other Than to Armed Forces ........ 7911".

(b) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008.—Effective as of January 28, 2008, and as if included therein as enacted, the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) is amended as follows:

(1) Section 371(c) is amended by striking ""open source strategies"" and inserting ""operational systems"".

(2) Section 585(b)(3)(C) (122 Stat. 132) is amended by inserting ""both places it appears"" before the period at the end.

(3) Section 703(b) is amended by striking ""as amended by"" and inserting ""as inserted by"".

(4) Section 865(a) is amended by striking ""Act"" and inserting ""Act."".

(5) Section 883(b) is amended by striking ""section 832(c)(1) of such Act, as redesignated by subsection (a), is amended by"" and inserting ""section 832(c)(1) of such Act, as redesignated by subsection (a), is amended by"".

(6) Section 890(d)(2) is amended by striking ""sections"" and inserting ""parts"".

(b) Section 894(a)(4) is amended by striking ""131(b)(1) and 131(b)(2)"".

(c) Section 954(a)(3)(B) (122 Stat. 294) is amended by inserting "", as redesignated by section 524(a)(1)(A),"" after ""of such title"".

(d) Section 954(b)(2) (122 Stat. 294) is amended—

(A) by striking ""2114(e)"" of such title and inserting ""2114(b)""; and

(B) by inserting the period at the end.

(7) Section 1063(d)(1) (122 Stat. 332) is amended by striking ""sensical"" and inserting ""comma"".

(11) Section 1229(i)(3) (122 Stat. 383) is amended by striking ""publicly"" and inserting ""publicly"".

(12) Section 1422(e)(2) (122 Stat. 422) is amended by striking ""subsection (c) and inserting ""subsection (c)"".

(a) Section 1617(b) (122 Stat. 449) is amended by striking ""(c) TITLE 31, UNITED STATES CODE.

(b) Section 2106 (122 Stat. 508) is amended by striking ""(c) The Secretary of Defense may transfer personal property under this section only if the property is excess to the needs of the Department of Defense, pursuant to an agreement by the Secretary with another Federal agency."" and inserting ""(c) The property is drawn from existing stocks of the Department of Defense."".

(2) The recipient force established under subsection (c) acquires the property on an as-is, where-is basis.

(b) TRANSFER OF EXCESS EQUIPMENT.—(1) The Secretary of Defense may transfer to a State or a force established under subsection (c) any personal property of the Department of Defense for the procurement of defense equipment, and

(D) all costs incurred subsequent to the transfer of the property are borne or reimbursed by the recipient.

(3) Subject to paragraph (2)(D), the Secretary may transfer personal property under this section without charge to the recipient force established under subsection (c).

(b) FEDERAL/STATE TRAINING COORDINATION.—(1) Participation by a force established under subsection (c) in a training program of the Department of Defense is at the discretion of the State. (2) Nothing in this section may be construed as requiring the Department of Defense to provide any training program to any such force.

(3) Any such training program shall be conducted in accordance with an agreement between—

(A) The Secretary of Defense; and

(B) The Secretary of the State or States of the recipient force established under subsection (c) if so authorized by State law.

(4) Any direct costs to the Department of Defense of providing training assistance to a force established under subsection (c) shall be reimbursted by the State. Any agreement under

(3) between the Department of Defense

SEC. 1064. SUBMISSION TO CONGRESS OF REVISION TO REGULATION ON ENEMY PRISONERS OF WAR, RETAINED PERSONNEL, CIVILIAN INTERNEES, AND OTHER DETAINees.

(a) SUBMISSION TO CONGRESS.—No activity relating to a successor regulation to Army Regulation 190–8 Enemy Prisoners of War, Retained Personnel, Civilian Internees and Other Detainees be carried out until the date that is 60 days after the date on which the Secretary of Defense submits to the Committees on Armed Services of the Senate and House of Representatives such successor regulation.

(b) SAVINGS CLAUSE.—Nothing in this section shall affect the continued effectiveness of Army Regulation 190–8 Enemy Prisoners of War, Retained Personnel, Civilian Internees and Other Detainees (dated October 1, 1997).


(a) AUTHORIZATION OF APPROPRIATIONS.—Subject to subsection (b), the Secretary of Defense may authorize payments to Portuguese nationals employed by the Department of Defense in Portugal, for the fiscal years 2006 through 2010.

(b) LIMITATION.—The authority provided in subsection (a) may be exercised only if—


(c) USE OF DEPARTMENT OF DEFENSE PROPERTY AND EQUIPMENT.—The Secretary of Defense may authorize qualified personnel of a force established under subsection (c) to use and operate property, arms, equipment, and facilities of the Department of Defense as needed in the course of training activities and State active duty training.

(d) TRANSFER OF EXCESS EQUIPMENT.—(1) The Secretary of Defense may transfer to a State or a force established under subsection (c) any personal property of the Department of Defense for the procurement of defense equipment, and

(E) all costs incurred subsequent to the transfer of the property are borne or reimbursed by the recipient.

(2) The Secretary of Defense may transfer personal property under this section without charge to the recipient force established under subsection (c).

(F) The property is drawn from existing stocks of the Department of Defense.

(3) The property is acquired by the recipient force established under subsection (c) on an as-is, where-is basis.

(G) The Secretary may transfer personal property under this section without charge to the recipient force established under subsection (c).

(4) Any direct costs to the Department of Defense of providing training assistance to a force established under subsection (c) shall be reimbursed by the State. Any agreement under

(3) between the Department of Defense

SEC. 1066. STATE DEFENSE FORCE IMPROVEMENT.
and a State or a force established under subsection (c) for such training assistance shall be provided for at a rate of not less than $5,000,000 per such training assistance.

SEC. 1067. BANNEGAT INLET TO LITTLE EGG INLET, NEW JERSEY.

(a) PROJECT MODIFICATION.—The project for hurricane and storm damage reduction, Barnegat Inlet to Little Egg Inlet, New Jersey, authorized by section 110 of the Water Resources Development Act of 2000 (114 Stat. 2576), is modified to authorize the Secretary of the Army to undertake, at Federal expense, such improvements as the Secretary of the Army determines to be necessary and appropriate in the public interest to accommodate the needs of the region through the development of additional recreational facilities.

(b) TREATMENT OF COSTS.—Costs incurred in carrying out subsection (a) shall not be considered to be a cost of constructing the project.

(c) CREDITS.—The Secretary shall, in accordance with section 211 of the Flood Control Act of 1970 (42 U.S.C. 1662d-5b), obtain credits for the non-Federal share of the cost of the project to the extent that the credits are needed by the non-Federal entity with respect to the removal and disposal of the anticipated construction and improvements referred to in subsection (a).

SEC. 1068. SENSE OF CONGRESS REGARDING THE ROLES AND MISSIONS OF THE DEPARTMENT OF DEFENSE AND OTHER NATIONAL SECURITY INSTITUTIONS.

It is the sense of Congress—

(1) To ensure the necessary operations of the United States, all of the national security organizations of the Federal Government must work together more effectively.

(2) The conflicts in Iraq and Afghanistan have demonstrated a need to expand the definition of national security regions to include all departments and agencies that contribute to the relations of the United States with the world.

(3) The largest national security organization, the Department of Defense must effectively collaborate in both a supported and supporting role with other departments and agencies.

(b) LIMITATIONS.—Waiver authority under this section shall be available only with respect to Federal funds to address the readiness shortfalls in the Armed Forces of the United States, thus increasing risk to the national security of the United States. Congress has provided the money necessary to provide, funds to address the readiness shortfalls in the Armed Forces of the United States.

(b) LIMITATIONS.—Waiver authority under this section shall be available only with respect to Federal funds to address the readiness shortfalls in the Armed Forces of the United States, thus increasing risk to the national security of the United States. Congress has provided the money necessary to provide, funds to address the readiness shortfalls in the Armed Forces of the United States.

SEC. 1070. SENSE OF CONGRESS REGARDING DEFENSE REQUIREMENTS OF THE UNITED STATES.

It is the sense of Congress that the defense requires of the United States should be based upon a comprehensive national security strategy and fully funded to counter present and emerging threats.

TITLE XI—CIVILIAN PERSONNEL MATTERS

SEC. 1101. TEMPORARY AUTHORITY TO WAIVE LIMITATION ON PREMIUM PAY FOR FEDERAL EMPLOYEES.

(a) EXPEDITED HIRING AUTHORITY.—Section 510 of title 10, United States Code, is amended by striking “October 31, 2010” and inserting “October 1, 2010”.

(b) LIMITATIONS.—Waiver authority under this section shall be available only with respect to temporary premium for service performed in 2009, and only to the extent that its exercise would not cause an employee’s total basic pay and premium pay for 2009 to exceed $220,100.

(c) ADDITIONAL PAY NOT CONSIDERED BASIC PAY.—Any amount of premium pay that would otherwise be payable under this section shall not be considered to be basic pay for any purpose and shall not be used in computing a lump-sum payment for accumulated and accrued unannuitized under section 5551 of title 5, United States Code.

(d) REGULATIONS.—The Director of the Office of Personnel Management may prescribe any regulations, which may ensure consistency among heads of agencies in the application of this section.

(e) DEFINITIONS.—For purposes of this section—

(1) the term ‘agency’ and ‘employee’ have the respective meanings given such terms by section 5541 of title 5, United States Code;

(2) the term ‘premium pay’ refers to any premium pay described in section 5545(a) of such title 5; and

(3) the term ‘contingency operation’ has the meaning given such term by section 101(a)(13) of title 10, United States Code.

SEC. 1102. EXTENSION OF AUTHORITY TO MAKE LUMP-SUM PAYMENTS.

Section 5515(i)(4) of title 5, United States Code, is amended by striking “October 1, 2010” and inserting “September 30, 2014”.

SEC. 1103. EXTENSION OF AUTHORITY TO WAIVE LIMITATION IN FORCE AUTHORITY OF DEPARTMENT OF DEFENSE.

Section 3090(j)(5) of title 5, United States Code, is amended by striking “September 30, 2010” and inserting “September 30, 2014”.

SEC. 1104. TECHNICAL AMENDMENT TO DEFINITION OF PROFESSIONAL ACCOUNTING POSITION.

Section 1599(a) of title 10, United States Code, is amended by striking “GS-510, GS-511, and GS-515” and inserting “0500, 0510, or 0511 (or an equivalent)”. 

SEC. 1105. EXPEDITED HIRING AUTHORITY FOR HEALTH CARE PROFESSIONALS.

(a) EXPEDITED HIRING AUTHORITY.—Section 1509c(c) of title 10, United States Code, is amended—

(1) by inserting “(1)” before “The Secretary of Defense may”; and

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

“(A) For purposes of sections 3304, 5333, and 5333 of title 5, the Secretary of Defense may—

(i) designate any category of medical or health professional positions within the Department of Defense as shortage category positions; and

(ii) utilize the authorities in such sections to recruit and appoint highly qualified persons directly to positions so designated.

(B) In using the authority provided by this paragraph, the Secretary shall apply the principles of preference for the hiring of veterans described in section 505 of title 5, United States Code, as established in subsection 1 chapter 33 of title 5.”.

(b) TERMINATION OF AUTHORITY.—Section 1509c(c) of such title is amended—

(1) by striking “(1)” before “The authority of”;

(2) by striking “September 30, 2010” and inserting “September 30, 2012”;

and

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

“(2) The Secretary may not appoint a person to a position of Employment under subsection (a)(2) after September 30, 2012.”.

SEC. 1106. AUTHORITY TO ADJUST CERTAIN LIMITATIONS ON PERSONNEL AND REIMBURSEMENTS.

(a) AUTHORITY TO ADJUST LIMITATIONS ON O

H4712 CONGRESSIONAL RECORD—HOUSE May 22, 2008
(1) Section 143 of title 10, United States Code, is amended—
(A) in subsection (a), by striking “The number” and inserting “Subject to subsection (b), the number”;
(B) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;
(C) by inserting after subsection (a) the following:
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SEC. 1108. REQUIREMENT RELATING TO FURLOUGHS DURING THE TIME OF A CONTINGENCY OPERATIONS.

(a) In General.—Subtitle I of chapter 35 of title 5, United States Code, is amended by adding at the end the following new section: 

"§3505. Furloughs within Department of Defense

(f) For purposes of this section—

(1) the term ‘furlough’ means the placing of an employee in a temporary status without duties and pay because of a lack of funds; and

(2) the term ‘contingency operation’ has the meaning given such term by section 101(a)(13) of title 10; and

(g) The Secretary of Defense may not issue notice of a furlough described in paragraph (2) until the Secretary has certified to the defense committees that the Secretary has no other legal measures to avoid such furloughs.

(b) CLERICAL AMENDMENT.—The analysis for chapter 35 of title 5, United States Code, is amended by striking the item relating to section 3504 and inserting the following:

"§3504. Furloughs within Department of Defense"

SEC. 1109. DIRECT HIRE AUTHORITY FOR CERTAIN POSITIONS AT PERSONNEL DEMONSTRATION LABORATORIES.

(a) AUTHORITY.—The Secretary of Defense may make appointments to positions described in subsection (b) without regard to the provisions of subchapter II of chapter 33 of title 5, United States Code, other than sections 3303 and 3328 of such title.

(b) POSITIONS DESCRIBED.—This section applies with respect to a scientific or engineer employee in a temporary status without duties and pay because of a lack of funds who, in the opinion of the Secretary of Defense, is needed to run the laboratory and commence during the time of a contingency operation.

SEC. 1120. MODIFICATION AND EXTENSION OF AUTHORITY TO BUILD THE CAPACITY OF THE PAKISTAN FRONTIER CORPS.


(b) FUNDING LIMITATION.—Subsection (c)(1) of such section is amended by striking “for fiscal year 2008 to provide the assistance under subsection (a)” and inserting “for a fiscal year specified in subsection (a) to provide the assistance under such subsection for such fiscal year”.

SEC. 1206. MODIFICATION AND EXTENSION OF AUTHORITY TO BUILD THE CAPACITY OF FOREIGN MILITARY FORCES.

(a) LIMITATIONS.—Subsection (c)(1) of section 1207 of the National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–193; 119 Stat. 3456), as amended by section 1206 of Public Law 110–85 (120 Stat. 2419), is further amended by adding at the end the following new sentence: “Amounts available under the authority of subsection (a) for fiscal year 2009 or any subsequent fiscal year may be used for programs that begin in such fiscal year but end in the next fiscal year.”

(b) TWO-YEAR EXTENSION OF PROGRAM AUTHORITY.—Subsection (g) of such section is amended—

(1) in the first sentence, by striking “2008” and inserting “2010”;

(2) in the second sentence, by striking “2008, 2009,” and inserting “2009, and 2010”; and

(c) INTEGRATION.—Subsection (i) of such section, as redesignated by subsection (a)(1) of this section, is amended by striking “2010” and inserting “2012”.

SEC. 1207. EXTENSION OF AUTHORITY TO SECURE AND STABILIZATION ASSISTANCE.

Section 1207(g) of the National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–85) is further amended by striking “2008” and inserting “2010”.
SEC. 1299. REGIONAL DEFENSE COMBATING TERRORISM FELLOWSHIP PROGRAM. 

Section 2249(b) of title 10, United States Code, is amended in the first sentence by striking `$25,000,000' and inserting `$35,000,000'.

Subtitle B—Matters Relating to Iraq and Afghanistan

SEC. 1211. LIMITATION ON AVAILABILITY OF FUNDS FOR CERTAIN PURPOSES RELATED TO IRAQ AND AFGHANISTAN.

(a) LIMITATION.—No funds appropriated pursuant to an authorization of appropriations in this Act or any other Act for any fiscal year may be obligated or expended for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

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

(b) DEFINITION.—In this section, the term "permanent stationing of United States Armed Forces in Iraq" means the stationing of United States Armed Forces in Iraq on a continuing or lasting basis, as distinguished from temporary, although the basis may be permanent even though it may be dissolved eventually at the request of the United States or of the Government of Iraq.

(c) NOTIFICATION.—Upon using the authority provided in subsection (a) to make funds available for support of an approved military operation, the Secretary of Defense shall notify the congressional defense committees of such use, and in any event within 48 hours, of the use of such authority with respect to that operation.

(d) USE.—Such a notification need be provided only once with respect to any such operation. Any such notification shall be in writing.

SEC. 1212. REPORT ON STATUS OF FORCES AGREEMENTS BETWEEN THE UNITED STATES AND IRAQ.

(a) REQUIREMENT FOR REPORT.—

(1) IN GENERAL.—(A) 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 on each agreement between the United States and Iraq relating to

(i) the legal status of United States military personnel, civilian personnel, and contractor personnel of contracts awarded by any department or agency of the United States Government;

(ii) the establishment of or access to military bases;

(iii) the rules of engagement under which United States Armed Forces operate in Iraq; and

(iv) any security commitment, arrangement, or assurance that obligates the United States to respond to internal or external threats against Iraq.

(B) If, on the date that is 90 days after the date of the enactment of this Act, no agreement between the United States and Iraq described in subparagraph (A) has been completed, and shall transmit to the appropriate congressional committees a report required under subparagraph (A) as soon as practicable after such an agreement or agreements are completed.

(b) UPDATE OF REPORT.—The President shall transmit to the appropriate congressional committees an update of the report required under paragraph (1) whenever an agreement between the United States and Iraq described in subparagraph (A) is completed, and shall transmit to the appropriate congressional committees a report on the matters described in the report entered into or is substantially revised.

(c) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include, with respect to each agreement described in subsection (a), the following:

(1) A discussion of limits placed on United States Armed Forces in Iraq, including required coordination, if any, before such operations can be undertaken.

(2) An assessment of the extent to which conditions under which United States Armed Forces operated prior to the signing of the agreement, and any constraints described in subparagraph (A), are applicable to the performance of military, civilian, and contractor personnel of contracts awarded by any department or agency of the United States Government as a result of such conditions.

(3) A discussion of the conditions under which United States military personnel, civilian personnel, or contractor personnel of contracts awarded by any department or agency of the United States Government could be tried in an Iraqi court for alleged crimes occurring both during other operations in Iraq and during other such times. The discussion should include an assessment of the protections that such personnel would be afforded in an Iraqi court.

(4) An assessment of the protections accorded by the agreement to third country nationals who carry out work for the United States Armed Forces.

(5) An assessment of authorities under the agreement for United States Armed Forces and Coalition partners to apprehend, detain, and interrogate prisoners and otherwise collect intelligence.

(6) A description and discussion of any security commitment, arrangement, or assurance by the United States to respond to internal or external threats against Iraq, including the manner in which such commitment, arrangement, or assurance may be implemented.

(7) An assessment of any payments required under the agreement to be paid to the Government of Iraq or other Iraqi entities for rights, access, or support for bases, personnel, or facilities described in the agreement.

(8) An assessment of any payments required under the agreement for deaths and damages caused by United States military personnel, civilian personnel, or contractor personnel of contracts awarded by any department or agency of the United States Government.

(9) An assessment of any other provisions in the agreement that would restrict the performance of the United States military personnel, civilian personnel, or contractor personnel of contracts awarded by any department or agency of the United States Government.

(10) A discussion of how the agreement or modification to the agreement was approved by the Government of Iraq, and if this process was consistent with the Constitution of Iraq.

(11) A description of the arrangements required under the agreement to resolve disputes arising over matters contained in the agreement or to consider changes to the agreement.

(12) A statement as to which the agreement applies to other Coalition partners.

(13) A description of how the agreement can be terminated by the United States or Iraq.

(c) TERMINATION OF REQUIREMENT.—The requirement to submit the report and updates of the report under subsection (a) terminates on September 30, 2013.

SEC. 1213. AUTHORITY FOR UNITED STATES-LED PROVINCIAL RECONSTRUCTION TEAMS IN IRAQ.

(a) IN GENERAL.—The President shall establish a strategy to ensure that United States-led Provincial Reconstruction Teams (PRTs), including embedded PRTs and Provincial Support Teams, in Iraq are supporting the operational and strategic goals of Coalition Forces in Iraq; and

(b) REPORT.—
SEC. 1214. COMMANDERS

(a) AUTHORITY FOR FISCAL YEARS 2008 AND 2009.—Subsection (a) of section 1202 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 109–163; 119 Stat. 3465). as amended by section 1205 of the National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–181; 122 Stat. 366), is further amended in the matter preceding paragraph (1) by striking "$977,441,000" and inserting "$1,500,000,000 in fiscal year 2009,

(b) INCLUSION IN OTHER REPORT.—The report required under this subsection may be included in the report required by section 1217 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 386); and

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate.

SEC. 1215. PERFORMANCE MONITORING SYSTEM FOR UNITED STATES-LED PROVINCIAL RECONSTRUCTION TEAMS IN AFGHANISTAN

(a) IN GENERAL.—The President, acting through the Secretary of Defense and the Secretary of State, shall develop and implement a system to monitor and report on the implementation of the strategy required under subsection (a) —

(1) shall include PRT-specific work plans that incorporate the long-term strategy, mission, and clearly defined objectives required by section 1230(c)(3) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 386); and

(2) shall include comprehensive performance indicators and measures of progress toward sustainable, long-term security and stability in Afghanistan, and an assessment of performance standards and progress goals together with a national timetable for achieving such goals, consistent with the requirements of section 1230(d) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 386).

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report on the implementation of the performance monitoring system required under subsection (a).

(c) WAIVER.—The Secretary of Defense may waive the limitation under paragraph (1) if the Secretary of Defense—

(A) determines that such a waiver is required to meet urgent and compelling needs that would otherwise not be met and which, if unmet, could rationally be expected to lead to increased threats to United States military or civilian personnel; and

(B) submits in writing to the appropriate congressional committees a notification of the waiver, together with a discussion of—

(i) the unmet urgent and compelling needs and the impact on the threat level facing United States military or civilian personnel, if the waiver is not in the national interest, including the commander of NATO ISAF forces, to modify the chain of command structure for military forces operating in Afghanistan to better coordinate United States military operations and achieve unity of command whenever possible in Afghanistan.

(d) MATTERS TO BE INCLUDED.—The report required under paragraph (1) shall include the following:

(A) A detailed description of efforts by the Secretary of Defense, in coordination with senior leaders of the ISAF, including the commander of NATO ISAF forces, to modify the chain of command structure for military forces operating in Afghanistan to better coordinate United States military operations and achieve unity of command whenever possible in Afghanistan.

(B) A comprehensive assessment of options for improving the command and control structure and training of the ISAF for military forces operating in Afghanistan, including—

(i) the establishment by the Government of United States Central Command of a United States headquarters in Kabul, Afghanistan, led by a commander holding the grade of lieutenant general, or in the case of the Navy, vice admiral, and charged with—

(1) leading United States Armed Forces operating under Operation Enduring Freedom;

(2) leading United States forces under the Department of Defense-led initiatives; and

(III) closely coordinating efforts with NATO ISAF forces, the United States Embassy in Afghanistan, and other United States and international elements in Afghanistan; and

(ii) authorizing the highest-ranking United States commanders to authorize United States forces to have additional command authority over separate United States forces operating under Operation Enduring Freedom.

(e) An analysis of the success or failure of any United States or NATO ISAF plan or strategy for improving the command and control structure for military forces operating in Afghanistan.

(f) A description of how rules of engagement are determined and managed for United States forces operating under NATO ISAF or Operation Enduring Freedom, and a description of any key differences or rules of engagement for NATO ISAF forces and separate United States forces operating under Operation Enduring Freedom.

(g) An assessment of how possible modifications to the command and control structure for military forces operating in Afghanistan would impact coordination of military and civilian efforts in Afghanistan.

(h) The report required under paragraph (1) shall be submitted in an unclassified form, but may include a classified annex, if necessary.

SEC. 1216. REPORT ON COMMAND AND CONTROL STRUCTURE FOR MILITARY FORCES OPERATING IN AFGHANISTAN

(a) SENSE OF CONGRESS.—It is the sense of Congress that the command and control structure for military forces operating in Afghanistan, which consist of North Atlantic Treaty Organization (NATO) International Security Assistance Forces (ISAF) and separate United States forces operating under Operation Enduring Freedom, should be modified to better coordinate and de-conflict military operations and achieve unity of command and unity of effort whenever possible in Afghanistan.

(b) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report on the command and control structure for military forces operating in Afghanistan.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate.

SEC. 1217. REPORT ON ENHANCING SECURITY AND STABILITY IN THE REGION ALONG THE BORDER OF AFGHANISTAN AND PAKISTAN

(a) REPORT REQUIRED.—Subsection (a) of section 1232 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 392) is amended by striking paragraph (3). in this subsection, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate.

SEC. 1218. STUDY AND REPORT ON IRAQI POLICE TRAINING TRAINEES

(a) STUDY.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, shall conduct a study and submit to the appropriate congressional committees a report containing the recommendations of the Secretary of Defense on—

(i) the number of advisors needed to sufficiently staff enough Iraqi police training teams to cover a majority of the approximately 1,100
Iraqi police stations in fiscal year 2009 and estimated levels in fiscal year 2010; and
(2) the funding required to staff the Iraqi police training teams in fiscal year 2009 and estimated levels in fiscal year 2010; and
(3) the feasibility of transferring responsibility for the program to staff and support the Iraqi police training teams from the Department of Defense to the Department of State.
(b) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term ‘‘appropriate congressional committees’’ means—
(1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and
(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

Subtitle C—Other Matters

SEC. 1221. PAYMENT OF PERSONNEL EXPENSES FOR MULTILATERAL COOPERATION PROGRAMS.

(a) IN GENERAL.—Section 1051 of title 10, United States Code, is amended—
(1) in the heading, by striking ‘‘Bilateral or regional’’ and inserting ‘‘Bilateral, multilateral, or regional’’;
(2) in subsection (a), by striking ‘‘bilateral or regional’’ and inserting ‘‘bilateral, multilateral, or regional’’;
(3) in subsection (b),
(A) in paragraph (1)—
(1) by striking ‘‘to and’’ and inserting ‘‘to, from’’;
and
(ii) by striking ‘‘bilateral or regional’’ and inserting ‘‘bilateral, multilateral, or regional’’;
and
(B) in paragraph (2), by striking ‘‘bilateral or regional’’ and inserting ‘‘bilateral, multilateral, or regional’’; and
and
(4) by adding at the end the following:—
(e) Funds available under this section for fiscal year 2009 and subsequent fiscal years may be used for programs that begin in such fiscal year but end in the next fiscal year.

(b) LIMITATION.—The table of sections at the beginning of chapter 53 of such title is amended by striking the item relating to sec- tion 1051 and inserting the following:
‘‘1051. Bilateral, multilateral, or regional cooperation programs: payment of personnel expenses.’’.

SEC. 1222. EXTENSION OF DEPARTMENT OF DE- FENSE AUTHORITY TO PARTICIPATE IN MULTINATIONAL MILITARY CEN- TERS OF EXCELLENCE.


(b) LIMITATION ON AMOUNTS AVAILABLE FOR PARTICIPATION.—Subsection (e)(2) of such sec- tion is amended—
(1) in subparagraph (A), by striking ‘‘and’’ at the end; and
(2) in subparagraph (B), by striking the period at the end and inserting ‘‘; and’’; and
(3) by adding at the end the following:—
‘‘(C) in fiscal year 2009, $5,000,000.’’.
(b)(c) REPORTS.—Subsection (g)(1) of such section is amended—
(1) by striking ‘‘and October 31, 2008,’’ and inserting ‘‘October 31, 2008, and October 31, 2009,’’;
and
(2) by striking ‘‘fiscal years 2007 and 2008’’ and inserting ‘‘fiscal years 2007, 2008, and 2009’’.

SEC. 1223. STUDY OF LIMITATION ON CLASSIFIED CONTRACTS WITH FOREIGN COMPANIES ENGAGED IN SPACE BUSINESS WITH CHINA.

(a) LIMITATION.—In general.—The limitation on contracts specified in subsection (b) may not apply to a contract awarded to a company engaged in space business with China.

(b) REPORT.—In general.—Subject to subsection (b), no contracts appropriated pursuant to an authoriza-
Reduction programs shall be available for obligations for fiscal years 2009, 2010, and 2011.

Sec. 1392. FUNDING ALLOCATIONS.
(a) FUNDING FOR SPECIFIC PURPOSES.—Of the $455,135,000 authorized to be appropriated to the Department of Defense for fiscal year 2009 in section 301(19) for Cooperative Threat Reduction programs, the following amounts may be obligated for the purposes specifically stated:
(1) For strategic offensive arms elimination in Russia, $79,985,000.
(2) For strategic nuclear arms elimination in Ukraine, $6,490,000.
(3) For nuclear weapons storage security in Russia, $24,701,000.
(4) For nuclear weapons transportation security in Russia, $40,800,000.
(5) For weapons of mass destruction proliferation prevention in the states of the former Soviet Union, $70,286,000.
(6) For biological threat reduction in the former Soviet Union, $184,463,000.
(7) For chemical weapons destruction, $1,000,000.
(8) For defense and military contacts, $8,000,000.
(9) For any Cooperative Threat Reduction initiatives, $10,000,000.

(b) REPORT OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.—No fiscal year 2009 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than the purposes specified in paragraphs (1) through (9) of subsection (a) until 30 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title or any other provision of law.

(c) LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.—
(1) IN GENERAL.—Subject to paragraph (2), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts in excess of the amounts specified in paragraphs (1) through (9) of subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date on which Congress receives the notification.

(2) LIMITATIONS.—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

Sec. 1412. REVISIONS TO APPROPRIATIONS AUTHORIZED DISPOSALS FROM THE NATIONAL DEFENSE STOCKPILE.
(a) FISCAL YEAR 1999 DISPOSAL AUTHORITY.—Section 3305(a)(7) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 106–261; 50 U.S.C. 98d note), as most recently amended by section 1412(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 418), is further amended by striking “$1,066,000,000 by the end of fiscal year 2015” and inserting “$1,476,000,000 by the end of fiscal year 2016”.


Subtitle C—Armed Forces Retirement Home

Sec. 1421. ARMED FORCES RETIREMENT HOME.
There is authorized to be appropriated for fiscal year 2009 from the Armed Forces Retirement Home Trust Fund the sum of $63,010,000 for the operation of the Armed Forces Retirement Home.

Subtitle D—Inapplicability of Executive Order 13457.

Sec. 1431. Inapplicability of Executive Order 13457.
Executive Order 13457, and any successor to that Executive Order, shall not apply to this Act or to the Joint Explanatory Statement submitted by the Committee of Conference for the conference report to accompany this Act or to H. Rept. 110–766 or S. Rept. 110–347.

TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM

Sec. 1501. Purpose.

Sec. 1502. Army procurement.

Sec. 1503. Navy and Marine Corps procurement.

Sec. 1504. Air Force procurement.

Sec. 1505. Defense-wide activities procurement.

Sec. 1506. Rapid acquisition fund.

Sec. 1507. Joint Improvised Explosive Device Defeat Fund.

Sec. 1508. Limitations on obligation of funds for the Joint Improvised Explosive Devices Defeat Organization pending notification to Congress.

Sec. 1509. Research, development, test, and evaluation.

Sec. 1510. Operation and maintenance.
SEC. 1501. PURPOSE.

The purpose of this title is to authorize appropriated funding of the Secretary of Defense for fiscal year 2009 to provide additional funds for Operation Iraqi Freedom and Operation Enduring Freedom.

SEC. 1502. ARMY PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement accounts of the Army in amounts as follows: (1) Aircraft procurement, $54,000,000. (2) For weapons and tracked combat vehicles procurement, $822,674,000. (3) For ammunition procurement, $46,500,000. (4) For other procurement, $1,500,644,000.

SEC. 1503. NAVY AND MARINE CORPS PROCUREMENT.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2009 for other procurement for the Navy in the amount of $476,248,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2009 for the procurement account for the Marine Corps in the amount of $655,425,000.

SEC. 1504. AIR FORCE PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the procurement accounts for the Air Force in amounts as follows: (1) For aircraft procurement, $4,624,842,000. (2) For other procurement, $1,590,644,000.

SEC. 1505. DEFENSE-WIDE ACTIVITIES PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the procurement accounts for Defense-Wide in the amount of $177,237,000.

SEC. 1506. RAPID ACQUISITION FUND.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the Rapid Acquisition Fund in the amount of $302,000,000.

SEC. 1507. JOINT IMPROVED EXPLOSIVE DEVICES DEFEAT FUND.

SEC. 1508. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the use of the Armed Forces for expenses, not otherwise provided for, for research, development, test, and evaluation as follows: (1) For the Army, $131,228,000. (2) For the Air Force, $177,237,000. (3) For Defense-wide activities, $202,539,000.

SEC. 1509. OPERATION AND MAINTENANCE.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the provision of equipment, supplies, services, training, or installation of facilities, or for the acquisition, conversion, or transfer of equipment or property, in amounts as follows: (1) For the Army, $37,363,243,000. (2) For the Navy, $37,363,243,000. (3) For the Marine Corps, $2,900,000,000. (4) For the Air Force, $79,291,000. (5) For Defense-wide activities, $2,648,569,000. (6) For the Army Reserve, $79,291,000. (7) For the Navy Reserve, $42,490,000. (8) For the Marine Corps Reserve, $47,076,000. (9) For the Air Force Reserve, $12,376,000. (10) For the Army National Guard, $33,440,000. (11) For the Air National Guard, $32,667,000.

SEC. 1510. OTHER DEPARTMENT OF DEFENSE ACTIVITIES.

(a) DEFENSE HEALTH PROGRAM.—Funds are hereby authorized to be appropriated for the Defense Health Program in the amount of $1,100,000,000 for operation and maintenance.

(b) DRUG INTERDICTIO AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2009 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-Wide in the amount of $188,000,000.

SEC. 1512. IRAQ SECURITY FORCES FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2009 for the Iraq Security Forces Fund in the amount of $1,000,000,000.

(b) USE OF FUNDS.—(1) In general.—Funds appropriated pursuant to subsection (a) shall be available to the Secretary of Defense for the purpose of allowing of the Commander, Multi-National Security Transition Command Iraq, to provide assistance to the security forces of Iraq.

(2) Types of assistance authorized.—Assistance provided under this section may include the provision of equipment, supplies, services, training, facility and infrastructure repair, and funding.

(c) SECRETARY OF STATE CONCURRENCE.—Assistance may be provided under this section only with the concurrence of the Secretary of State.
contributed to the Iraq Security Forces Fund under subsection (f) by the Government of Iraq or another foreign country.

(h) QUARTERLY REPORTS.—Not later than 30 days after the end of each fiscal-year quarter, the Secretary of Defense shall submit to the congressional committees referred to in subsection (e) a report summarizing the details of any obligation or transfer of funds from the Iraq Security Forces Fund during such fiscal-year quarter.

(i) DURATION OF AUTHORITY.—Amounts authorized to be appropriated or contributed to the Iraq Security Forces Fund during fiscal year 2009 are available for obligation or transfer from the Iraq Security Forces Fund in the amount of $2,000,000,000.

(b) USE OF FUNDS.—

(1) IN GENERAL.—Funds authorized to be appropriated by subsection (a) shall be available to the Secretary of Defense to provide assistance to the security forces of Afghanistan.

(2) USE OF ASSISTANCE.—Assistance provided under this section may include the provision of equipment, supplies, services, training, or other materials or services.

(3) SECRETARY OF STATE CONCURRENCE.—As availability of funds under this section may be transferred to any other transfer authority available to the Secretary of Defense to provide assistance to foreign nations.

(4) NOTIFICATION.—The Secretary shall notify the congressional committees referred to in subsection (e), in writing, upon the acceptance, and upon the transfer under subsection (d), of any contribution under this subsection. Such notice shall specify the source and amount of any amount so accepted and the use of any amount so accepted.

SEC. 1513. AFGHANISTAN SECURITY FORCES FUND.

(a) AUTHORIZATION OF Appropriations.—Funds are hereby authorized to be appropriated for fiscal year 2009 for the Afghanistan Security Forces Fund in the amount of $2,000,000,000.

(b) USE OF FUNDS.—

(1) IN GENERAL.—Funds authorized to be appropriated by subsection (a) shall be available to the Secretary of Defense to provide assistance to the security forces of Afghanistan.

(2) TYPES OF ASSISTANCE.—Assistance provided under this section may include the provision of equipment, supplies, services, training, or other materials or services.

(3) SECRETARY OF STATE CONCURRENCE.—Assistance provided under this section may be transferred to any other transfer authority available to the Secretary of Defense to provide assistance to foreign nations.

SEC. 1514. MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel accounts for fiscal year 2009 a total of $1,194,000,000.

SEC. 1515. MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND.

The Secretary of Defense may use the transfer authority provided by section 1516 to transfer amounts of authorizations made available to the Department of Defense in this title for fiscal year 2009 between any such authorization for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

SEC. 1516. TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATION.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that any action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this title for fiscal year 2009 between any such authorization for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $1,194,000,000.

(b) TERMS AND CONDITIONS.—Transfers under this section shall be subject to the same terms and conditions as transfers under section 1001.

(c) ADDITIONAL AUTHORITY.—The transfer authority provided by this section is in addition to the transfer authority provided under section 1001.

SEC. 1517. TREATMENT AS ADDITIONAL AUTHORIZATIONS.

The amounts authorized to be appropriated by this title that are amounts or amounts authorized to be appropriated by this Act.

TITLE SIXTEEN—RECONSTRUCTION AND STABILIZATION CIVILIAN MANAGEMENT

Sec. 1601. Short title.

SEC. 1602. Findings.

SEC. 1603. Definitions.

SEC. 1604. Authority to provide assistance for reconstruction and stabilization.

SEC. 1605. Reconstruction and stabilization.

SEC. 1606. Authorities related to personnel.

SEC. 1607. Reconstruction and stabilization strategy.

SEC. 1608. Annual reports to Congress.

This title may be cited as the ‘‘Reconstruction and Stabilization Civilian Management Act of 2008.’’

SEC. 1609. Findings.

Congress finds the following:

(1) In June 2004, the Office of the Coordinator for Reconstruction and Stabilization (referred to as the ‘‘Coordinator’’) was established in the Department of State with the mandate to lead, coordinate, and institutionalize United States Government civilian capacity to prevent or prepare for post-conflict situations and help reconstruct and stabilize a country or region that is at risk of, in, or in transition from, conflict or civil strife.

(2) In December 2005, the Coordinator’s mandate was reaffirmed by the National Security Presidential Directive 44, which instructed the Secretary of State, and at the Secretary’s direction, the Coordinator, to lead an integrated United States Government efforts, involving all United States departments and agencies with relevant capabilities, to prepare, plan for, and conduct reconstruction and stabilization operations.

(3) National Security Presidential Directive 44 assigns to the Secretary, with the Coordinator’s assistance, the lead role to develop reconstruction and stabilization strategies, ensure civilian interagency program and policy coordination, coordinate interagency processes to identify civil-military risk of involvement, and develop civilian and military decision makers with detailed options for an integrated United States Government response in connection with reconstruction and stabilization operations, and carry out a wide range of other actions, including the development of a civilian surge capacity to meet reconstruction and stabilization emergencies. The Secretary and the Coordinator are also charged with coordinating with the Department of Defense on reconstruction and stabilization responses, and integrating planning and implementing procedures.

(4) The Department of State, in conjunction with the Department of Defense and the agencies of the United States Government charged with coordinating with reconstruction and stabilization efforts, including the Department of State, the Department of Defense, and the Department of Commerce, has developed a strategy to ensure that the United States Government’s efforts are coordinated and that the civil-military risk of involvement is factored into all United States Government processes.

(5) The term ‘‘Coordinator’’ means the Coordinator for Reconstruction and Stabilization.

(6) The term ‘‘Secretary’’ means the Secretary of State.

The term ‘‘Administrator’’ means the Administrator of the United States Agency for International Development.

The term ‘‘agency’’ means any entity included in chapter 1 of title 5, United States Code.

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.

The term ‘‘Department’’ means the Department of State.

The term ‘‘personnel’’ means individuals serving in any service described in section 201 of title 5, United States Code, other than the legislative branch.

The term ‘‘Secretary’’ means the Secretary of State.

The term ‘‘Administrator’’ means the Administrator of the United States Agency for International Development.

The term ‘‘agency’’ means any entity included in chapter 1 of title 5, United States Code.

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.

The term ‘‘Department’’ means the Department of State.

The term ‘‘personnel’’ means individuals serving in any service described in section 201 of title 5, United States Code, other than the legislative branch.

The term ‘‘Secretary’’ means the Secretary of State.
SEC. 606. AUTHORITY TO PROVIDE ASSISTANCE FOR RECONSTRUCTION AND STABILIZATION CRISSES.

Chapter I part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2351 et seq.) is amended by inserting after section 617 the following new section:

**SEC. 618. ASSISTANCE FOR A RECONSTRUCTION AND STABILIZATION CRISIS.**

(a) Assistance.—

(1) In general.—If the President determines that it is in the national security interests of the United States to deploy to or to assist in reconstructing and stabilizing a country or region that is at risk of, in the midst of, or transitioning to conflict, the President may, in accordance with the provisions set forth in section 614(a)(3), subject to paragraph (2) of this subsection but notwithstanding any other provision of law, and on such terms and conditions as the President may determine, furnish assistance to such country or region for reconstruction or stabilization using funds under paragraph (3).

(2) Pre-notification requirement.—The President may not furnish assistance pursuant to paragraph (1) until five days (excepting Saturdays, Sundays, and legal public holidays) after the requirements under section 614(a)(3) of this Act are carried out.

(b) Funds.—The funds referred to in paragraph (1) are available under any other provision of law and under other provisions of this Act, and transferred or reprogrammed for purposes of this section, and such transfer or reprogramming shall be subject to the procedures applicable to a notification under section 634A of this Act.

(c) Limitation.—The authority contained in this section is available only during fiscal years 2008, 2009, and 2010, except that the authority may not be exercised to furnish more than $100,000,000 in any such fiscal year.

SEC. 619. RECONSTRUCTION AND STABILIZATION STRATEGY.

Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.) is amended by adding at the end the following new section:

**SEC 62. RECONSTRUCTION AND STABILIZATION.**

(a) Office of the Coordinator for Reconstruction and Stabilization.—

(1) There is established within the Department of State the Office of the Coordinator for Reconstruction and Stabilization.

(2) Coordinator for Reconstruction and Stabilization.—The head of the Office shall be the Coordinator for Reconstruction and Stabilization, who shall be appointed by the President, by and with the advice and consent of the Senate. The Coordinator shall report directly to the Secretary.

(b) Functions.—The functions of the Coordinator for Reconstruction and Stabilization shall include the following:

(1) Monitoring, in coordination with relevant bureaus and offices of the Department of State and other appropriate agencies of the United States Agency for International Development (USAID), political and economic instability worldwide to anticipate the need for mobilizing United States and international assistance for reconstruction and stabilization of a country or region that is at risk of, in, or are in transition from, conflict or civil strife.

(2) Assessing the various types of reconstruction and stabilization crises that could occur and cataloging and monitoring the non-military resources and capabilities of agencies (as such term is defined in section 1603 of the National Defense Authorization Act of 2008) that are available to address such crises.

(3) In consultation with USAID, to address requirements, such as demobilization, disarmament, rebuilding of civil society, policing, human rights monitoring, and public information, that commonly arise in reconstruction and stabilization crises.

(4) Coordinating with relevant agencies to develop contingency plans and procedures to mobilize and deploy civilian personnel and conduct reconstruction and stabilization operations to address the various types of such crises.

(5) Entering into appropriate arrangements with agencies to carry out activities under this section and the Reconstruction and Stabilization Strategy, in consultation with USAID.

(6) Identifying personnel in State and local governments and in the private sector who are available for recruitment in the Civilian Reserve Corps established under subsection (b) or to otherwise participate in or contribute to reconstruction and stabilization activities.

(7) Taking steps to ensure that training and education of civilian personnel to perform such reconstruction and stabilization activities is adequate and is carried out, as appropriate, with other agencies involved with stabilization operations.

(8) Taking steps to ensure that plans for United States reconstruction and stabilization operations are coordinated with and complementary to reconstruction and stabilization activities of other governments and international and non-governmental organizations, to improve effectiveness.

(9) Maintaining the capacity to field on short notice an evaluation team consisting of personnel from all relevant agencies to undertake on-site needs assessment.

(c) Response Readiness Corps.—

(1) Response Readiness Corps.—The Secretary, in consultation with the Administrator of the United States Agency for International Development and the heads of other appropriate agencies of the United States Government, may establish a Civilian Reserve Corps (referred to in this section as the ‘Corps’) to provide assistance in support of reconstruction and stabilization operations in countries or regions that are at risk of, in, or are in transition from, conflict or civil strife. The Corps shall be composed of active and standby components consisting of United States Government personnel, including employees of the Department of State, the United States Agency for International Development, and other agencies who are recruited and trained (and employed in the case of current active duty personnel) to provide such assistance when deployed to do so by the Secretary to support the purposes of this Act.

(2) Civilian Reserve Corps.—The Secretary, in consultation with the Administrator of the United States Agency for International Development, may establish a Civilian Reserve Corps for which purpose the Secretary is authorized to deploy and train individuals who have the skills necessary for carrying out reconstruction and stabilization activities, and who have volunteered for that purpose. The Secretary may deploy members of the Civilian Reserve Corps pursuant to a determination by the President under section 618 of the Foreign Assistance Act of 1961.

(d) Mitigation of Domestic Impact.—The establishment and deployment of any Civilian Reserve Corps shall be undertaken in a manner that will avoid substantially impairing the capacity and readiness of any State and local government from which Civilian Reserve Corps personnel may be drawn.

(e) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of State such sums as may be necessary for fiscal years 2007 through 2010 for the purposes of this Act.

(f) Interagency Training, Education, and After Action Review Program.—The Secretary is authorized to develop an interagency training, education, and after action review program at the Naval Postgraduate School and the Center for Stabilization and Reconstruction Studies at the Naval Postgraduate School and the Interagency Training, Education, and After Action Review Program at the National Defense University.

SEC. 606. AUTHORITIES RELATED TO PERSONNEL.

(a) Extension of Certain Foreign Service Benefits.—The Secretary, or any other agency with respect to personnel of that agency, may extend to any individuals assigned, detailed, or deployed to carry out reconstruction and stabilization activities pursuant to this Act, the benefits and privileges set forth in sections 431, 434, 501, or 504 of the Foreign Service Act of 1942 (22 U.S.C. 2341, 2344, 2371, or 2374) to the same extent and manner that such benefits and privileges are extended to members of the Foreign Service.

(b) Authority Regarding Details.—The Secretary is authorized to accept details or assignments of any personnel, and any employee of a State or local government, on a reimbursable or non-reimbursable basis for the purpose of carrying out this title, and the head of any agency is authorized to detail or assign personnel of such agency on a reimbursable or non-reimbursable basis to the State Department for purposes of section 62 of the State Department Basic Authorities Act of 1956, as added by section 1605 of this title.

SEC. 607. RECONSTRUCTION AND STABILIZATION STRATEGY.

(a) In General.—The Secretary, in consultation with the Administrator of the United States Agency for International Development, shall develop an interagency strategy to respond to reconstruction and stabilization operations.

(b) Contents.—The strategy required under subsection (a) shall include the following:

(1) Identification of and efforts to improve the skills sets needed to respond to and support reconstruction and stabilization operations in countries or regions that are at risk of, in, or are in transition from, conflict or civil strife.

(2) Identification of specific agencies that can adequately satisfy the skills sets referred to in paragraph (1).

(3) Efforts to increase training of Federal civilian personnel to carry out reconstruction and stabilization activities.

(4) Efforts to develop a database of proven and best practices based on previous reconstruction and stabilization operations.

(5) Efforts to coordinate the activities of agencies involved in reconstruction and stabilization operations.

SEC. 608. ANNUAL REPORTS TO CONGRESS.

Not later than 180 days after the date of the enactment of this Act and annually for each of the five years thereafter, the Secretary of State shall submit to the appropriate congressional committees a report on the implementation of this title. The report shall include detailed information on the following:

(1) Any steps taken to establish a Response Readiness Corps and a Civilian Reserve Corps, pursuant to section 62 of the State Department Basic Authorities Act of 1956 (as added by section 1605 of this title).

(2) The structure, operations, and cost of the Response Readiness Corps and the Civilian Reserve Corps, if established.

(3) The Research Readiness Corps and the Civilian Disaster Response Readiness Corps, and work with other United States foreign assistance programs.

(4) An assessment of the impact that deployment of the Civilian Reserve Corps had on the capacity and readiness of any domestic agencies or State and local governments...
from which Civilian Reserve Corps personnel are drawn.

(5) The reconstruction and stabilization strategy required by section 1607 and any annual updates to that strategy.

(6) Recommendations to improve implementation of subsection (b) of section 62 of the State Department Basic Authorities Act of 1896, including measures to enhance the recruitment and retention of an effective Civilian Reserve Corps.

(7) A description of anticipated costs associated with the development, annual sustainment, and deployment of the Civilian Reserve Corps.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 201. SHORT TITLE.

This division may be cited as the "Military Construction Authorization Act for Fiscal Year 2009".

SEC. 202. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI and title XXIX for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor) shall expire on the later of:

(1) October 1, 2011; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2012.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of:

(1) October 1, 2011; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2012 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment Program.

TITLE XI.—ARMY

Sec. 201. Authorized Army construction and land acquisition projects.

Army: Inside the United States

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>Anniston Army Depot</td>
<td>$46,000,000</td>
</tr>
<tr>
<td>Alaska</td>
<td>Fort Rucker</td>
<td>$6,800,000</td>
</tr>
<tr>
<td>Arizona</td>
<td>Fort Huachuca</td>
<td>$13,200,000</td>
</tr>
<tr>
<td>California</td>
<td>Fort Irwin</td>
<td>$3,800,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>Fort Carson</td>
<td>$34,000,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Fort Benning</td>
<td>$27,800,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Pohakuloa Training &amp; Living Area</td>
<td>$9,000,000</td>
</tr>
<tr>
<td>Kansas</td>
<td>Fort Leavenworth</td>
<td>$4,200,000</td>
</tr>
<tr>
<td>Kentucky</td>
<td>Fort Campbell</td>
<td>$108,113,000</td>
</tr>
<tr>
<td>Louisiana</td>
<td>Fort Polk</td>
<td>$29,000,000</td>
</tr>
<tr>
<td>Missouri</td>
<td>Fort Leonard Wood</td>
<td>$33,810,000</td>
</tr>
<tr>
<td>New Jersey</td>
<td>Picatinny Arsenal</td>
<td>$9,900,000</td>
</tr>
<tr>
<td>New York</td>
<td>Fort Drum</td>
<td>$96,900,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Fort Bragg</td>
<td>$58,400,000</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Fort Sill</td>
<td>$93,000,000</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Camp Lejeune</td>
<td>$3,100,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Kunsan</td>
<td>$27,400,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Fort Belvoir</td>
<td>$28,000,000</td>
</tr>
</tbody>
</table>

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects and activities outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Afghanistan</td>
<td>Bagram Air Base</td>
<td>$67,000,000</td>
</tr>
<tr>
<td>Germany</td>
<td>Katterbach</td>
<td>$19,000,000</td>
</tr>
<tr>
<td>Japan</td>
<td>Camp Zama</td>
<td>$2,350,000</td>
</tr>
<tr>
<td>Korea</td>
<td>Camp Humphreys</td>
<td>$20,000,000</td>
</tr>
</tbody>
</table>


(8) For the construction of increment 2 of the brigade complex operations support facility at Vicenza, Italy, authorized by section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110-181; 122 Stat. 305, $7,500,000).

Army: Family Housing

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Germany</td>
<td>Wiesbaden Air Base</td>
<td>$133,000,000</td>
</tr>
<tr>
<td>Korea</td>
<td>Camp Humphreys</td>
<td>$125,000,000</td>
</tr>
</tbody>
</table>


(8) For the construction of increment 2 of the brigade complex operations support facility at Vicenza, Italy, authorized by section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110-181; 122 Stat. 305, $7,500,000).
(9) For the construction of increment 2 of the brigade complex barracks and community support facility at Vicenza, Italy, authorized by section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 505, $7,500,000), by striking $7,500,000 and inserting $5,089,103,000.
(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the sum of the following:
   (1) The total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).
   (2) $59,500,000 (the balance of the amount authorized under section 2101(b) for the construction of a headquarters element in Wiesbaden, Germany).

SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2006 PROJECTS.
(a) INSIDE THE UNITED STATES PROJECTS.—The table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 110–181; 122 Stat. 504) is amended—
   (1) in the item relating to Hauhouse Army Ammunition Plant, Nevada, by striking $311,200,000 and inserting $799,870,000;
   (2) in the item relating to Fort Drum, New York, by striking $311,200,000 and inserting $304,600,000;
   (3) in the item relating to Fort Bliss, Texas, by striking $118,400,000 and in the amount column and inserting $111,900,000.
(b) CONFORMING AMENDMENTS.—Section 2104(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 110–364; 124 Stat. 3447), as amended by section 2105(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 508), is further amended—
   (1) in the matter preceding paragraph (1), by striking $3,235,700,000 and inserting $5,089,103,000;
   (2) in paragraph (1), by striking $119,450,000 and inserting $1,094,450,000;
   (3) in paragraph (2), by striking $119,450,000 and inserting $495,862,000.

Table: MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2007 PROJECTS.

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hawaii</td>
<td>Pokakolu</td>
<td>Tactical Vehicle Wash Facility</td>
<td>$9,207,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Fort Belvoir</td>
<td>Battle Area Complex</td>
<td>$23,660,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Defense Access Road</td>
<td>$18,000,000</td>
</tr>
</tbody>
</table>

SEC. 2106. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2008 PROJECTS.
(a) INSIDE THE UNITED STATES PROJECTS.—The table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 504) is amended—
   (1) in the item relating to Fort Bragg, North Carolina, by striking $96,900,000 and in the amount column and inserting $75,900,000;
   (2) in the item relating to Fort Bragg, North Carolina, by striking $311,200,000 and inserting $304,600,000;
   (3) in the item relating to Fort Bliss, Texas, by striking $118,400,000 and in the amount column and inserting $111,900,000.
(b) CONFORMING AMENDMENTS.—Section 2104(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 110–364; 124 Stat. 3447), as amended by section 2105(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 508), is further amended—
   (1) in the matter preceding paragraph (1), by striking $3,235,700,000 and inserting $5,089,103,000;
   (2) in paragraph (1), by striking $119,450,000 and inserting $1,094,450,000;
   (3) in paragraph (2), by striking $119,450,000 and inserting $495,862,000.

Table: MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2008 PROJECTS.

<table>
<thead>
<tr>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Army: Extension of 2006 Project Authorizations</td>
<td></td>
</tr>
<tr>
<td>Hawaii</td>
<td>Schofield Barracks Training Facility</td>
</tr>
</tbody>
</table>

TITLE XXII—NAVY

Sec. 2201. Authorized Navy construction and land acquisition projects.
Sec. 2202. Family housing.
Sec. 2203. Improvements to military family housing units.
Sec. 2204. Authorization of appropriations, Navy.
Sec. 2205. Modification of authority to carry out certain fiscal year 2006 project.
Sec. 2206. Modification of authority to carry out certain fiscal year 2007 projects.
Sec. 2207. Report on impacts of surface ship homeporting alternatives.

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arizona</td>
<td>Marine Corps Air Station, Yuma</td>
<td>$19,490,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Logistics Base, Barstow</td>
<td>$7,830,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Base, Camp Pendleton</td>
<td>$799,870,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Facility, El Centro</td>
<td>$8,900,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Air Station, Miramar</td>
<td>$48,770,000</td>
</tr>
<tr>
<td></td>
<td>Naval Post Graduate School, Cape Girardeau</td>
<td>$9,900,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Station, North Island</td>
<td>$60,152,000</td>
</tr>
<tr>
<td></td>
<td>Naval Facility, San Clemente Island</td>
<td>$34,020,000</td>
</tr>
<tr>
<td></td>
<td>Naval Station, San Diego</td>
<td>$51,220,000</td>
</tr>
<tr>
<td></td>
<td>Naval Submarine Base Kings Bay</td>
<td>$6,130,000</td>
</tr>
<tr>
<td></td>
<td>Naval Station, Jacksonville</td>
<td>$12,890,000</td>
</tr>
<tr>
<td></td>
<td>Naval Station, Mayport</td>
<td>$18,200,000</td>
</tr>
<tr>
<td></td>
<td>Naval Support Activity, Tampa</td>
<td>$29,000,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Marine Corps Logistics Base, Alバル</td>
<td>$15,320,000</td>
</tr>
<tr>
<td></td>
<td>Naval Submarine Base Kings Bay</td>
<td>$6,130,000</td>
</tr>
<tr>
<td></td>
<td>Pacific Missile Range, Barking Sands</td>
<td>$28,900,000</td>
</tr>
</tbody>
</table>
**Inside the United States—Continued**

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marine Corps Recruit Training Command, Great Lakes, Illinois</td>
<td>$62,940,000</td>
<td></td>
</tr>
<tr>
<td>Naval Station, Pearl Harbor, Maine</td>
<td>$9,980,000</td>
<td></td>
</tr>
<tr>
<td>Naval Surface Warfare Center Carderock, Maryland</td>
<td>$25,980,000</td>
<td></td>
</tr>
<tr>
<td>Naval Air Station, Guantanamo Bay, Cuba</td>
<td>$62,598,000</td>
<td></td>
</tr>
<tr>
<td>Naval Station, Cherry Point, North Carolina</td>
<td>$77,420,000</td>
<td></td>
</tr>
<tr>
<td>Naval Air Station, New River, North Carolina</td>
<td>$333,090,000</td>
<td></td>
</tr>
<tr>
<td>Naval Support Activity, Lusitania, Pennsylvania</td>
<td>$22,020,000</td>
<td></td>
</tr>
<tr>
<td>Naval Station, Newport, Rhode Island</td>
<td>$93,800,000</td>
<td></td>
</tr>
<tr>
<td>Naval Air Station, Corpus Christi, Texas</td>
<td>$73,280,000</td>
<td></td>
</tr>
<tr>
<td>Naval Air Station, Whidbey Island, Washington</td>
<td>$9,980,000</td>
<td></td>
</tr>
<tr>
<td>Naval Submarine Base, Pearl Harbor, Hawaii</td>
<td>$62,940,000</td>
<td></td>
</tr>
<tr>
<td>Naval Submarine Base, Kitsap, Bangor, Washington</td>
<td>$67,939,000</td>
<td></td>
</tr>
<tr>
<td>Naval Air Station, Guantanamo Bay, Cuba</td>
<td>$20,600,000</td>
<td></td>
</tr>
<tr>
<td>Naval Air Station, Whidbey Island, Washington</td>
<td>$12,770,000</td>
<td></td>
</tr>
<tr>
<td>Naval Air Station, Camp Lejeune, North Carolina</td>
<td>$86,280,000</td>
<td></td>
</tr>
<tr>
<td>Naval Air Station, New River, North Carolina</td>
<td>$333,090,000</td>
<td></td>
</tr>
<tr>
<td>Naval Air Station, Cherry Point, North Carolina</td>
<td>$77,420,000</td>
<td></td>
</tr>
<tr>
<td>Naval Air Station, Great Lakes, Illinois</td>
<td>$62,940,000</td>
<td></td>
</tr>
<tr>
<td>Naval Air Station, Guantanamo Bay, Cuba</td>
<td>$62,598,000</td>
<td></td>
</tr>
<tr>
<td>Naval Air Station, Guantanamo Bay, Cuba</td>
<td>$62,598,000</td>
<td></td>
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<tr>
<td>Naval Air Station, Guantanamo Bay, Cuba</td>
<td>$62,598,000</td>
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<tr>
<td>Naval Air Station, Guantanamo Bay, Cuba</td>
<td>$62,598,000</td>
<td></td>
</tr>
<tr>
<td>Naval Air Station, Guantanamo Bay, Cuba</td>
<td>$62,598,000</td>
<td></td>
</tr>
</tbody>
</table>

(b) **PLANNING AND DESIGN.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(6)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military housing units in an amount not to exceed $2,169,000.

**SEC. 2202. FAMILY HOUSING.**

(A) For construction and acquisition, planning, and design, and improvement of military family housing units in an amount not to exceed $2,169,000.

(B) For support of military family housing (including facilities described in section 2203 of title 10, United States Code), $382,778,000.

(C) For support of military family housing facilities, $382,778,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(6)(A), the Secretary of the Navy may acquire existing military family housing units in an amount not to exceed $318,011,000.

**SEC. 2204. AUTHORIZATION OF APPROPRIATIONS,** NAVY.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $3,966,449,000, as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $2,518,152,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $1,753,900,000.

(3) For military construction projects at unspecified worldwide locations authorized by section 2201(c), $94,020,000.

(4) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $13,670,000.

(5) For architectural and engineering services and construction design, under section 2807 of title 10, United States Code, $247,128,000.

(6) For military family housing functions:

(A) For construction and acquisition, planning, and design, and improvement of military family housing and facilities, $382,778,000.

(B) For support of military family housing (including facilities described in section 2203 of title 10, United States Code), $376,962,000.

(C) For support of military family housing facilities, $382,778,000.

SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2006 PROJECT.


(1) in the item relating to Strategic Weapons Facility Pacific, Bangor, Washington, by striking "$295,000,000" in the amount column and inserting "$211,970,000"; and

(2) by striking the amount identified as the total in the amount column and inserting "$1,084,497,000".

SEC. 2206. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2007 PROJECTS.

(a) **MODIFICATIONS.**—The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–349; 119 Stat. 3493) and section 2206 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 112 Stat. 514), is further amended—

(1) in the item relating to Navy/Naval Support Activity, Souda Bay, Greece, by striking "$67,939,000" in the amount column and inserting "$76,286,000"; and

(b) **UNSPECIFIED WORLDWIDE.**—Using the amounts appropriated pursuant to the authorization of appropriations in section 2204(6)(A), the Secretary of the Navy may acquire real property and carry out military construction projects for unspecified installations or locations in the amounts set forth in the following table:

<table>
<thead>
<tr>
<th>Location</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Guantanamo Bay</td>
<td>Naval Air Station, Guantanamo Bay</td>
<td>$20,600,000</td>
</tr>
<tr>
<td>World-wide Unspecified</td>
<td>Naval Air Station, Guantanamo Bay</td>
<td>$20,600,000</td>
</tr>
</tbody>
</table>

(C) **UNSPECIFIED WORLDWIDE.**—Using the amounts appropriated pursuant to the authorization of appropriations in section 2204(6)(A), the Secretary of the Navy may acquire real property and carry out military construction projects for unspecified installations or locations in the amounts set forth in the following table:

<table>
<thead>
<tr>
<th>Location</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>World-wide Unspecified</td>
<td>Naval Air Station, Guantanamo Bay</td>
<td>$20,600,000</td>
</tr>
</tbody>
</table>

SEC. 2207. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2008 PROJECTS.

(a) **MODIFICATIONS.**—The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 112 Stat. 514), as amended by section 2205(b)(17) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 111–81; 113 Stat. 3493), is further amended—

(1) in the item relating to NMIC/Naval Support Activity, Souda Bay, Greece, by striking "$67,939,000" in the amount column and inserting "$76,286,000"; and
in the amounts set forth in the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>Maxwell Air Force Base</td>
<td>$15,556,000</td>
</tr>
<tr>
<td>Alaska</td>
<td>Elmendorf Air Force Base</td>
<td>$138,300,000</td>
</tr>
<tr>
<td>California</td>
<td>Edwards Air Force Base</td>
<td>$9,100,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>United States Air Force</td>
<td>$18,000,000</td>
</tr>
<tr>
<td>Delaware</td>
<td>Dover Air Force Base</td>
<td>$19,000,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Eglin Air Force Base</td>
<td>$19,000,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Robins Air Force Base</td>
<td>$29,350,000</td>
</tr>
<tr>
<td>Kansas</td>
<td>McConnell Air Force Base</td>
<td>$6,800,000</td>
</tr>
<tr>
<td>Maryland</td>
<td>Andrews Air Force Base</td>
<td>$77,648,000</td>
</tr>
<tr>
<td>Mississippi</td>
<td>Columbus Air Force Base</td>
<td>$8,100,000</td>
</tr>
<tr>
<td>Missouri</td>
<td>Whiteman Air Force Base</td>
<td>$4,200,000</td>
</tr>
<tr>
<td>Nevada</td>
<td>Creech Air Force Base</td>
<td>$48,500,000</td>
</tr>
<tr>
<td>New Jersey</td>
<td>McGuire Air Force Base</td>
<td>$7,200,000</td>
</tr>
<tr>
<td>New Mexico</td>
<td>Cannon Air Force Base</td>
<td>$8,300,000</td>
</tr>
<tr>
<td>Ohio</td>
<td>Wright-Patterson Air Force Base</td>
<td>$14,000,000</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Tinker Air Force Base</td>
<td>$54,000,000</td>
</tr>
<tr>
<td>South Carolina</td>
<td>Charleston Air Force Base</td>
<td>$4,500,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Fort Hood Air Force Base</td>
<td>$10,800,000</td>
</tr>
<tr>
<td>Utah</td>
<td>Hill Air Force Base</td>
<td>$41,400,000</td>
</tr>
<tr>
<td>Washington</td>
<td>McChord Air Force Base</td>
<td>$5,500,000</td>
</tr>
</tbody>
</table>

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for unspecified installations or locations outside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Afghanistan</td>
<td>Bagram Airfield</td>
<td>$57,200,000</td>
</tr>
<tr>
<td>Guam</td>
<td>Andersen Air Force Base</td>
<td>$10,600,000</td>
</tr>
<tr>
<td>Kyrgyzstan</td>
<td>Manas Air Base</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>United King.-</td>
<td>Royal Air Force Lakenhealth</td>
<td>$7,400,000</td>
</tr>
</tbody>
</table>

(c) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the authorization of appropriations in section 2304(3), the Secretary of the Air Force may acquire real property and carry out military construction projects for unspecified installations or locations outside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>Location</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>World-wide Classified Location</td>
<td>$891,000</td>
<td></td>
</tr>
<tr>
<td>Specified World-wide Locations</td>
<td>$52,500,000</td>
<td></td>
</tr>
</tbody>
</table>

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(6)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $7,200,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(6)(A), the Secretary of the Air Force may acquire real property and carry out military construction projects for improvements to military family housing units in an amount not to exceed $11,200,000, as follows:

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>United Kingdom</td>
<td>Royal Air Force Lakenhealth</td>
<td>$71,828,000</td>
</tr>
</tbody>
</table>
(4) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $15,000,000.

(5) For architectural and engineering services, and construction design under section 2807 of title 10, United States Code, $77,314,000.

(6) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing facilities, $395,879,000.

(b) TABLE.—The table referred to in subsection (a) is as follows:

### Air Force: Extension of 2006 Project Authorizations

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alaska</td>
<td>Eielson Air Force Base</td>
<td>Replace Family Housing (92 units)</td>
<td>$37,650,000</td>
</tr>
<tr>
<td>California</td>
<td>Edwards Air Force Base</td>
<td>Replace Family Housing (266 units)</td>
<td>$59,699,000</td>
</tr>
<tr>
<td>Florida</td>
<td>MacDill Air Force Base</td>
<td>Replace Family Housing (109 units)</td>
<td>$40,982,000</td>
</tr>
<tr>
<td>Missouri</td>
<td>Whiteman Air Force Base</td>
<td>Replace Family Housing (111 units)</td>
<td>$28,917,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Seymour Johnson Air Force Base</td>
<td>Replace Family Housing (255 units)</td>
<td>$46,880,000</td>
</tr>
<tr>
<td>North Dakota</td>
<td>Grand Forks Air Force Base</td>
<td>Replace Family Housing (150 units)</td>
<td>$43,353,000</td>
</tr>
</tbody>
</table>

### Defense Education Activity

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kentucky</td>
<td>Fort Campbell</td>
<td>$21,400,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Fort Bragg</td>
<td>$78,471,000</td>
</tr>
</tbody>
</table>

### Defense Intelligence Agency

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Illinois</td>
<td>Scott Air Force Base</td>
<td>$13,977,000</td>
</tr>
</tbody>
</table>

### Defense Logistics Agency

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>Defense Distribution Depot, Tracy</td>
<td>$50,300,000</td>
</tr>
<tr>
<td>Delaware</td>
<td>Defense Fuel Supply Center, Dover Air Force Base</td>
<td>$3,373,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Defense Fuel Support Plant, Jacksonville</td>
<td>$34,000,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Hunter Army Air Field</td>
<td>$3,500,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Pearl Harbor</td>
<td>$27,700,000</td>
</tr>
<tr>
<td>New Mexico</td>
<td>Kirtland Air Force Base</td>
<td>$14,400,000</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Altus Air Force Base</td>
<td>$2,850,000</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Philadelphia</td>
<td>$1,200,000</td>
</tr>
<tr>
<td>Utah</td>
<td>Hill Air Force Base</td>
<td>$20,400,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Naval Amphibious Base, Coronado</td>
<td>$9,800,000</td>
</tr>
</tbody>
</table>

### National Security Agency

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maryland</td>
<td>Fort Meade</td>
<td>$14,900,000</td>
</tr>
</tbody>
</table>

### Special Operations Command

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cali-fornia</td>
<td>Naval Amphibious</td>
<td>$9,800,000</td>
</tr>
</tbody>
</table>

### Special Operations Command—Continued

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Florida</td>
<td>Eglin Air Force Base</td>
<td>$40,000,000</td>
</tr>
<tr>
<td>Hurlburt Field</td>
<td></td>
<td>$8,900,000</td>
</tr>
</tbody>
</table>
### Defense Agencies: Unspecified Worldwide

<table>
<thead>
<tr>
<th>Location</th>
<th>State</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>World-wide</td>
<td>MacDill Air Force Base</td>
<td>$10,500,000</td>
</tr>
<tr>
<td></td>
<td>Fort Campbell</td>
<td>$15,000,000</td>
</tr>
<tr>
<td></td>
<td>Cannon Air Force Base</td>
<td>$18,100,000</td>
</tr>
<tr>
<td></td>
<td>Fort Bragg</td>
<td>$35,200,000</td>
</tr>
<tr>
<td></td>
<td>Fort Story</td>
<td>$11,600,000</td>
</tr>
<tr>
<td></td>
<td>Fort Lewis</td>
<td>$38,900,000</td>
</tr>
<tr>
<td></td>
<td>Pentagom</td>
<td>$38,940,000</td>
</tr>
</tbody>
</table>

### TRICARE Management Activity

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alaska</td>
<td>Fort Richardson</td>
<td>$6,300,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>Buckley Air Force Base</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Fort Benning</td>
<td>$3,900,000</td>
</tr>
<tr>
<td>Kansas</td>
<td>Fort Riley</td>
<td>$52,000,000</td>
</tr>
<tr>
<td>Kentucky</td>
<td>Fort Campbell</td>
<td>$24,000,000</td>
</tr>
<tr>
<td>Maryland</td>
<td>Aberdeen Proving Ground</td>
<td>$430,000,000</td>
</tr>
<tr>
<td>Missouri</td>
<td>Fort Leonard Wood</td>
<td>$22,000,000</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Tinker Air Force Base</td>
<td>$65,000,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Fort Sam Houston</td>
<td>$13,000,000</td>
</tr>
</tbody>
</table>

### Special Operations Command—Continued

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Virginia</td>
<td>Pentagon Reservation</td>
<td>$38,940,000</td>
</tr>
</tbody>
</table>

### Defense Logistics Agency

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Germany</td>
<td>Germersheim</td>
<td>$48,000,000</td>
</tr>
<tr>
<td>Greece</td>
<td>Souda Bay</td>
<td>$8,000,000</td>
</tr>
</tbody>
</table>

### TRICARE Management Activity

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Guam</td>
<td>Naval Activities</td>
<td>$30,000,000</td>
</tr>
</tbody>
</table>

### TRICARE Management Activity

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### SEC. 2402. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(7), the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code, in the amount of $80,000,000.

### SEC. 2403. MODIFICATION OF AUTHORIZATION OF APPROPRIATIONS, DEFENSE CATEGORIES.

(a) In General.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) in the total amount of $1,310,530,000, as follows:

1. For military construction projects inside the United States authorized by section 2401(a), $767,511,000.
2. For military construction projects outside the United States authorized by section 2401(a), $95,200,000.
3. For the military construction projects at unspecified worldwide locations authorized by section 2401(a), $26,853,000.
4. For contingency construction projects of the Secretary of Defense under section 2401 of title 10, $100,220,000.
5. For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $26,840,000.
6. For energy conservation projects authorized by section 2833 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the sum of the following:
   - $95,200,000.
   - $101,160,000.
   - $100,220,000.
   - $767,511,000.
   - $26,853,000.
   - $26,840,000.

(b) Outside the United States.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following tables:

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Germany</td>
<td>Germersheim</td>
<td>$48,000,000</td>
</tr>
<tr>
<td>Greece</td>
<td>Souda Bay</td>
<td>$8,000,000</td>
</tr>
</tbody>
</table>

### SEC. 2404. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2007 PROJECTS.

(a) Modification.—The table relating to the TRICARE Management Activity in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109-364; 120 Stat. 2457) is amended in the amount column and inserting “$550,000,000”.

(b) Conforming Amendments.—Section 2405(b)(3) of that Act (120 Stat. 2461) is amended by striking “$521,000,000” and inserting “$554,000,000”.

### SEC. 2405. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2005 PROJECTS.

(a) Modification.—The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108-378, as amended by section 7016 of the Emergency Supplemental Appropriation Act, Fiscal Year 2006 (division B of Public Law 109-115), authorizations set forth in the table referred to in subsection (a) in the amount column and inserting “$485,193,000”.

(b) Conforming Amendments.—Section 2404(a) of that Act (118 Stat. 2113) is amended in the amount preceding paragraph (1), by striking “$1,055,663,000” and inserting “$1,582,047,000”.

### SEC. 2406. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2006 PROJECT.

(a) Extension.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109-163; 119 Stat. 3497), authorizations set forth in the tables in subsection (b), as provided in section 2401 of that Act, shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) Table.—The table referred to in subsection (a) is as follows:

### Defense Logistics Agency: Extension of 2006 Project Authorization

<table>
<thead>
<tr>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Defense Logistics Agenc...</td>
<td>Depot Susquehanna, New Cumberland, Pennsylvania</td>
<td>$6,500,000</td>
</tr>
</tbody>
</table>
real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Chemical Demilitarization Program: Inside the United States

<table>
<thead>
<tr>
<th>Army</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Army</td>
<td>Blue Grass Army Depot, Kentucky</td>
<td>$12,000,000</td>
</tr>
</tbody>
</table>

SEC. 2412. AUTHORIZATION OF APPROPRIATIONS, CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated beginning after September 30, 2008, for military construction and land acquisition for chemical demilitarization in the total amount of $134,278,000, as follows:

(1) For military construction projects inside the United States authorized by section 2411(a), $12,000,000.


Title XXVI—North Atlantic Treaty Organization Security Investment Program

Sec. 2501. Authorized NATO construction and land acquisition projects.

Sec. 2502. Authorization of appropriations, NATO.

Title XXV—Army National Guard Construction and Land Acquisition Projects

Sec. 2601. Authorized Army National Guard construction and land acquisition projects.

Sec. 2602. Authorized Army Reserve construction and land acquisition projects.

Sec. 2603. Authorized Navy Reserve and Marine Corps construction and land acquisition projects.

Sec. 2604. Authorized Air National Guard construction and land acquisition projects.

Sec. 2605. Authorization of appropriations, National Guard and Reserve.

Title XXV—Army Reserve Forces Facilities

Sec. 2606. Extension of authorizations of certain fiscal year 2006 projects.

Title XXVI—Army National Guard

Army National Guard

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>Fort McClellan</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>Arizona</td>
<td>Camp Navajo</td>
<td>$13,000,000</td>
</tr>
<tr>
<td></td>
<td>Papago Military</td>
<td>$24,000,000</td>
</tr>
</tbody>
</table>

Army Reserve

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>Fort Hunter</td>
<td>$3,950,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Fort Shafter</td>
<td>$19,199,000</td>
</tr>
<tr>
<td>Idaho</td>
<td>Hayden Lakes</td>
<td>$9,490,000</td>
</tr>
<tr>
<td>Kansas</td>
<td>Dodge City</td>
<td>$6,100,000</td>
</tr>
<tr>
<td>Maryland</td>
<td>Fort Meade</td>
<td>$11,600,000</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>Fort Devens</td>
<td>$1,900,000</td>
</tr>
<tr>
<td>Michigan</td>
<td>Saginaw</td>
<td>$11,500,000</td>
</tr>
<tr>
<td>Missouri</td>
<td>Weldon Springs</td>
<td>$11,700,000</td>
</tr>
<tr>
<td>Nevada</td>
<td>Las Vegas</td>
<td>$33,900,000</td>
</tr>
<tr>
<td>New Jersey</td>
<td>Fort Dix</td>
<td>$3,825,000</td>
</tr>
</tbody>
</table>
Army Reserve—Continued—Continued

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>New York</td>
<td>Kingston</td>
<td>$13,494,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Shoreham</td>
<td>$15,031,000</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Letterkenny</td>
<td>$14,914,000</td>
</tr>
<tr>
<td>Tennessee</td>
<td>Chattanooga</td>
<td>$10,600,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Sinton</td>
<td>$9,700,000</td>
</tr>
<tr>
<td>Washington</td>
<td>Seattle</td>
<td>$37,500,000</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>Fort McCoy</td>
<td>$4,000,000</td>
</tr>
</tbody>
</table>

SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE CORPS RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the Navy Reserve and Marine Corps Reserve locations, and in the amounts, set forth in the following table:

**Navy Reserve and Marine Corps Reserve**

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>Lemoore</td>
<td>$15,420,000</td>
</tr>
<tr>
<td>Delaware</td>
<td>Wilmington</td>
<td>$11,530,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Marietta</td>
<td>$11,000,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Norfolk</td>
<td>$8,170,000</td>
</tr>
<tr>
<td></td>
<td>Williamsburg</td>
<td>$12,320,000</td>
</tr>
</tbody>
</table>

SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(3)(A), the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air National Guard locations, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arkansas</td>
<td>Little Rock Air Force Base</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>Connecticut</td>
<td>Bradley Intercontinental Airport</td>
<td>$7,200,000</td>
</tr>
<tr>
<td>Delaware</td>
<td>New Castle County Airport</td>
<td>$3,200,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Savannah Combat Readiness Training Center</td>
<td>$7,500,000</td>
</tr>
<tr>
<td>Indiana</td>
<td>Fort Wayne International Airport</td>
<td>$5,600,000</td>
</tr>
<tr>
<td>Iowa</td>
<td>Fort Dodge</td>
<td>$5,600,000</td>
</tr>
<tr>
<td>Maryland</td>
<td>Martin State Airport</td>
<td>$7,900,000</td>
</tr>
<tr>
<td>Minnesota</td>
<td>Duluth</td>
<td>$4,500,000</td>
</tr>
<tr>
<td>Montana</td>
<td>McChord Air Force Base</td>
<td>$8,600,000</td>
</tr>
<tr>
<td>Nevada</td>
<td>Minneapolis-St. Paul</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>New Jersey</td>
<td>Atlantic City International Airport</td>
<td>$8,400,000</td>
</tr>
<tr>
<td>New York</td>
<td>Gabreski Army Airfield</td>
<td>$7,500,000</td>
</tr>
<tr>
<td>Ohio</td>
<td>Springfield Air National Guard Base</td>
<td>$12,800,000</td>
</tr>
<tr>
<td>South Dakota</td>
<td>Joe Foss Field</td>
<td>$4,500,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Ellington Field</td>
<td>$7,600,000</td>
</tr>
<tr>
<td>Vermont</td>
<td>Burlington International Airport</td>
<td>$6,600,000</td>
</tr>
<tr>
<td>Washington, D.C.</td>
<td>Cheyenne Municipal Airport</td>
<td>$7,000,000</td>
</tr>
</tbody>
</table>

SEC. 2605. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(3)(B), the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air Force Reserve locations, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>Camp Roberts</td>
<td>$1,485,000</td>
</tr>
<tr>
<td>Idaho</td>
<td>Gowen Field</td>
<td>$8,331,000</td>
</tr>
<tr>
<td>Mississippi</td>
<td>Camp Shelby</td>
<td>$16,987,000</td>
</tr>
<tr>
<td>Montana</td>
<td>Townsend</td>
<td>$2,970,000</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Philadelphia</td>
<td>$2,532,000</td>
</tr>
<tr>
<td></td>
<td>Organizational Maintenance Shop #7</td>
<td>$11,806,000</td>
</tr>
</tbody>
</table>

SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NATIONAL GUARD AND RESERVE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1603 of title 10, United States Code (including the cost of acquisition of land for those facilities), in the following amounts:

1. (1) For the Department of the Army—
   (A) The Army National Guard of the United States, $628,668,000; and
   (B) For the Army Reserve, $282,607,000.

2. (2) For the Department of the Navy, for the Navy and Marine Corps Reserve, $57,045,000.

3. (3) For the Department of the Air Force—
   (A) For the Air National Guard of the United States, $142,809,000; and
   (B) For the Air Force Reserve, $30,018,000.

SEC. 2607. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2006 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109-163; 119 Stat. 3501), the authorizations set forth in the table in subsection (b), as provided in section 2601 of that Act, shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>Urban Assault Course</td>
<td>Railroad, Phase 1</td>
<td>$1,485,000</td>
</tr>
<tr>
<td>Idaho</td>
<td>Gowen Field</td>
<td>Readiness Center</td>
<td>$8,331,000</td>
</tr>
<tr>
<td>Mississippi</td>
<td>Camp Shelby</td>
<td>Modified Record Fire Range</td>
<td>$2,970,000</td>
</tr>
<tr>
<td>Montana</td>
<td>Townsend</td>
<td>Automated Qualification Training Range</td>
<td>$2,532,000</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Philadelphia</td>
<td>Styrk Brigade Combat Team Readiness</td>
<td>$11,806,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Center</td>
<td>$11,806,000</td>
</tr>
</tbody>
</table>

SEC. 2608. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2005 PROJECT.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108-375; 118 Stat. 2116), the authorization set forth in the table in subsection (b), as provided in section 2601 of that Act, shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>Dublin</td>
<td>Readiness Center, Add/Alt (ADRS)</td>
<td>$11,318,000</td>
</tr>
</tbody>
</table>

May 22, 2008
TITLE XXVII—BASE CLOSURE AND REALIGNMENT ACTIVITIES
Subtitle A—Authorizations


SEC. 2702. Authorized base closure and realignment activities funded through Department of Defense Base Closure Account 1995.


Subtitle B—Amendments to Base Closure and Related Laws

SEC. 2711. Repeal of commission approach for development of recommendations in any future round of base closures and realignments.

SEC. 2712. Modification of annual base closure and realignment reporting requirements.

SEC. 2713. Technical corrections regarding authorized cost and scope of work variations for military construction, military family housing projects related to base closures and realignments.

Subtitle C—Other Matters

SEC. 2721. Conditions on closure of Walter Reed Army Medical Hospital and relocation of operations to National Naval Medical Center and Fort Belvoir.

SEC. 2722. Report on use of BRAC properties as sites for refineries or nuclear power plants.

Subtitle A—Authorizations


SEC. 2702. Authorized base closure and realignment activities funded through Department of Defense Base Closure Account 1995.


Using amounts appropriated pursuant to the authorization of appropriations in section 2703, the Secretary of Defense may carry out base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through Department of Defense Base Closure Account 2005 established by section 2906A of such Act, in the amount of $7,138,021,000.


Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through Department of Defense Base Closure Account 1990 established by section 2906 of such Act, in the total amount of $9,063,386,000, as follows:

(1) For the Department of the Army, $4,496,178,000.
(2) For the Department of the Air Force, $871,492,000.
(3) For the Department of the Air Force, $1,072,925,000.
(4) For the Defense Agencies, $2,634,791,000.

Subtitle B—Amendments to Base Closure and Related Laws

SEC. 2711. Report on commission approach for development of recommendations in any future round of base closures and realignments.

(1) Repeal of provisions related to Defense Base Closure and Realignment Commission.

(2) Effective date.

SEC. 2712. Technical corrections regarding authorized cost and scope of work variations for military construction, military family housing projects related to base closures and realignments.

SEC. 2713. Other Matters

SEC. 2721. Conditions on closure of Walter Reed Army Medical Hospital and relocation of operations to National Naval Medical Center and Fort Belvoir.

(a) Requirements.

(b) Appropriations.

(c) Report.

SEC. 2722. Report on use of BRAC properties as sites for refineries or nuclear power plants.


Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through Department of Defense Base Closure Account 2005 established by section 2906A of such Act, in the amount of $7,138,021,000.


Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through Department of Defense Base Closure Account 2005 established by section 2906A of such Act, in the amount of $7,138,021,000.


Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through Department of Defense Base Closure Account 2005 established by section 2906A of such Act, in the amount of $7,138,021,000.
the National Military Medical Center to the prime contractor selected for construction of the facility. The design for the National Military Medical Center shall be prepared through a collaborative process involving—
(A) personnel of the Department of Defense;
(B) representatives of premier health care facilities in the United States; and
(C) current and former patients of the military medical system.

(c) INDEPENDENT COST ESTIMATE.—
(1) PREPARATION.—The Cost Analysis Improvement Group of the Department of Defense shall prepare an independent cost estimate of the total cost to be incurred by the United States to close Walter Reed Army Medical Hospital, design and construction facilities at the National Naval Medical Center and Fort Belvoir, and relocate operations to the replacement facilities.

(2) SUBMISSION.—The Secretary of Defense shall submit the resulting cost estimate to the congressional defense committees as soon as possible after the date of the enactment of this Act, but in no case later than the date on which the Secretary makes the certification under subsection (a) with regard to the proposed traumatic brain injury treatment facility at the National Naval Medical Center.

(3) MILESTONE SCHEDULE.—
(1) PREPARATION.—The Secretary of Defense shall prepare a complete milestone schedule for the transition of operations between Walter Reed Army Medical Hospital and the replacement facilities.

(2) SUBMISSION.—The Secretary of Defense shall submit the resulting milestone schedule and transition plan to the congressional defense committees as soon as possible after the date of the enactment of this Act, but in no case later than the date on which the Secretary makes the certification under subsection (a) with regard to compliance with this subsection.

SEC. 2722. REPORT ON USE OF BRAC PROPERTIES AS SITES FOR REFINERIES OR NUCLEAR POWER PLANTS.

Not later than October 1, 2009, the Secretary of Defense shall submit to the congressional defense committees a report evaluating the feasibility of using military installations selected for closure under the base closure and realignment process as locations for the construction of petroleum or natural gas refineries or nuclear power plants.

TITLE XXVIII—MILITARY CONSTRUCTION
GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

Sec. 2801. Incorporation of principles of sustainable design in documents submitted as part of proposed military construction projects.

Sec. 2802. Extension of authority to use operation and maintenance funds for construction projects outside the United States.

Sec. 2803. Revision of maximum lease amount applicable to certain domestic Army family housing leases to reflect previously made annual adjustments in amount.

Sec. 2804. Use of military family housing constructed under build and base authority to house members without dependents.

Sec. 2805. Lease of military family housing to the Secretary of Defense for use as residence.

Sec. 2806. Repeal of reporting requirement in connection with installation vulnerability assessments.

Sec. 2807. Modification of alternative authority for acquisition and improvement of military housing.


Subtitle B—Real Property and Facilities

Sec. 2809. Clarification of exceptions to congressional reporting requirements for certain real property transactions.

Sec. 2810. Authority to lease non-excess property of military departments and Defense Agencies.

Sec. 2811. Modification of utility system conveyance authority.

Sec. 2812. Permanent authority to purchase municipal services for military installations in the United States.

Sec. 2813. Defense access authority.

Sec. 2814. Protecting private property rights during Department of Defense land acquisitions.

Subtitle C—Provisions Related to Guam


Sec. 2816. Sense of Congress regarding use of Special Purpose Entities for military housing related to Guam realignment.

Sec. 2817. Sense of Congress regarding Federal assistance to Guam.

Sec. 2818. Comptroller General report regarding interagency agreements related to Guam realignment.

Sec. 2819. Establishment of conceptual design initiatives in Guam military construction and installations.


Sec. 2821. Eligibility of the Commonwealth of the Northern Mariana Islands for military base reuse studies and community planning assistance.

Sec. 2822. Prevailing wage applicable to Guam.

Subtitle D—Energy Security

Sec. 2823. Sense of Congress regarding Federal assistance to Guam.

Sec. 2824. Annual report on Department of Defense installations energy management.

Subtitle E—Land Conveyances

Sec. 2825. Land conveyance, former Naval Air Station, Alameda, California.

Sec. 2826. Land conveyance, Norwalk Defense Fuel Supply Point, Norwalk, California.

Sec. 2827. Land conveyance, former Naval Station, Treasure Island, California.

Sec. 2828. Condition on lease involving Naval Air Station, Barbers Point, Hawaii.

Sec. 2829. Land conveyance, Sergeant M. D. Davis Army Reserve Center, Springfield, Ohio.

Sec. 2830. Land conveyance, John Sevier Range, Knox County, Tennessee.

Sec. 2831. Land conveyance, Bureau of Land Management land, Camp Williams, Utah.

Sec. 2832. Land conveyance, Army property, Camp Williams, Utah.

Sec. 2833. Extension of Potomac Heritage National Scenic Trail through Fort Belvoir, Virginia.

Sec. 2834. Fire and Rescue Matters.

Sec. 2835. Revised deadline for transfer of Arlington National Annex to Arlington National Cemetery.

Sec. 2836. Deconstruction and use of former bardament area on island of Culebra.


Sec. 2838. Establishment of memorial to American Rangers at Fort Belvoir, Virginia.

Sec. 2839. Lease involving pier on Ford Island, Pearl Harbor Naval Base, Hawaii.

Sec. 2840. Naming of health facility, Fort Rucker, Alabama.

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. INCORPORATION OF PRINCIPLES OF SUSTAINABLE DESIGN IN DOCUMENTS SUBMITTED AS PART OF PROPOSED MILITARY CONSTRUCTION PROJECTS.

(a) DEFINITION OF LIFE-CYCLE COST-EFFECTIVE.—Subsection (c) of section 2801 of title 10, United States Code, is amended—
(1) by transferring paragraph (4) to appear as the first paragraph in the subsection and redesignating such paragraph as paragraph (1);
(2) by redesignating the subsequent three paragraphs as paragraphs (2), (3), and (4), respectively; and
(3) by inserting after paragraph (2), as so redesignated, the following new paragraph:

“(c) The term ‘life-cycle cost-effective’ means with respect to a project, product, or measure, means that the sum of the present values of investment costs, capital costs, installation costs, energy operating costs, maintenance costs, and replacement costs, as estimated for the lifetime of the project, product, or measure, does not exceed the base case (current or standard) for the project, product, or measure.”

(b) INCLUSION.—Section 2802 of such title is amended by adding at the end the following new subsection:

“(c) In determining the scope of a proposed military construction project, the Secretary concerned shall submit to the President such recommendations as the Secretary considers to be appropriate regarding the incorporation and inclusion of life-cycle cost-effective practices as an element in the project documents submitted to Congress in connection with the budget submitted pursuant to section 1105 of title 31 for the fiscal year in which the contract is proposed to be awarded for the project.”.

SEC. 2802. EXTENSION OF AUTHORITY TO USE OPERATIONS AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS OUTSIDE THE UNITED STATES.


SEC. 2803. REVISION OF MAXIMUM LEASE AMOUNT APPLICABLE TO CERTAIN DOMESTIC MILITARY CONSTRUCTION PROJECTS USING LEASES TO REFLECT PREVIOUSLY MADE ANNUAL ADJUSTMENTS IN AMOUNT.

Section 2828(b)(7)(A) of title 10, United States Code, is amended by striking “$18,620 per unit” and inserting “$35,000 per unit”.

May 22, 2008 CONGRESSIONAL RECORD—HOUSE H4731
SEC. 2804. USE OF MILITARY FAMILY HOUSING CONSTRUCTED UNDER BUILD AND LEASE AUTHORITY TO HOUSE MEMBER DEPENDENTS.

(a) IN GENERAL.—Subchapter II of chapter 169 of title 10, United States Code, is amended by inserting after section 2825 the following new section:

"§2825a. Use of military family housing constructed under build and lease authority to house other members

(1) INDIVIDUAL ASSIGNMENT OF MEMBERS WITHIN MILITARY UNACCOMPANIED HOUSING.—In the case of a military unaccompanied housing facility that is located on a military installation and to which a member of the armed forces has been assigned, the Secretary concerned may, at any time, assign such member to quarters other than the quarters to which the member was initially assigned to facilitate the economy of governmental operation and maintenance, and to safeguard the interests of the government and of the member concerned.

(b) CONVERSION TO LONG-TERM LEASING OF MILITARY UNACCOMPANIED HOUSING.—If the Secretary concerned determines that military family housing constructed and leased under section 2822 of this title is not needed to house members of the uniformed services, the Secretary may, at any time, convert the lease contract for such housing to a long-term lease and such family housing shall be considered to be assigned to quarters for a general officer or flag officer and not as such family housing constructed under this subchapter to make lease payments for such housing pursuant to a long-term lease:

(1) if the lessor—

(A) submits to the congressional defense committees a notification of the intent to undertake the conversion; and

(B) a period of 21 days has expired following the date on which a copy of the notice is provided in an electronic medium to the congressional defense committees;

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively, and

(3) by inserting after subsection (b) the following new subsection:

"(c) NOTICE AND WAIT REQUIREMENTS.—(1) The Secretary concerned may not convert military family housing to long-term lease unless the Secretary concerned determines that military family housing so converted will not impair the safety of the family housing program.

(2) The notice required by paragraph (1) shall include—

(A) an explanation of the reasons for the conversion of the military family housing to military unaccompanied housing;

(B) a description of the long-term lease to be entered into with such family housing;

(C) amounts to be paid under the lease; and

(D) the expiration date of the lease.

(d) APPLICATION TO HOUSING LEASED UNDER FORMER AUTHORITY.—This section shall apply to housing initially acquired or constructed under the former section 2822(g) of this title (commonly known as the ‘Build to Lease program’), as added by Public Law 101–113 (104 Stat. 2801 of the Military Construction Authorization Act, 1984 (Public Law 99–115; 97 Stat 72))."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 169 of such title is amended by adding at the end the following new item:

"2835a. Lease of military family housing to the Secretary of Defense for use as residence

SEC. 2805. LEASE OF MILITARY FAMILY HOUSING TO THE SECRETARY OF DEFENSE FOR USE AS RESIDENCE.

(a) LEASE OF HOUSING AUTHORIZED.—Subchapter II of chapter 169 of title 10, United States Code, is amended by adding at the end the following new subsection:

"§2835a. Lease of military family housing to the Secretary of Defense for use as residence

(a) LEASE AUTHORIZED.—The Secretary of a military department may lease military family housing in the National Capital Region (as such term is defined in section 2674 of this title) to the person serving as the Secretary of Defense for the purpose of permitting the person to use the housing as a personal residence while the person is serving as Secretary of Defense. In determining the unit of military family housing to lease under this section, the Secretary of Defense and the Secretary of the military department involved should first consider any units then available that are already substantially equipped for executive communications and security.

(b) RENTAL RATE.—A lease under subsection (a) of a unit of military family housing shall provide for the payment by the person serving as the Secretary of Defense of consideration in an amount equal to the higher of the following:

(1) 105 percent of the monthly rate for the basic allowance for housing prescribed under section 403(b) of title 37 for a member of the armed forces in the pay grade of O-10, with dependents, assigned to duty at the military installation on which the housing unit is located.

(2) The assessed fair market value of the housing unit, offset by the security and infrastructure savings associated with housing the lessee on a military installation.

(c) TREATMENT OF PROCEEDS.—(1) The Secretary of a military department shall deposit all money rentals received pursuant to a lease entered into under this section into a special account in the Treasury established for such military department.

(2) The proceeds deposited into a special account of a military department pursuant to paragraph (1) shall be available to the Secretary of that military department, in such amounts as are provided in advance in appropriation Acts, for maintenance, protection, alteration, repair, improvement, and operation of the housing unit on which the housing will be leased under subsection (a) of this section.

(d) ООNTERFRANCE, AND REPAIR COSTS.

(1) The Secretary of a military department shall ensure that the time, method, and terms and conditions of the conveyance of property or facilities under this section permit full and free competition consistent with the value and nature of the property or facilities involved.

(2) TREATMENT OF ACQUIRED OR CONSTRUCTED HOUSING UNITS.

(1) REPEAL OF SEPARATE ASSIGNMENT AUTHORITY.—Section 2822 of such title is amended to read as follows:

"§2822. Effect of assignment of members to housing units acquired or constructed under alternative authority

(а) TREATMENT OF MEMBERS WITHDEPENTS.—Except as provided in subsection (b), housing units acquired or constructed under this subchapter shall be considered as quarters of the United States or a housing facility under the jurisdiction of a separate assignment authority for purposes of 406 of title 37.

(б) AVAILABILITY OF BASIC ALLOWANCE FOR HOUSING.—A member of the armed forces who is assigned to a housing unit acquired or constructed under this subchapter to make lease payments for such housing pursuant to a lease agreement is not owned or leased by the United States shall be entitled to a basic allowance for housing under section 403 of title 37.

(c) LEASE PAYMENTS THROUGH PAY ALLOWMENTS.—The Secretary concerned may require members of the armed forces who lease housing units acquired or constructed under this subchapter to make lease payments for such housing pursuant to a lease agreement is not owned or leased by the United States shall be entitled to a basic allowance for housing under section 403 of title 37.

(e) ANNUAL REPORT ON MAINTENANCE AND REPAIR TO PRIVATIZED GUARDIAN OFFICER QUARTERS.—Section 2884(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(8) A report identifying each family housing unit acquired or constructed under this subchapter that is used, or intended to be used, as quarters for a general officer or flag officer and for which the total operation, maintenance, and repair costs for the unit exceed $35,000. For each housing unit so identified, the report shall also include the total of such operation, maintenance, and repair costs.

SEC. 2808. REPORT ON CAPTURING HOUSING PRIVATIZATION BEST PRACTICES.

Section 2884(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(8) A separate report on best practices for the execution of housing privatization initiatives, covering the full range of issues that arise throughout the life of the project, from the identification of requirements, through construction, to maintenance of the privatized units or ancillary facilities that are already substantially equipped for executive communications and security. The report shall be submitted to the congressional defense committees and shall include a description of the full range of issues that arise throughout the life of the project, from the identification of requirements, through construction, to maintenance of the privatized units or ancillary facilities that are already substantially equipped for executive communications and security, and such other topics that are identified as pertinent by the Department of Defense."
SEC. 2811. CLARIFICATION OF EXCEPTIONS TO CONGRESSIONAL REPORTING REQUIREMENTS FOR CERTAIN REAL PROPERTY TRANSACTIONS.

Section 2662(c) of title 10, United States Code, is amended—

(a) by inserting “or flood control projects” after “river and harbor projects” in paragraph (1); and

(b) by striking “acquisition specifically authorized in a Military Construction Authorization Act” and inserting “acquisition specifically authorized in a Military Construction Authorization Act or any other Act authorizing or directing activities of the Department of Defense”.

SEC. 2812. AUTHORITY TO LEASE NON-EXCESS PROPERTIES OF MILITARY DEPARTMENT AND DEFENSE AGENCIES.

(a) CONSOLIDATION OF SEPARATE AUTHORITIES.—

(1) ESTABLISHMENT OF SINGLE AUTHORITY.—Subsection (a) of section 2667 of title 10, United States Code, is amended to read as follows:

“(a) LEASE AUTHORITY.—Whenever the Secretary concerned considers it advantageous to the United States, the Secretary concerned may lease to such lessee and upon such terms as the Secretary considers appropriate to promote the national defense or to be in the public interest, real or personal property that—

(I) is under the control of the Secretary concerned;

(II) is not for the time needed for public use; and

(III) is not excess property, as defined by section 102 of title 40.”.

(2) SECRETARY CONCERNED DEFINED.—Subsection (i) of such section is amended by adding at the end the following new sentence: “‘Secretary concerned’ means—

(A) the Secretary of a military department, with respect to matters concerning that military department; and

(B) the Secretary of Defense, with respect to matters concerning the Defense Agencies.”.

(b) LIMITATION ON DURATION OF LEASE.—Subsection (b)(1) of such section is amended by inserting “, but not to exceed 50 years,” after “longer period”.

(c) MODIFICATION OF LEASE BACK WITH EXCESS ANNUAL PAYMENTS.—Subsection (b)(2) of such section is amended—

(1) by striking “and” at the end of paragraph (1); and

(2) by striking the period at the end of paragraph (2) and inserting “; and”;

(d) MODIFICATION OF DURATION REQUIREMENTS.—Paragraph (4) of subsection (c) of such section is amended to read as follows:

“(4) Not later than 30 days before issuing a contract solicitation or other lease offering under this section for a lease whose annual payment, including any in-kind consideration to be accepted in lieu of cash, is in excess of $500,000, the Secretary concerned shall submit a report containing—

(I) a determination that the lease is directly compatible with the mission of the installation or Defense Agency whose property is to be subject to the lease and the anticipated long-term use of the property at the conclusion of the lease;

(II) in the case of a lease described in subparagraph (A), the Secretary concerned also shall submit to the congressional defense committees a report at least 30 days before the date on which the Secretary concerned enters into a lease the following information:

(aa) a copy of the report submitted under subparagraph (A); and

(bb) a description of the differences between the report submitted under that subparagraph and the new report; and

(III) a description of the agreement reached with the local municipality on taxation issues and other development issues related to the proposed project, including payments-in-lieu-of-taxes.

(3) A description of the lessee payment required under this section.

(4) PROHIBITION ON ACCEPTANCE OF IN-KIND SUPPORT TO CERTAIN MWR PROJECTS.—Subsection (c) of such section is amended by adding at the end the following new paragraph:

“(A) The Secretary concerned may not accept in-kind consideration under paragraph (1) with respect to a lease under this section to support the development of a non-appropriated fund activity of the Department of Defense conducted for the morale, welfare, and recreation of members of the armed forces if the revenues estimated to be generated from the resulting facility would generally cover the operating expenses of the facility.

(B) INFORMING AMENDMENTS TO REFERENCES TO MILITARY DEPARTMENTS AND INSTALLATIONS.—

(1) COMMUNITY SUPPORT FACILITIES AND COMMUNITY SUPPORT SERVICES.—Subsection (d) of such section is amended—

(A) in paragraph (2), by striking “Secretary of a military department” and inserting “Secretary concerned”;

(B) in paragraphs (3), (4), and (6), by striking “of the military department” each place it appears;

(C) DEPOSIT AND USE OF PROCEEDS.—Subsection (e) of such section is amended—

(A) in paragraph (1)(A)—

(i) by striking “Secretary of a military department” and inserting “Secretary concerned”;

(ii) in clause (iii), by striking “existing” and inserting “existing or new”;

(ii) in clause (iii), by striking “Secretary of a military department” and inserting “Secretary concerned”;

(D) in paragraph (1)(B)—

(i) by striking “of a military department pursuant to subparagraph (A)” and inserting “Secretary concerned”;

(ii) in clause (iii), by striking “existing” and inserting “existing or new”;

(E) in paragraph (2)(A)(iv) and (v), by striking “Secretary” and inserting “Secretary concerned”;

(F) in paragraph (3), by striking “Secretary of a military department” and inserting “Secretary concerned”;

(G) in paragraph (5)(B)(i), by striking “Secretary of a military department” and inserting “Secretary concerned”;

(H) in paragraph (6)(C)(i), by striking “Secretary of a military department represented by an” and inserting “Secretary concerned represented by an”;

(I) in clause (ii), by striking “of a military department” and inserting “Secretary concerned”;

(J) in clause (iii), by striking “Secretary of a military department” and inserting “Secretary concerned”;

(K) in paragraph (7)(A)—

(i) by striking “Secretary” and inserting “Secretary concerned”;

(ii) in clause (iii), by striking “Secretary of a military department” and inserting “Secretary concerned”;

(M) in paragraph (8)(B)(i), by striking “Secretary of a military department” and inserting “Secretary concerned”;

(N) in paragraph (8)(B)(ii), by striking “Secretary” and inserting “Secretary concerned”;

(O) in paragraph (8)(C)(iv), by striking “Secretary of a military department” and inserting “Secretary concerned”.

(2) ASSUMPTION OF LIABILITY.—The heading of section 2667 of such title is amended to read as follows: ‘‘2667. Leases: non-excess property of military departments and Defense Agencies’’.

(3) TREATMENT OF MONEY RENTS.—In any special account established for a Defense Agency pursuant to subsection (b) of section 2667a of title 10, United States Code, before repeal of such section by paragraph (1), and amounts that would be deposited in such an account in connection with a lease referred to in paragraph (2), shall remain available until expended for the purposes specified in such subsection, notwithstanding the repeal of such section by paragraph (1).

(4) REPEAL.—Section 2667a of such title is repealed.

(5) EFFECT ON EXISTING CONTRACTS.—The repeal of section 2667a of title 10, United States Code, shall not affect the terms of any lease with respect to property of a Defense Agency entered into by the Secretary of Defense under such section before the date of the enactment of this Act.

(6) TREATMENT OF MONEY RENTS.—In any special account established for a Defense Agency pursuant to subsection (b) of section 2667a of title 10, United States Code, before repeal of such section by paragraph (1), and amounts that would be deposited in such an account in connection with a lease referred to in paragraph (2), shall remain available until expended for the purposes specified in such subsection, notwithstanding the repeal of such section by paragraph (1).

(7) CLERICAL AMENDMENTS.—The heading of section 2667a of such title is amended to read as follows: ‘‘2667a. Leases: non-excess property of military departments and Defense Agencies’’.

SEC. 2813. MODIFICATION OF UTILITY SYSTEM CONVEYANCE AUTHORITY.

(a) CONVEYANCE OF UTILITY SYSTEM INFRASTRUCTURE.—Section 2688 of title 10, United States Code, is amended—

(1) by redesignating subsections (i) and (j) as subsections (k) and (l), respectively; and

(2) by inserting after subsection (h) the following new subsection:

“(i) CONVEYANCE OF UTILITY INFRASTRUCTURE AFTER PRIVATIZATION OF UTILITY SYSTEM.—(1) The Secretary concerned may convey all right, title, and interest of the United States, or such lesser estate as the Secretary considers appropriate, of an existing or existing or new utility system under the jurisdiction of the Secretary to the entity to which a utility system has been conveyed under subsection (a) if the infrastructure will be used as part of the utility system conveyed.

(2) In making a conveyance under paragraph (1), the Secretary concerned may use other than competitive procedures. As consideration for the conveyance, the Secretary concerned shall receive an amount equal to the fair market value of the conveyed utility infrastructure determined in the same manner as the consideration the Secretary could require under subsection (c) for the conveyance of a utility system under subsection (a).’’.

(b) ASSISTANCE FOR CONSTRUCTION, REPAIR, OR REPLACEMENT OF UTILITY INFRASTRUCTURE.—Subsection (h) of such section is amended—

(1) in the subsection heading, by striking “SYSTEMS”— and inserting “SYSTEMS OR INFRASTRUCTURE.—”;

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

“(1) In lieu of carrying out a military construction project to construct, repair, or replace utility infrastructure to be used with a utility system conveyed under subsection (a), the Secretary concerned may provide, from amounts authorized and appropriated for the project for fiscal year 2009 or subsequent fiscal years, funds to a utility entity to which such utility system has been conveyed for use by the entity to construct, repair, or replace the utility infrastructure if the
infrastructure will be used as part of the utility system. As consideration for the provision of such funds, the Secretary may require a reduction in charges for utility services in the same manner as charges may be required under subsection (c) for the conversion of a utility system under subsection (a)."

SEC. 2814. PERMANENT AUTHORITY TO PURCHASE MUNICIPAL SERVICES FOR MILITARY INSTALLATIONS IN THE UNITED STATES.

(a) PERMANENT AUTHORITY.—Chapter 146 of title 10, United States Code, is amended by inserting after section 2465 the following new section:

``$2465a. Contracts for procurement of municipal services for military installations in the United States

SEC. 2814. PERMANENT AUTHORITY TO PURCHASE MUNICIPAL SERVICES FOR MILITARY INSTALLATIONS IN THE UNITED STATES.

(a) PERMANENT AUTHORITY.—Chapter 146 of title 10, United States Code, is amended by inserting after section 2465 the following new section:

``$2465a. Contracts for procurement of municipal services for military installations in the United States

(a) CONTRACT AUTHORITY.—Subject to section 2465 of this title, the Secretary a military department may enter into a contract for the procurement of municipal services described in subsection (b) for a military installation in the United States under the jurisdiction of the Secretary from a county or municipal government for the geographic area in which the installation is located.

(b) COVERED MUNICIPAL SERVICES.—Only the following municipal services may be procured for a military installation under the authority of this section:

(1) the term of the proposed contract does not exceed five years;

(2) the Secretary determines that the price for the municipal services to be provided under the contract is fair and reasonable and represents the least cost to the Federal Government;

(3) the business case supporting the Secretary’s determination under paragraph (2) —

(A) describes the availability, benefits, and drawbacks of alternative sources; and

(B) establishes that performance by the county or municipal government will not increase costs to the Federal Government, when compared to the cost of continued performance by the current provider of the services;

(d) LIMITATION ON DELEGATION.—The authority to make the determination described in subsection (c)(2) may not be delegated to a level lower than the Assistant Secretary for Installations and Environment or another official of the Department of Defense at an equivalent level.

(e) CONGRESSIONAL NOTIFICATION.—The Secretary may not enter into a contract under subsection (a) for the procurement of municipal services until the Secretary notifies the congressional defense committees of the terms and conditions of the contract.

(f) GUIDANCE.—The Secretary of Defense shall issue guidance to address the implementation of this section.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2465 the following new item:

``2465a. Contracts for purchase of municipal services for military installations in the United States.’’

(c) TERMINATION OF PILOT PROGRAM.—Section 325 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–136) is amended by striking paragraph (4) and inserting the following in lieu thereof:

``To carry out or facilitate the carrying out of a transaction authorized by this section in connection with the realignment of military installations and the relocation of military personnel on Guam, including military construction, military family housing, unaccompanied housing, general facilities constructions for military forces, and construction of roads.

To carry out improvements of property or facilities on Guam as part of such a transaction.

To provide support services for property or facilities on Guam resulting from such a transaction.

To develop military facilities or training ranges in the Commonwealth of the Northern Mariana Islands.

(2) COMPLIANCE WITH GUAM MASTER PLAN.—Transactions authorized by paragraph (1) shall be consistent with the Guam Master Plan, as incorporated in decisions made in the manner provided in section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

(3) LIMITATION REGARDING MILITARY HOUSING.—To the extent that the authorities provided under subchapter IV of chapter 109 of title 10, United States Code, are available to the Secretary of Defense, the Secretary may obligate such funds to acquire, construct, or improve family housing units, military unaccompanied housing units, or ancillary supporting facilities in connection with the relocation of military personnel on Guam.

(4) SPECIAL REQUIREMENTS REGARDING USE OF CONTRIBUTIONS.—

(A) TREATMENT OF CONTRIBUTIONS.—Except as provided in subparagraph (C), the use of contributions referred to in subsection (b)(1) shall not subject to conditions imposed on the use of appropriated funds by chapter 109 of title 10, United States Code, or contained in annual military construction appropriations Acts.

(B) NOTICE OF OBLIGATION.—Contributions referred to in subsection (b)(1) may not be obligated for a transaction authorized by paragraph (1) until the Secretary submits to the congressional defense committees notice of the transaction, including a detailed cost estimate, and a period of 30 days has elapsed after the date on which the notification is received by the committees or, if earlier, a period of 14 days has elapsed after the date on which a copy of the notification is provided in an electronic medium.

(C) COST AND SCOPE OF WORK VARIATIONS.—Section 2833 of title 10, United States Code, shall apply to the use of contributions referred to in subsection (b)(1).

(D) COMPLIANCE WITH WAGE RATE REQUIREMENTS.—Subchapter IV of chapter 31 of title 40, United States Code, shall apply to the use of contributions referred to in subsection (b)(1).

(e) REPORT REGARDING GUAM MILITARY CONSTRUCTION.

(1) TRANSFER TO HOUSING FUNDS.—The Secretary of Defense may transfer funds from the Guam Defense Policy Review Initiative Account to the following funds:

(A) The Department of Defense Family Housing Improvement Fund established by section 2883(a)(1) of title 10, United States Code, for the realignment of military installations and the relocation of military personnel on Guam.

(B) The Department of Defense Military Unaccompanied Housing Improvement Fund established by section 2883(g)(2) of such title.

(2) TREATMENT OF TRANSFERRED AMOUNTS.—Amounts transferred under paragraph (1) to a fund referred to in that paragraph shall be available in accordance with the provisions of section 2883 of title 10, United States Code for activities on Guam authorized under subchapter IV of chapter 109 of such title.

(e) REPORT REGARDING GUAM MILITARY CONSTRUCTION.—Not later than February 15 of each year, the Secretary of Defense shall submit to Congress a report containing an overview of each military construction project included in the budget submission for the next fiscal year related to the realignment of military installations and the relocation of military personnel on Guam. The Secretary shall present the information in a manner consistent with the presentation of projects in the military construction accounts for each of the military departments in the budget submission. The report shall also include projects associated with the realignment of military installations and relocation of military personnel on Guam that are anticipated in the future-years defense program pursuant to section 221 of title 10, United States Code.
SEC. 2825. COMPTROLLER GENERAL REPORT REGARDING GUAM REALIGNMENT.

(a) Report Required.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the status of interagency coordination through the Interagency Group on Insular Areas and the relocation of military personnel on Guam.

(b) Class Action.—The Comptroller General shall submit to the Secretary of Defense a report on the status of interagency coordination through the Department of Defense related to the realignment of military personnel on Guam and the relocation of military personnel on Guam.

(c) Certification of Enhanced Use Leases.—The Secretary concerned may not enter into the enhanced use lease for the development of defense installations on Guam under section 2911 of this title.

SEC. 2841. ANNUAL REPORT ON DEPARTMENT OF DEFENSE INSTALLATIONS ENERGY MANAGEMENT.

(a) Contents.—The annual report submitted by the Secretary of Defense under section 2911 of this title shall include a detailed explanation of the Department of Defense’s energy management initiatives, including initiatives in Guam.

(b) Certification of Enhanced Use Leases.—The Secretary concerned may not enter into the enhanced use lease for the development of defense installations on Guam under section 2911 of this title.
property to be conveyed under this section shall be
acreage and legal description of the real property to be conveyed under this section shall be conveyed under subsection (a) as the Secretary at the request of the redevelopment authority shall remain in full
interests of the United States.
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gross residential and commercial building sales to the first bona-fide, arms-length third-party buyer, whether as new construction or the sale of rehabilitated existing structures. In the event that the Navy does not receive the gross proceeds from the sale of any building or parcel of land held in the public trust by the State of California or sales of land or buildings for the purpose of constructing or otherwise making available affordable housing, as determined by the Secretary.
(i) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Navy may require such additional terms and conditions in connection with the conveyance under subsections (a) and (b) of this section as the Secretary determines appropriate to protect the interests of the United States.
(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the City of Norwalk, California (in this section referred to as the “City”), all rights, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 10 acres of land known as Holifield Park. In connection with the conveyance, the Secretary may make a payment to the City to assist the City in making municipal upgrades in the vicinity of the Norwalk Defense Fuel Supply Point.
(b) ENVIRONMENTAL REMEDIATION.—The Secretary shall manage and carry out environmental remediation with respect to the property to be conveyed under subsection (a) that, at a minimum, achieve the standard sufficient to allow the property to be used for the purposes specified in subsection (a). The Secretary shall endeavor to enter into an agreement with the holder of an easement on the property to ensure that the easement holder participates in the remediation of the property.
(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.
(d) PAYMENT OF COSTS OF CONVEYANCES.—(1) The Secretary shall require the City to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the City in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the City.
(2) TREATMENT OF AMOUNTS RECEIVED.—(A) Subject to subsection (b), amounts received as reimbursements under paragraph (1) shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.
(g) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under this section shall be determined by a survey satisfactory to the Department.
(h) MASTER LEASE.—The Lease in Furtherance of the conveyance under subsection (a) shall be subject to the master lease with respect to the property to be conveyed under subsection (a) as the Secretary determines appropriate to protect the interests of the United States.
(i) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Navy may require such additional terms and conditions in connection with the conveyance under subsections (a) and (b) of this section as the Secretary determines appropriate to protect the interests of the United States.
SEC. 2552. LAND CONVEYANCE, NORWALK DEFENSE FUEL SUPPLY POINT, NORWALK, CALIFORNIA.
(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy shall convey to the redevelopment authority the land, including improvements, described in paragraph (1) of this section to the redevelopment authority and subject to the same conditions and limitations, as amounts in such fund or account.
(b) ENVIRONMENTAL REMEDIATION.—The Secretary shall manage and carry out environmental remediation with respect to the property to be conveyed under subsection (a) that, at a minimum, achieve the standard sufficient to allow the property to be used for the purposes specified in subsection (a). The Secretary shall endeavor to enter into an agreement with the holder of an easement on the property to ensure that the easement holder participates in the remediation of the property.
(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.
(d) PAYMENT OF COSTS OF CONVEYANCES.—(1) The Secretary shall require the City to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the City in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the City.
(2) TREATMENT OF AMOUNTS RECEIVED.—(A) Subject to subsection (b), amounts received as reimbursements under paragraph (1) shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.
(g) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under this section shall be determined by a survey satisfactory to the Secretary.
(h) MASTER LEASE.—The Lease in Furtherance of the conveyance under subsection (a) shall be subject to the same terms and conditions, as amounts in such fund or account.
(i) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Navy may require such additional terms and conditions in connection with the conveyance under subsections (a) and (b) of this section as the Secretary determines appropriate to protect the interests of the United States.
SEC. 2553. LAND CONVEYANCE, FORMER NAVAL STATION, TREASURE ISLAND, CALIFORNIA.
(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy shall convey to the redevelopment authority the land, including improvements, described in paragraph (1) of this section to the redevelopment authority and subject to the same conditions and limitations, as amounts in such fund or account.
SEC. 2854. CONDITION ON LEASE INVOLVING NAVAL AIR STATION, BARRIERS POINT, HAWAII.

As a condition of any lease executed by the Secretary pursuant to section 2842 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109-364; 120 Stat. 2482) with Ford Island Properties/Hunt Development involving the property of the United States in and to the parcel of real property, including any improvements thereon and appurtenant easements thereto, consisting of approximately 124 acres known as the John Sevier Range in Knox County, Tennessee, if the State agrees to use such real property as a public firing range and for associated recreational purposes.

SEC. 2855. LAND CONVEYANCE, SERGEANT FIRST CLASS M.L. DOWNS ARMY RESERVE CENTER, SPRINGFIELD, OHIO.

(a) CONVEYANCE AUTHORIZED.—At such time as the Army Reserve vacates the Sergeant First Class M.L. Downs Army Reserve Center at 1515 West High Street in Springfield, Ohio, the Secretary of the Army may convey, without consideration, to the City of Springfield, Ohio (in this section referred to as the “City”), all right, title, and interest of the United States in and to the parcel of real property, including improvements thereon, the Sergeant First Class M.L. Downs Army Reserve Center, and any improvements and appurtenant easements thereto, to the City, in consideration of an amount to be determined by the Secretary in accordance with the terms of the conveyance, including survey expenses, expenses related to environmental documentation, and other administrative costs related to the conveyance.

(b) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance, including survey expenses, expenses related to environmental documentation, and other administrative cost related to the conveyance, the Secretary may require, by written notice, the conveyee to cease using the property for the purpose of the conveyance, and the City shall not reposition the property for any purpose other than a public firing range.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey performed by the Secretary on the record after an opportunity for a hearing.

(d) PAYMENT OF COSTS OF CONVEYANCE.—(1) PAYMENT REQUIRED.—The amount to be paid shall be an amount equal to the actual costs incurred by the Secretary in carrying out the conveyance, and the amount paid shall be in addition to any administrative costs related to the conveyance.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under the provisions of this section shall be deposited in the account of the Department of the Treasury designated for the purposes of this section and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such account.

SEC. 2856. LAND CONVEYANCE, JOHN SEVIER RANGE, KNOX COUNTY, TENNESSEE.

(a) CONVEYANCE AUTHORIZATION.—The Secretary of the Army may convey, without consideration, to the State of Tennessee all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon and appurtenant easements thereto, consisting of approximately 124 acres known as the John Sevier Range in Knox County, Tennessee, if the State agrees to use such real property as a public firing range and for associated recreational purposes.

(b) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance, the Secretary may require, by written notice, the conveyee to cease using the property for the purpose of the conveyance, and the City shall not reposition the property for any purpose other than a public firing range.

SEC. 2857. LAND CONVEYANCE, BUREAU OF LAND MANAGEMENT LAND, CAMP WILLIAMS, UTAH.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the State of Utah on behalf of the Utah National Guard (in this section referred to as the “State”) all right, title, and interest of the United States in and to two parcels of real property comprising in the State of Utah, located within the boundaries of the public lands currently withdrawn for military use by the Utah National Guard and known as Camp Williams, Utah, for the purpose of permitting the State of Utah, and the United States, to convey the land as provided in subsection (c).

(b) REVERSION OF EXECUTIVE ORDER.—Executive Order No. 12922 of April 24, 1994, as amended by section 907 of the Camp W.G. Williams Land Exchange Act of 1989 (title IX of Public Law 101-628; 104 Stat. 4501), shall be revoked, only insofar as it affects the lands identified for conveyance to the State of Utah under subsection (a).

(c) REVERSIONARY INTEREST.—The lands conveyed to the State of Utah under subsection (a) shall revert to the United States if the Secretary of the Interior determines that the land, or any portion thereof, is sold or attempted to be sold, leased, or exchanged by the State, or used for non-National Guard or non-national defense purposes. Any determination by the Secretary of the Interior under this subsection shall be made in consultation with the Secretary of Defense and the Governor of Utah and on the record after an opportunity for comment.

(d) HAZARDOUS MATERIALS.—With respect to any portion of the lands conveyed under subsection (a) that the Secretary of the Interior determines is subject to reversion under subsection (c), if the Secretary of the Interior determines that the portion of the land contains hazardous materials, the State shall pay the United States an amount equal to the fair market value of that portion of the land and the reversionary interest shall not apply to that portion of the land.
paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) REAL PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance to provide for the protection of the United States as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2859. EXTENSION OF POTOMAC HERITAGE NATIONAL SCENIC TRAIL THROUGH FORT BELVOIR, VIRGINIA.

(a) AGREEMENT AUTHORITY.—The Secretary of the Army may enter into a revocable at will easement with the Secretary of the Interior to provide land along the perimeter of Fort Belvoir, Virginia, to be used as a segment the Potomac Heritage National Scenic Trail.

(b) SELECTION CRITERIA.—In determining the extent of the easement, the Secretary of the Army shall provide for a single trail, and select alignments of the trail, along the perimeter of Fort Belvoir, in making that determination, the Secretary shall consider

(1) the perimeter security requirements to protect the assets, personnel, and agency missions located at Fort Belvoir;

(2) the appropriate setback from adjacent roadways to provide for a safe and enjoyable experience for users of the trail; and

(3) any planned future expansion of roadways, including United States Route 1, so that the trail will not be adversely impacted by roadway changes.

(c) TRAIL ADMINISTRATION AND MANAGEMENT.—Any segment of the Potomac Heritage National Scenic Trail along the perimeter of Fort Belvoir shall be administered by the Secretary of the Interior, acting through the National Park Service, and shall be managed by an appropriate local agency, or by any other party mutually acceptable to the Secretary of the Army and the National Park Service. A written agreement confirming that segment arrangement shall be co-signed by the parties to the easement agreement.

Subtitle F—Other Matters

SEC. 2871. REVISED DEADLINE FOR TRANSFER OF ARMY PROPERTY IN LAND, PEARL HARBOR NAVAL BASE, HAWAII.

(b) LOCATION AND DESIGN.—The Secretary of the Army may permit the National Museum of the United States Air Force at Wright-Patterson Air Force Base, Ohio, in making a gift, the Air Force Museum Foundation may specify that all or part of the amount of the purchase price for the purpose of the design and construction of a particular portion of the building.

(b) EASEMENT ACCOUNT.—(1) DEPOSIT OF FUNDS.—The Secretary of the Air Force, acting through the Director of Financial Management of the Air Force Materiel Command (in this section referred to as the "Director") shall deposit in the escrow account any funds not accepted under subsection (a) in an escrow account established for that purpose.

(2) INVESTMENT.—The escrow account not required to meet current requirements of the account shall be invested in public debt securities with maturities suitable to the needs of the amount, as determined by the Director, and bearing interest at rates that take into consideration current market yields on outstanding marketable obligations of the United States of comparable securities. The income on such investments shall be credited to and form a part of the account.

(3) LIQUIDATION.—Upon final payment of all invoices and claims associated with the design and construction of the building described in subsection (a), the Secretary shall terminate the escrow account. Any amounts remaining in the account shall be distributed to the Secretary, in such amounts as are provided in advance in appropriations Acts, for such purposes as the Secretary considers appropriate.

(c) USE OF PROCEEDS.—(1) DESIGN AND CONSTRUCTION.—The Director shall use amounts in the escrow account, including income on investments, to pay the costs of design and construction for the building for the National Museum of the United States Air Force, including progress payments for such design and construction, subject to any conditions and restrictions provided for in this Act and imposed by the United States Air Force Foundation under subsection (a). Amounts in the account shall be available to the Director, in such amounts as are provided in advance in appropriations Acts, until expended.

(2) TIME FOR PAYMENT.—Amounts shall be payable under paragraph (1) upon receipt by the Director of a notification from the technical representative of the contracting officer that construction activities for which such amounts are payable under paragraph (1) have been undertaken. To the maximum extent practicable, consistent with good business practice, the Director shall limit payment of amounts from the account in order to maximize the return on investment of amounts in the escrow account.

(d) LIMITATION ON CONTRACTS.—The Secretary of the Air Force may not initiate a contract for the design or construction of a particular portion of the building described in subsection (a) until amounts in the escrow account are sufficient to cover the amount of the contract.

SEC. 2874. ESTABLISHMENT OF MEMORIAL TO AMERICAN RANGERS AT FORT BELVOIR, VIRGINIA.

(a) AUTHORITY TO ESTABLISH MEMORIAL.—The Secretary of the Army may permit the American Ranger Memorial Association, Inc., to establish and maintain, at a suitable location on Fort Belvoir, Virginia, a national memorial to honor the sacrifice and service of American Rangers during their almost four hundred years of existence.

(b) LOCATION AND DESIGN.—The actual location and final design of the memorial authorized by subsection (a) shall be subject to the approval of the Secretary. In selecting the location, in consultation with the Secretary of the Interior, the Secretary shall maximize visitor access to the resulting memorial.

(c) MAINTENANCE.—The maintenance of the memorial authorized by subsection (a) by the American Ranger Memorial Association, Inc., shall be subject to such conditions regarding access to the memorial, and such other conditions, as the Secretary considers appropriate to protect the interests of the United States.

(d) LIMITATION ON PAYMENT OF EXPENSES.—The United States Government shall not pay any expenses incurred by the Secretary in maintenance of the memorial authorized by subsection (a).

SEC. 2875. LEASE INVOVING PIER ON FORD ISLAND, HAWAII.

(a) LEASE.—The Secretary of the Navy shall enter into a lease with the USS Missouri Memorial Association to use the pier Fostfoot Five and related real property on Ford Island, Pearl Harbor Naval Base, Hawaii, during calendar years 2009 and 2010.

(b) CONSIDERATION.—The lease required by subsection (a) shall be made without consideration.

(c) CONDITION ON USE OF LEASED PROPERTY.—As a condition on the lease under subsection (a), the USS Missouri Memorial Association shall agree to preserve and maintain the USS Missouri for education purposes, historic preservation, and community outreach.

(d) EFFECT OF VIOLATION.—If the Secretary determines at any time that the USS Missouri Memorial Association is not in compliance with the condition imposed by subsection (c), the Secretary may terminate the lease referred to in subsection (a). Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

SEC. 2876. NAMING OF HEALTH FACILITY, FORT RUCKER, ALABAMA.

The health facility located at 301 Andrews Avenue in Fort Rucker, Alabama, shall be known and designated as the "Lyster Army/Va Health Clinic." Any reference in any map, regulation, document, paper, or other record of the United States to such facility shall be deemed to be a reference to the Lyster Army/Va Health Clinic.

TITLE XXIX—ADDITIONAL WAR-RELATED AND EMERGENCY MILITARY CONSTRUCTION AUTHORIZATIONS FOR FISCAL YEAR 2008

Sec. 2901. Authorized Army construction and land acquisition projects.
Sec. 2902. Authorized Navy construction and land acquisition projects.
Sec. 2903. Authorized Air Force construction and land acquisition projects.
Sec. 2904. Authorized Defense Agencies construction and land acquisition projects.
Sec. 2905. Termination of authority to carry out fiscal year 2008 Army projects for which funds were not appropriated.

Sec. 2901. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (c)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alaska</td>
<td>Fort Wainwright ..........</td>
<td>$17,000,000</td>
</tr>
<tr>
<td>Calif.</td>
<td>Fort Irwin ...............</td>
<td>$11,800,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>Fort Carson ..............</td>
<td>$8,400,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Fort Gordon .............</td>
<td>$39,800,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Schofield Barracks ......</td>
<td>$12,500,000</td>
</tr>
<tr>
<td>Kentucky</td>
<td>Fort Campbell ..........</td>
<td>$9,900,000</td>
</tr>
<tr>
<td>Ky</td>
<td>Fort Knox ...............</td>
<td>$7,000,000</td>
</tr>
<tr>
<td>Missouri</td>
<td>Fort Leonard ............</td>
<td>$50,000,000</td>
</tr>
<tr>
<td>Wood</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Army: Inside the United States—Continued

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>North Carolina</td>
<td>Fort Bragg</td>
<td>$8,500,000</td>
</tr>
<tr>
<td>Oklah&lt;no-/&gt;oma</td>
<td>Fort Sill</td>
<td>$9,000,000</td>
</tr>
<tr>
<td>South Carolina</td>
<td>Fort Jackson</td>
<td>$27,000,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Fort Bliss</td>
<td>$17,300,000</td>
</tr>
<tr>
<td>Fort Hood</td>
<td>$7,200,000</td>
<td></td>
</tr>
<tr>
<td>Fort Sam Houston</td>
<td>$54,000,000</td>
<td></td>
</tr>
<tr>
<td>Virginia</td>
<td>Fort Eustis</td>
<td>$50,000,000</td>
</tr>
<tr>
<td>Fort Lee</td>
<td>$7,400,000</td>
<td></td>
</tr>
</tbody>
</table>

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (c)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

| Army: Outside the United States
<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Afghanistan</td>
<td>Various Locations</td>
<td>$54,000,000</td>
</tr>
<tr>
<td>Iraq</td>
<td>Baghdad</td>
<td>$13,000,000</td>
</tr>
<tr>
<td>Camp Adder</td>
<td>$13,200,000</td>
<td></td>
</tr>
<tr>
<td>Camp Ramadi</td>
<td>$6,200,000</td>
<td></td>
</tr>
<tr>
<td>Fallujah</td>
<td>$5,500,000</td>
<td></td>
</tr>
</tbody>
</table>

(c) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated on or after the date of the enactment of this Act for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $94,721,000, as follows:

(1) For military construction projects inside the United States authorized by subsection (a), $90,679,000.
(2) For military construction projects outside the United States authorized by subsection (b), $22,390,000.
(3) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $876,000,000.
(4) For construction and acquisition, planning and design, and improvement of military family housing facilities, $17,796,000.

SEC. 2903. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (c)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Virginia</td>
<td>Fort Eustis</td>
<td>$50,000,000</td>
</tr>
<tr>
<td>Fort Jackson</td>
<td>$27,000,000</td>
<td></td>
</tr>
<tr>
<td>Camp Lejeune</td>
<td>$122,000,000</td>
<td></td>
</tr>
<tr>
<td>Camp Benning</td>
<td>$350,000,000</td>
<td></td>
</tr>
<tr>
<td>Fort Riley</td>
<td>$40,000,000</td>
<td></td>
</tr>
</tbody>
</table>

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (c)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

| Navy: Outside the United States
<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Djibouti</td>
<td>Camp Lemonier</td>
<td>$22,390,000</td>
</tr>
</tbody>
</table>

(c) AUTHORIZATION OF APPROPRIATIONS.—Subject to section 2825 of title 10, United States Code, funds are hereby authorized to be appropriated on or after the date of the enactment of this Act for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $94,721,000, as follows:

(1) For military construction projects inside the United States authorized by subsection (a), $90,679,000.
(2) For military construction projects outside the United States authorized by subsection (b), $22,390,000.
(3) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $876,000,000.
(4) For construction and acquisition, planning and design, and improvement of military family housing facilities, $17,796,000.

SEC. 2905. TERMINATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 2008 ARMY PROJECTS FOR WHICH FUNDS WERE NOT APPROPRIATED.

The table in section 2901(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 570) is amended—

(1) in the item relating to Baghdad Air Base, Afghanistan, by striking "$249,600,000" in the amount column and inserting "$195,600,000";
(2) in the item relating to Camp Adder, Iraq, by striking "$80,650,000" in the amount column and inserting "$75,800,000";
(3) in the item relating to Camp Anaconda, Iraq, by striking "$53,500,000" in the amount column and inserting "$40,000,000";
(4) in the item relating to Camp Victory, Iraq, by striking "$65,400,000" in the amount column and inserting "$60,400,000";
(5) by striking the item relating to Tikrit, Iraq; and
(6) in the item relating to Camp Speicher, Iraq, by striking "$83,900,000" in the amount column and inserting "$84,100,000".

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs

Sec. 3001. National Nuclear Security Administration.

Sec. 3002. Defense environmental cleanup.

Sec. 3003. Other defense activities.

Sec. 3004. Defense nuclear waste disposal.

Sec. 3005. Energy security and assurance.

Subtitle B—Program Authorizations, Restrictions, and Limitations

Sec. 3011. Utilization of international contributions to the Russian plutonium disposition program.

Sec. 3012. Extension of deadline for Comptroller General report on Department of Energy protective force management.
Subtitle A—National Security Programs

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) Authorization of Appropriations.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2009 for the activities of the National Nuclear Security Administration in carrying out programs necessary for national security in the amount of $9,301,922,000, to be allocated as follows:

(1) For weapons activities, $6,609,639,000.
(2) For defense nuclear proliferation activities, $1,455,148,000.
(3) For naval reactors, $392,054,000.
(4) For the Office of the Administrator for Nuclear Security, $490,150,000.

(b) Authorization of New Plant Projects.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out new plant projects for the National Nuclear Security Administration as follows:

(1) For readiness in technical base and facilities, $1,747,792,000.
Project 09–D–404, Test Capabilities Revitalization, Phase 2, Sandia National Laboratories, New Mexico, $3,000,000.
Project 09–D–406, Beam Laboratory Refurbishment, Sandia National Laboratories, New Mexico, $10,014,000.
(2) For naval reactors, the following new plant projects:
Project 09–D–902, Nuclear Reactor Facilities Production Support Complex, Naval Reactors Facility, Idaho, $8,300,000.
Project 09–D–196, KAPL Infrastructure Upgrades, Schneiderney, New York, $1,000,000.

SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2009 for defense environmental cleanup activities in carrying out programs necessary for national security in the amount of $5,317,256,000.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2009 for defense activities in carrying out programs necessary for national security in the amount of $7,622,000.

Subtitle B—Program Authorizations, Restrictions, and Limitations

SEC. 3111. UTILIZATION OF INTERNATIONAL CONTRIBUTIONS TO THE RUSSIAN PLUTONIUM DISPOSITION PROGRAM.

(a) In General.—The Secretary of Energy may, in consultation with the Secretary of State, enter into one or more agreements with any person (including a foreign government, international organization, or multinational entity) that the Secretary of Energy considers appropriate, under which the person contributes funds for the effective and transparent disposition of Plutonium stored in the Russian Federation, known as the Russian Plutonium Disposition Program.

(b) Retention and Use of Amounts.—Subject to the availability of appropriations, the Secretary of Energy may retain and use amounts contributed under an agreement under subsection (a) for performing or facilitating the Russian Plutonium Disposition Program. Amounts so contributed shall be retained in a separate fund established in the Treasury for such purposes, subject to the availability of appropriations consistent with an agreement under subsection (a).

(c) Return of Amounts Not Used Within 5 Years.—If an amount contributed under an agreement pursuant to subsection (a) is not used under this section within 5 years after it was contributed, the Secretary of Energy shall return that amount to the person who contributed it.

(d) Notice to Appropriate Congressional Committees.—Not later than 30 days after the receipt of an amount contributed under subsection (b), the Secretary of Energy shall submit to the appropriate congressional committees a notice specifying the purpose and value of the contribution and identifying the person who contributed it. The Secretary may not use such amount until 15 days after the notice is submitted.

(e) Annual Report.—Not later than October 31 of each year, beginning in the fiscal year in which the first contributions are retained under subsection (b), the Secretary of Energy shall submit to the appropriate congressional committees a report and use of amounts under this section during the preceding fiscal year. Each report for a fiscal year shall set forth:

(1) a statement of any amounts received under this section, including, for each such amount, the value of the contribution and the person who contributed it;
(2) a statement of any amounts used under this section, including, for each such amount, the purposes for which the amount was used; and
(3) a statement of the amounts retained but not used under this section including, for each such amount, the purposes (if known) for which the Secretary intends to use the amount.

(f) Expiration.—The authority to accept, retain, and use contributions under this section shall expire on December 31, 2013.

(g) Appropriate Congressional Committees Defined.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the House of Representatives; and
(2) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate.

SEC. 3112. EXTENSION OF DEADLINE FOR COMP-TROLLER GENERAL REPORT ON DEPARTMENT OF ENERGY PROTECTIVE FORCE MANAGEMENT.

Section 3124(a)(4) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 1394) shall be subject to the extension provided by striking “Not later than 180 days after the date of the enactment of this Act,” and inserting “Not later than March 1, 2009.”

Title XXV—Naval Petroleum Reserves

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2009, $5,249,900 for the operation of the Naval Petroleum Reserves in accordance with the provisions of the Act of September 29, 1932 (42 U.S.C. 2286 et seq.).

Title XXXIV—Naval Petroleum Reserves

Subtitle A—National Security Programs

Authorizations

SEC. 3301. AUTHORIZATION OF APPROPRIATIONS.

(a) Amount.—There are hereby authorized to be appropriated to the Secretary of Energy $19,099,000 for fiscal year 2009 for the purpose of carrying out activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves.

(b) Period of Availability.—Funds appropriated pursuant to the authorization of appropriations in subsection (a) shall remain available until expended.

Title XXXV—Maritime Administration

Subtitle A—Authorization of Appropriations


Funds are hereby authorized to be appropriated for fiscal year 2009, to be available without limitation as to fiscal year limitation to be provided in appropriations Acts, for the use of the Department of Transportation for the Maritime Administration as follows:

(1) For expenses necessary for operations and training activities, $317,846,000, of which—

(A) $8,150,000 shall remain available until expended for capital improvements at the United States Merchant Marine Academy; and

(B) $8,306,000 shall remain available until expended for maintenance and repair of school ships of the State Maritime Academies.

(2) For expenses to which may be applied funds from a United States-Flag merchant fleet to serve the national security needs of the United States under chapter 531 of title 46, United States Code, $193,500,000, of which $19,500,000 shall be available for costs associated with the maintenance reimbursement pilot program under section 3517 of the Maritime Security Act of 2003 (46 U.S.C. 53101 note).

(3) For assistance to small shipyards and maritime communities under section 54101 of title 46, United States Code, $25,000,000.

(4) For expenses necessary for dismantling, recycling, or scrapping the vessel exists;
SEC. 3504. RIDING GANG MEMBER REQUIREMENTS.

Section 1018 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–168; 120 Stat. 2380) is amended to read as follows:

"SEC. 1018. RIDING GANG MEMBER REQUIREMENTS.

"(a) In General.—The Secretary of Defense may not award, renew, exercise, or exercise an option to extend any charter of a vessel documented under chapter 121 of title 46, United States Code, for the Department of Defense, or any contract for the carriage of cargo by a vessel documented under that chapter for the Department of Defense, unless the charter or contract, respectively, includes provisions that—

"(1) subject to paragraph (2), allow riding gang members to perform work on the vessel during the effective period of the charter or contract only under terms, conditions, restrictions, and requirements as provided in section 8106 of title 46, United States Code; and

"(2) require that the gang member hold a merchant mariner's document issued under chapter 73 of title 46, United States Code, or a transportation security card issued under section 70105 of such title.

"(b) EXEMPTION.—

"(1) In General.—In accordance with regulations issued by the Secretary of Defense, an individual shall not be treated as a riding gang member for the purposes of section 8106 of title 46, United States Code, and this section if—

"(A) the individual is aboard a vessel that is under the effective period of the charter or contract only under terms, conditions, restrictions, and requirements as provided in section 8106 of title 46, United States Code; and

"(B) the individual is a merchant mariner holding a merchant mariner's document issued under chapter 73 of title 46, United States Code, or a transportation security card issued under section 70105 of such title.

"(2) Background Check.—

"(A) In General.—This section shall not apply to an individual unless—

"(i) a criminal background check is conducted;

"(ii) the background check results indicate that the individual is not a threat to public safety;

"(iii) the background check results indicate that the individual is not a threat to national security; and

"(iv) the background check results indicate that the individual is not a threat to the security of the vessel;

"(B) Specialized Training.—The Secretary of Defense shall ensure that—

"(i) a specialized training program for riding gang members is in place; and

"(ii) the specialized training program includes background checks for riding gang members; and

"(C) Other Requirements.—The Secretary of Defense shall ensure that—

"(i) a specialized training program for riding gang members includes—

"(A) a writing test that includes—

"(I) a test of the vessel's navigational aids;

"(II) a test of the vessel's emergency systems;

"(III) a test of the vessel's security systems; and

"(IV) a test of the vessel's communication systems;

"(B) a test of the vessel's safety procedures;

"(C) a test of the vessel's environmental policies; and

"(D) a test of the vessel's legal requirements; and

"(ii) that the specialized training program for riding gang members—

"(A) is conducted by an entity that is—

"(i) approved by the Secretary of Defense;

"(ii) accredited by a recognized organization;

"(iii) registered by a recognized organization;

"(B) includes—

"(i) a test of the vessel's navigational aids;

"(ii) a test of the vessel's emergency systems;

"(iii) a test of the vessel's security systems; and

"(iv) a test of the vessel's communication systems; and

"(iii) other requirements as provided in section 8106 of title 46, United States Code.

"(D) Waiver.—The Secretary of Defense may waive the application of subparagraph (A)(ii) for an individual who holds a merchant mariner's document issued under chapter 73 of title 46, United States Code, if the individual has a valid transportation security card issued under section 70105 of such title.

"(3) Exempted Individual Not Treated as in Addition to the Crew.—An individual who, under paragraph (1), is otherwise required to be a riding gang member shall not be counted as an individual in addition to the crew for the purposes of section 3304 of title 46, United States Code.

"SEC. 3505. TEMPORARY PROGRAM AUTHORIZING CONTRACTS WITH ADJUNCT PROFESSORS AT THE UNITED STATES MERCHANT MARINE ACADEMY.

"(a) In General.—The Maritime Administrator may establish a temporary program for the purpose of subjecting the availability of appropriated funds, contracting with individuals as personal services contractors to provide services as adjunct professors at the Academy, if the Maritime Administrator determines that there is a need for adjunct professors and the need is not of permanent duration.

"(b) CONTRACT REQUIREMENTS.—Each contract under the program—

"(1) must be approved by the Maritime Administrator;

"(2) subject to paragraph (3), shall be for a duration, including options, of not to exceed one year unless the Maritime Administrator finds that exceptional circumstances justify an extension of up to one additional year; and

"(3) shall terminate no later than 6 months after the termination of contract authority under subsection (d).

"(c) LIMITATION ON NUMBER OF CONTRACTORS.—In a given academic year, under the program, the Maritime Administrator shall ensure that not more than 25 individuals actively provide services in any one academic trimester, or equivalent, as contractors under the program.

"(d) TERMINATION OF CONTRACTING AUTHORITY.—The authority to award contracts under the program shall terminate upon the expiration of December 31, 2009.

"(e) EXISTING CONTRACTS.—Any contract entered into before the effective date of this section for the services of an adjunct professor at the Academy shall be extended for the trimester (or trimesters) for which the services were contracted.

"(f) DEFINITIONS.—In this section:

"(1) ACADEMY.—The term "Academy" means the United States Merchant Marine Academy.

"(2) MARITIME ADMINISTRATOR.—The term "Maritime Administrator" means the Administrator of the Maritime Administration, or a designee of the Administrator.

"(3) PROGRAM.—The term "program" means the program established under subsection (a).

"Amend the title of the amendment "A bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes."

The Acting CHAIRMAN. No amendment to the amendment in the nature of a substitute is in order except those printed in House Report 110–666 and amendments on bloc described in section 3 of the resolution.

Each amendment printed in the report shall be offered only in the order printed in the report (except as specified in section 4 of the resolution); may be offered only by a Member designated in the report; shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent; shall not be subject to amendment; and shall not be subject to a demand for division of the question.

It shall be in order at any time for the chairman of the Committee on Armed Services or his designee to offer amendments on bloc consisting of amendments printed in the report not earlier disposed of. Amendments on bloc shall be considered read; shall be debatable for 20 minutes, equally divided and controlled by the chairman and ranking minority member or their designees; shall not be subject to amendment; and shall not be subject to a demand for division of the question.

The original proponent of an amendment included in the amendments on bloc shall have priority in amendments in the order printed in the CONGRESSIONAL RECORD immediately before disposition of the amendments on bloc.

The Chairman of the Committee of the Whole may recognize for consideration of any amendment printed in the report out of the order printed, but not sooner than 30 minutes after the chairman of the Committee on Armed Services or a designee announces from the floor a request to that effect.

AMENDMENT NO. 974 OFFERED BY SKEWLETON

The Acting CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110–666.

Mr. SKEWLETON. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. SKEWLETON: In section 713(d)(1)(B), strike "co-payments for smoking cessation services had been waived pursuant to subsection (b) during that year" and insert "if the beneficiary had not been excluded under subsection (a) from the smoking cessation program under that subsection".

In section 714, amend the section heading to read as follows:

SEC. 714. PREVENTIVE HEALTH ALLOWANCE.
In section 1001(a)(2), in lieu of the blank underscore after the dollar sign, insert “$4,000,000,000.”

In section 2002, strike subsection (a) and insert the following new subsection:

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (c)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>Camp Pendleton</td>
<td>$19,962,000</td>
</tr>
<tr>
<td></td>
<td>China Lake</td>
<td>$7,216,000</td>
</tr>
<tr>
<td></td>
<td>Point Magu</td>
<td>$7,250,000</td>
</tr>
<tr>
<td></td>
<td>San Diego</td>
<td>$77,550,000</td>
</tr>
<tr>
<td></td>
<td>San Diego, Marine</td>
<td>$43,200,000</td>
</tr>
<tr>
<td></td>
<td>Corps Recruit Depot</td>
<td></td>
</tr>
<tr>
<td>Florida</td>
<td>Eglin Air Force Base</td>
<td>$788,000</td>
</tr>
<tr>
<td>Mississippi</td>
<td>Gulfport</td>
<td>$8,570,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Camp Lejeune</td>
<td>$27,980,000</td>
</tr>
<tr>
<td></td>
<td>Parris Island Marine</td>
<td>$16,000,000</td>
</tr>
<tr>
<td></td>
<td>Yorktown</td>
<td>$8,070,000</td>
</tr>
</tbody>
</table>

Twentynine Palms $12,324,000
San Diego, Marine $17,930,000

In section 2002(c), strike the dollar amount in the matter preceding paragraph (1) and in paragraph (1) and insert "$197,618,000” and "$171,176,000”, respectively.

The Acting CHAIRMAN. Pursuant to House Resolution 1218, the gentleman from Missouri (Mr. SKELTON) and a House Resolution 1218, the gentleman ‘’...

The Acting CHAIRMAN. The Clerk

The Acting CHAIRMAN. It is now in the power of the Committee on Armed Services on May 16 of 2008 to... the Committee Act (5 U.S.C. App.) shall not apply to the advisory panel.

The Acting CHAIRMAN. The Secretary of Defense, the Senate of State, and the Administrator shall jointly establish an advisory panel to review the respective roles and responsibilities of the Department of Defense, the Department of State, and the United States Agency for International Development in the national security collaborative system.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The advisory panel shall be composed of 12 members, of whom—

(A) three shall be appointed by the Secretary of Defense, in consultation with the Secretary of State and the Administrator;
(B) three shall be appointed by the Secretary of Defense, in consultation with the Chair of the Joint Chiefs of Staff, the Secretary of State, and the Administrator;
(C) three shall be appointed by the Secretary of State, in consultation with the Secretary of Defense and the Administrator; and
(D) three shall be appointed by the Administrator, in consultation with the Secretary of Defense and the Secretary of State.

(2) CHAIRMAN.—The Secretary of Defense, the Secretary of State, and the Administrator shall jointly designate one member as chairman.

(3) VICE CHAIRMAN.—The Secretary of Defense, the Secretary of State, and the Administrator shall jointly designate one member as vice chairman. The vice chairman may not be a member appointed to the advisory panel under paragraph (1) by the same Secretary or Administrator that appointed the chairman to the advisory panel under paragraph (1).

(4) EXPERTISE.—Members of the advisory panel shall be representative citizens of the United States with national recognition and significant experience in the Federal Government, the Armed Forces, public administration, foreign affairs, or development.

(5) DEADLINE FOR APPOINTMENT.—All members of the advisory panel shall be appointed not earlier than January 20, 2009, and not later than March 20, 2009.

(6) TERMS.—The term of each member of the advisory panel is for the life of the advisory panel.

(7) VACANCIES.—A vacancy in the advisory panel shall be filled not later than 30 days after such vacancy occurs and in the manner in which the original appointment was made.

(8) SECURITY CLEARANCES.—The appropriate departments or agencies of the Federal Government shall cooperate with the advisory panel in expeditiously providing to the members and the appropriate security clearances to the extent possible pursuant to existing procedures and requirements, except that no person shall be provided with access to classified information under this section without the appropriate security clearances.

(9) STATUS.—A member of the advisory board who is not otherwise employed by the Federal Government shall not be considered to be a Federal employee, except for the purposes of chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.

(10) EXPENSES.—The members of the advisory panel shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, while away from their homes or regular places of business in the performance of services for the advisory panel.

(c) MEETINGS AND PROCEDURES.—

(1) INITIAL MEETING.—The advisory panel shall conduct its first meeting not later than 60 days after the appointment to the advisory panel have been made under subsection (b).

(2) MEETINGS.—The advisory panel shall meet not less often than once every three months. The advisory panel may also meet at the call of the Secretary of Defense, the Secretary of State, or the Administrator.

(3) PROCEDURES.—The advisory panel shall carry out its duties under procedures established under subsection (d).

(4) NONAPPLICATION OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory panel.

(5) DEADLINE FOR CONTRACT.—The Secretary of Defense shall enter into the contract required by this section not later than 120 days after the date of the enactment of this Act.

(e) DUTIES OF PANEL.—

(1) The advisory panel shall analyze the roles and responsibilities of the Department of Defense, the Department of State, and the United States Agency for International Development regarding—

(A) stability operations;
(B) non-proliferation;
(C) foreign assistance (including security assistance);
(D) strategic communications;
(E) public diplomacy;
(F) the role of contractors; and
(G) other areas the Secretary of Defense, the Secretary of State and the Administrator consider appropriate.

(2) In providing advice, guidance, and recommendations to improve the national security collaborative system, the advisory panel shall review—

(A) the structures and systems that coordinate policy-making;
(B) the roles and responsibilities of the departments and agencies of the Federal Government involved in the national security collaborative system;
(C) the coordinating role of the expertise of the departments and agencies of the Federal Government involved in the national security collaborative system; and
(D) coordinating personnel assigned abroad as part of the national security collaborative system.

(f) COOPERATION OF OTHER AGENCIES.—Upon request by the advisory panel, any department or agency of the Federal Government shall provide information that the advisory panel considers necessary to carry out its duties.

(g) REPORTS.—

(1) INTERIM REPORT.—

(A) Not later than 180 days after the first meeting of the advisory panel, the advisory panel shall submit to the Secretary of Defense, the Secretary of State, and the Administrator, a report that identifies—

(i) aspects of the national security collaborative system that should take priority during the improvement of integration between the Department of Defense, the Department of State, and the United States Agency for International Development; and

(ii) methods to better integrate the national security collaborative system.

(A) Not later than December 31 of each year, the advisory panel shall submit to the
Secretary of Defense, the Secretary of State, and the Administrator, a report on—

(i) the activities of the advisory panel;
(ii) any deficiencies in the national security collaborative system;
(iii) any improvements made to the national security collaborative system;
(iv) methods to better integrate the national security collaborative system;
(v) such findings, conclusions, and recommendations as the advisory panel considers appropriate.

(3) APPROPRIATE COMMITTEES.—For the purposes of this subsection, the appropriate committees of Congress are the following:

(A) The Committees on Foreign Affairs, Armed Services, and Appropriations of the House of Representatives.
(B) The Committees on Foreign Affairs, Armed Services, and Appropriations of the Senate.

(h) TERMINATION OF ADVISORY PANEL.—The advisory panel shall terminate on September 30, 2013.

(i) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the United States Agency for International Development.

(2) NATIONAL SECURITY COLLABORATIVE SYSTEM.—The term “national security collaborative system” means the structures, mechanisms, and processes by which the Department of Defense, the Department of State, and the United States Agency for International Development coordinate and integrate their policies, capabilities, expertise, and activities to accomplish national security missions overseas.


The Acting CHAIRMAN. Pursuant to House Resolution 1218, the gentleman from Missouri (Mr. SKELTON) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, this is an amendment that deals with a very difficult situation that has arisen in recent years: the cooperation, or I should say, the lack of cooperation between various departments of our government that relate to national security. This in particular, however, deals with just the Defense Department and the State Department. We had a historic hearing in our committee touching on this subject with the Secretary of Defense and the Secretary of State testifying side by side.

This amendment provides both the Congress and the executive branch with specific recommendations by a specified panel to key issues based on practical experience. It will also serve as a useful tool to guide future congressional efforts in this area and demonstrate congressional commitment to long-term solutions and cooperation.

I wish to compliment my friend and colleague for his assistance on this as well, Mr. BERMAN, and I might say this also is a bipartisan amendment. Several people, the gentleman on the Armed Services Committee on the other side of the aisle, are strongly in favor of it, as well as on the Democratic side.

I also wish to thank, besides Mr. BERMAN, NITA LOWEY for her cosponsorship of this particular amendment.

I reserve the balance of my time.

Mr. HUNTER. Mr. Chairman, I would yield to myself such time as I might consume.

The Acting CHAIRMAN. The gentleman from California is recognized for 10 minutes.

Mr. HUNTER. I would simply say that this is an important amendment and one that I support strongly, and I think most of the members of the committee support.

This is a joint effort. It’s not just a DOD effort, when we discussed the two warfighting theaters and the standing up of a government that will be an ally of the United States and will have a modicum of democracy. It’s important to have the other agencies that are so critical to this effort, to the coordination of this effort, that is, the Department of State and the USAID administrator, to be involved to ensure that we do have coordination and cooperation.

At this time, Mr. Chairman, I’d like to yield to Mr. FORBES, the gentleman from Virginia, 3 minutes.

Mr. FORBES. Thank you, Mr. Chairman.

Mr. Chairman, I rise in support of the amendment to create an advisory panel between the Department of Defense and the State Department.

Under the leadership of Chairman SKELTON, Chairwoman LOWEY, I believe we’ve taken the first of what I hope will be many steps to reform the Interagency process.

As Chairman SKELTON said yesterday, reforming the way our Federal agencies operate is not going to happen in 1 year.

We have 19 Federal departments that have Cabinet-level authority, each with a range of responsibilities. But whether it is coordinating a uniform and united response to a natural disaster such as Hurricane Katrina, whether it’s organizing counterterrorism efforts between the CIA, FBI and the Department of Homeland Security, or whether it’s coordinating food safety efforts between the Department of Agriculture and the Department of Homeland Security, it’s critical that our agencies are not restricted by regulations or cultures that lead to distrust rather than one of cooperation.

The American people expect their government agencies to work together to be responsive and effective in carrying out the duties of government: keeping America safe, enforcing justice, and providing assistance in times of crisis. Americans expect this to be the case in our government’s dealing, but at home and around the world.

So I urge my colleagues to support this amendment, which establishes an advisory panel between two of our largest departments. This panel will identify ways those departments can collaborate more effectively to address national security challenges we face.

I want to thank Chairman SKELTON for his leadership and his commitment to this issue.

Mr. SKELTON. At this time, I yield 3 minutes to my friend, the coauthor of this amendment, the gentleman from California (Mr. BERMAN) who is the distinguished chairman of the Committee on State and Foreign Affairs Committee and, as I mentioned, a cosponsor of the amendment.

Mr. BERMAN. I thank the gentleman for yielding.

I’m very proud to cosponsor this amendment with Mr. SKELTON, the Chair of the committee, along with the distinguished chairman of the Foreign Affairs Committee and, as I mentioned, a cosponsor of the amendment.

Mr. HUNTER. Mr. Chairman, I would yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, this is an amendment that deals with a very difficult situation that has arisen in recent years: the cooperation, or I should say, the lack of cooperation between various departments of our government that relate to national security. This in particular, however, deals with just the Defense Department and the State Department. We had a historic hearing in our committee touching on this subject with the Secretary of Defense and the Secretary of State testifying side by side.

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I want to thank Chairman SKELTON for his leadership and his commitment to this issue.

Mr. SKELTON. At this time, I yield 3 minutes to my friend, the coauthor of this amendment, the gentleman from California (Mr. BERMAN) who is the distinguished chairman of the Committee on State and Foreign Affairs Committee and, as I mentioned, a cosponsor of the amendment.

Mr. BERMAN. I thank the gentleman for yielding.

I’m very proud to cosponsor this amendment with Mr. SKELTON, the Chair of the committee, along with the Chair of the Subcommittee on State and Foreign Operations, Mrs. LOWEY.

Among the lessons learned from the wars in Iraq and Afghanistan is the stark fact that the State Department and Defense Department have failed to coordinate on critical policy issues in these two war zones. In fact, throughout the U.S. Government there is a misalignment between resources and missions, expertise and funding.

The problems are most evident in the arena of stability and reconstruction operations, where the Defense Department has assumed the lion’s share of responsibilities.

However, the Defense Department is now playing a greater role in a wide range of foreign assistance programs. By some estimates, more than 20 percent of foreign aid now flows through the Pentagon.

Some of this can be attributed to a lack of capacity at State and USAID, a problem we’re trying to address through legislation authored by Mr. FARR, which the House passed and is now a part of this bill.

But to the extent these problems result from a lack of coordination, we need to take steps to help ensure that the day-to-day plumbing of our national security agencies is sufficiently welded so that personnel from different departments have incentive to work together, and that the objectives of these departments are properly calibrated with overall U.S. Government priorities.

This amendment constitutes a first step in that direction. It establishes an advisory panel, structured to ensure that the three key agencies charged with protecting U.S. national security and promoting American interests abroad—State, Defense, and USAID—have equal presence. I hope that the panel will work closely with these agencies to produce a report that is...
practical, well-informed and, most important, directly applicable to their day-to-day operations.

The one thing I know is that if this panel creates a dynamic where these agencies work as well together as I have found the ability to work with Chairman Skelton of the House Armed Services Committee, we can make a lot of progress here. It's a real honor to have been engaged with Chairman Skelton, as well as Chairwoman Lowey on the appropriations side, in trying to come to grips with some of the challenges we face.

I think this is a good first step, and I urge my colleagues to adopt this amendment.

Mr. Hunter. Mr. Chairman, we have one more speaker who I think is on his way. So if the gentleman from Missouri has another speaker, if we could pass and see if we can get our other speaker down here.

Mr. Skelton. Mr. Chairman, I yield 1 minute to my friend, my colleague, the gentlelady from California (Mrs. Davis) who is the chairwoman of the Subcommittee on Military Personnel of our Armed Services Committee.

Mrs. Davis of California. I rise in support of the Skelton-Berman-Lowey amendment. Mr. Chairman, the wars in Iraq and Afghanistan have highlighted why Congress and the executive branch must do a better job of marshaling all elements of national power in support of U.S. goals abroad and ensure that future missions are not military-centric but joint interagency efforts.

The creation of an interagency advisory panel required to make recommendations to each department is an excellent first step.

As important as the creation of this new panel is, the coordination between the committees that we see here today is also critical.

We know that part of the interagency problem is the rigid stovepipe structure that we see here in this body. So while this amendment seeks to influence the executive branch, it will take reforms on both ends of Pennsylvania Avenue to have the type of interagency coordination that we need to address the challenges of the 21st century.

I applaud the sponsors of this bill, Chairman Skelton, Chairman Berman and Chairwoman Lowey. They deserve an enormous amount of credit for bringing this forward, and I urge all of my colleagues to support it.

Mr. Hunter. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Texas (Mr. Thornberry).

Mr. Thornberry. Mr. Chairman, I support this amendment. I want to commend Chairman Skelton and Chairman Berman and Chairwoman Lowey for working together. It is something that does not often happen in this Congress. But these three different Chairs work together on a common purpose. In addition, Mrs. Davis from California and Mr. Davis from Kentucky have been pushing this very same issue.

Mr. Chairman, if we're going to be successful against the terrorists or any other number of challenges we face, we have to have all the instruments of national power and influence working together. The only way government is going to be an integrated, so that it is a seamless unit. I hope, as others have said, this is a first step. But it is clearly only one step towards greater reforms that need to take place to ensure that it is one integrated unit when this country seeks to accomplish things. I appreciate the spotlight being shown on the problem through this amendment. And I hope that we have this sort of cooperation going forward in the future as well.

Mr. Skelton. At this time, I yield 1 minute to the gentleman from Rhode Island (Mr. Langevin), who is a member on leave from our Armed Services Committee.

Mr. Langevin. Mr. Chairman, I rise today in strong support of the Skelton-Berman-Lowey amendment, and I want to commend the sponsors for proposing this amendment.

Having served on the Armed Services, Intelligence, and Homeland Security Committees, I have seen firsthand the stovepiping that occurs in the various parts of government responsible for national security. I recognize the need to encourage greater interagency cooperation, both in strategic planning and at the operational level.

Our Nation has many ways to promote stability and peace throughout the world and protect our Nation. We often see a focus on our hard power assets, such as use of our military, but we also use our diplomacy, financial assistance, or other "soft power" assets such as political and economic exchanges and communications. We need far better coordination and cooperation between our hard and soft power assets to truly achieve a comprehensive national security strategy for the United States.

This amendment would create an advisory panel to encourage collaboration among the Department of Defense, State Department, and USAID. This is an important first step in promoting a comprehensive view of national security, and I'm confident that the sponsors of this amendment will build on this effort.

I look forward to working with them to encourage more interagency cooperation so that the United States can be more effective in reaching our national security goals.

Mr. Skelton. Mr. Chairman, may I inquire as to the remaining time, please?

The Acting Chairman. The gentleman from Missouri has 3½ minutes remaining. The gentleman from California has 6½ minutes remaining.

Mr. Skelton. Mr. Chairman, let me take this opportunity to say a special thanks to those who worked so hard and so long on this issue. Number one is recognizing the problem, number two is doing something about it.

Now, it really crosses more than two departmental lines or two committee lines, the Defense and the Foreign Affairs Committees. It's a real right direction, and Congress is doing something about it.

Let me say special thanks, first, to our ranking member, Mr. Hunter, to Dr. Snyder, Mrs. Davis of California, Congressman Thornberry of Texas, Mr. Mkrtychian of course, cosponsor Mr. Berman, cosponsor Mrs. Lowey, Mr. Cooper, who chaired the panel on Roles and Missions, Mr. Schiff, Mr. Langevin and Mr. Geoff Davis. I'm sure there are others that have worked on it, but those need special recognition for the efforts that they put forth in this.

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

Mr. Hunter. Mr. Chairman, at this time, I yield back the balance of my time unless the gentleman from Missouri needs it. I would yield it to his side.

Mr. Skelton. I do have at least one additional speaker, Mr. Chairman.

Mr. Hunter. Mr. Chairman, my speaker did just arrive. If I could impose on the gentleman, he is ready to go.

I would ask unanimous consent that I be allowed to retrieve my time.

The Acting Chairman. Mr. Ross, is there objection to the request of the gentleman from California?

There was no objection.

Mr. Hunter. Mr. Chairman, I would yield 4 minutes to the gentleman from Kentucky (Mr. Davis).

Mr. Davis of Kentucky. Thank you, Congressman Hunter, Chairman Skelton.

I just want to make a statement that I rise in very strong support of this amendment. It is critical right now that we address the challenges between the agencies and the Federal Government.

Over a year ago, Congresswoman Susan Davis and I formed the bipartisan National Security Reform Caucus to begin to address these issues in a new flavor from what now Chairman Skelton began to address as a young Member of Congress in the 1980s, leading to sweeping reforms in the Defense Department, and leading to the concept of jointness between our services that we have today.

We've seen this caucus grow. We've seen terrific hearings that have been done on the Oversight and Investigations Committee pointing to the need for better interoperability between the State Department and the Defense Department. We have many dedicated civil servants and many dedicated military personnel who are actually working in many aspects, from working together because of the silos of the agencies, statutes and regulations in accounting that prevents them from interacting effectively.
May 22, 2008

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I think that one of the things that we need to do as a Nation is to have the ability to more flexibly and agilely use our instruments of national power so that putting troops on the ground, using our kinetic power, is the last thing we can bring to bear. We can bring soft end with humanitarian efforts, peacekeeping, peace enforcement, reaching out with information, and using very powerful and often unheralded assets like the Agency for International Development, peacekeeping, and Peace Corps, and allow this interaction to take place in an effective manner. I think that by having this standard advisory panel, we can take the politics out of this and continue to work closely.

I appreciate the chairman’s leadership, leading in a bipartisan manner on such a critical issue, convening many meetings and forums, and also participating over a year ago with us on this Council of Foreign Relations effort that brought together much of the interagency community.

Again, I encourage my colleagues to support this. Thank you for your time, and the chairman for his graciousness and procedure.

NOTICE TO ALTER ORDER OF CONSIDERATION OF AMENDMENTS

Mr. SKELTON. Pursuant to section 4 of House Resolution 1218, and as the chairman of the Armed Services, I request that, during further consideration of H.R. 5688 in the Committee of the Whole, and following consideration of the en bloc amendments, the following amendments be considered in the following order: amendment No. 3, amendment No. 6, amendment No. 23, amendment No. 33, amendment No. 8, amendment No. 15, amendment No. 26, amendment No. 30, amendment No. 53.

Mr. Chairman, I yield 1 minute to the gentleman from Missouri (Mr. AKIN).

Mr. COOPER. I thank the chairman, Ike SKELTON of Missouri, who has done a tremendous job of leading this important bill through this Congress and including this very, very important amendment that I urge my colleagues to support.

No Member of this body has done more to promote roles and missions reform than Ike SKELTON. He was present at the creation of Goldwater-Nichols back in the 1980s, and he is pushing the Pentagon hard today to keep America number one, to make sure that we’re getting our roles and missions right.

I am personally grateful that he sponsored the panel in which seven Members, on a bipartisan basis, reached unanimous agreement that we need to tackle this important subject.

I want to thank, in particular, my ranking member, PHIL GINGREY, but all of the panel members, whether it’s Mr. LARSEN, Ms. GILLIBRAND, Admiral Sestak, Mr. CONAWAY and Mr. DAVIS. It was a very important effort to work on. I look forward to the passage of this amendment, when we can have a standing committee within the Pentagon itself to focus on this important issue.

So I congratulate all of my colleagues in the House. This is the Duncan Hunter Defense Authorization bill. This is a landmark bill for the strength and safety of our country. This amendment will make that bill even stronger for future years, and that’s what’s called the Future Combat Systems.

Mr. HUNTER. Mr. Chairman, I just want to say that the gentleman from Tennessee had it right in that the chairman has been a prime mover in forcing jointness with the military services. And it’s only appropriate that, because he has an effort that requires other agencies, besides DOD, that we have a mechanism to get them together, move them together in a true jointness. I want to commend the chairman for his authorship of this. At this point, Mr. Chairman, we have no more requests for time on this side. Unless the gentleman needs our time, I yield back our time.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. SKELTON).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. AKIN

The Acting CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 110-666.

Mr. AKIN. 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. 3 offered by Mr. AKIN: At the end of subtitle A of title II, add the following new section:

SEC. 203. INCREASED FUNDING FOR FUTURE COMBAT SYSTEMS.

(a) INCREASE.—The amount provided in section 201(1) for research, development, test, and evaluation, as amended, is hereby increased by $193,000,000, of which—

(1) $101,000,000 shall be available for Future Combat Systems, MGV; and

(2) $92,000,000 shall be available for Future Combat Systems, SoS Engineering.

(b) CORRESPONDING OFFSETS.—The amount in section 201(2) for research, development, test, and evaluation, as amended, is hereby reduced by $25,000,000, to be derived from unobligated balances. The amount in section 421, military personnel, is hereby reduced by $138,000,000, to be derived from unobligated balances. The amount in section 422, military health care, is hereby reduced by $30,000,000, to be derived from PE 0305205N, line 198 Endurance Unmanned Aerial Vehicles, and the amount in section 200, research, development, test, and evaluation, Navy, is hereby reduced by $26,000,000, to be derived from unobligated balances.

The Acting CHAIRMAN. It is now in order to consider amendment No. 3 offered by Mr. AKIN.

Mr. AKIN. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise today on a subject that is of great deal of interest to the Army, and that is what’s called the Future Combat Systems. The Army has one basic modernization program that they’ve had in the last more than 30 years. So obviously this is of great interest to the Army, and the Army would like to see it funded at the level that it came across from the administration. And what we’ve done is we’ve cut over $200 million from Future Combat Systems. My amendment simply restores a portion, $100 million plus, of that $200 million cut.

Now the thing that we have to understand about this is this is a very complicated program. And next year, at least in theory, there is a “go, no go,” either we’re going to support this program or we’re going to cancel it, and there is no fallback position. So here we are, 1 year before the final decision, and what we’re doing is one more time inflicting a death of 1,000 slashes. Now, last year we tried to just slit its throat with $800 million, but this year we’re simply cutting it a little over $200 million. It seems to be a very bad time when we are just 1 year away from making the final decision, go or no go, to cut money from it.

Now, if there is one way that you want to make a scheduled slip, the best way to do it is cut money out because then you don’t have as many people working on it, it causes delays in the program. So do we want to cause delays in the program? I think not.

The one question might be, well, how do you fund this extra $100 million? Well, we’re getting the money from the same place where we got $1 billion. The committee took $1 billion earlier, so this is a small amount more.

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

Mr. ABERCROMBIE. Mr. Chairman, I claim the time for those who oppose this amendment.

The Acting CHAIRMAN. The gentleman from Hawaii is recognized for 5 minutes.

Mr. ABERCROMBIE. Mr. Chairman, I yield 1 minute to Mrs. Davis.

Mrs. DAVIS of California. Mr. Chairman, I rise in strong opposition to the Akin amendment.

Our men and women in uniform and their families are bearing the brunt of the wars. Those who volunteer to protect our freedom face deployment after deployment, and we know that. Their families at home are facing difficulty getting the health care they need from military hospitals because of resource shortages.

This amendment was offered in committee and failed by a vote of 33-21. The question, Mr. Chairman, for Members on the Akin amendment is clear: how much do we support our military families? Are they really our high priority?

I urge my colleagues to stand with our troops and their families and oppose the Akin amendment.

Mr. AKIN. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. McHugh).
serve as ranking on Personnel, it’s really a case of “Do as I say, not as I do."

It’s very important to recognize, whatever you feel about this amendment, the facts are these: The offsets in the House Health Program that the gentlewoman just spoke in great emotional terms about as well as the cuts with respect to other offsets come from unexpended balances. And I think it’s important to note as well, while our friends on the other side of the aisle are saying “absolutely not” to this very modest offset, that when it comes to these very same unexpended accounts, they spent $250 million out of the Defense Health Program, while at the same time they took over $1 billion of unexpended balances.

The Acting CHAIRMAN. The gentleman’s time has expired.

Mr. ABERCROMBIE. Mr. Chairman, I yield 15 seconds to the gentleman from Missouri.

Mr. SKELTON. The gentleman’s time has expired.

Mr. MCHUGH. Mr. Chairman, I fully agree with the distinguished chairman: Read it. Read the budget that our Democrat friends put forward that shows how they cut from the President’s request more than $580 million from personnel recommendations. Read it, how the GAO report has shown that they expended from the unexpended balances of $1.8 billion available over $1 billion of that. And read it, how the GAO in expedited balances in DHP listed $250 million a cut.

Mr. ABERCROMBIE. Mr. Chairman, how much more time did Mr. SKELTON have on his 2 minutes, please?

The Acting CHAIRMAN. His time had expired as he was ending, and the gentleman from Hawaii has 2 minutes remaining. The gentleman from Missouri has 1.

Mr. ABERCROMBIE. Mr. Chairman, I yield 15 seconds to the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, we’re talking about an amendment in front of us. That’s what I think people should read. Not something else. Not something that is not on point in the middle of the discussion before us today.

Read it. It takes money from the personnel account and from the health care account. That’s not treating the troops right.

Mr. AIN. Mr. Chairman, I yield 1 minute to my friend from New Jersey (Mr. SAXTON).

Mr. SAXTON. I thank the gentleman for yielding.

Mr. AIN. Mr. Chairman, I am in very, very strong support of this amendment. The Future Combat System is a system that leverages technology in a way that it will help us in the future a great deal. This system has been underdevelopment for quite some years, and for the last 3 years in a row, not counting this year, for the last 3 years in a row, there have been significant cuts made to the program.

This year, as Mr. SKELTON correctly pointed out, is the year where we get out the yardstick and say how much progress have we made? Do we want to continue the system or do we want to cancel it? A $233 million cut to this program this year to me seems to be very unwise because this is the yardstick year. This is the year where we make the decision, based on the progress that we have been able to make, whether the program goes forward or is modified or is cancelled.

And so I believe that this amendment should be one we all support.

Mr. ABERCROMBIE. How much time is remaining, Mr. Chairman?

The Acting CHAIRMAN. The gentleman from Hawaii has 14 minutes remaining. The gentleman from Missouri’s time has expired.

Mr. ABERCROMBIE. Mr. Chairman, I yield myself the balance of my time.

I oppose this amendment because it cuts funding to our troops and their families. The defense bill’s purpose is to ensure that troops and their families needs are put first as they struggle to fight two wars.

The needs of the Army are shortened in this amendment. The needs of the Army should be put first as the service carrying the heaviest burdens in the wars in progress. Readiness above all.

Putting troops first involves making choices. As President Eisenhower said about “the clearly necessary.”

An amendment designed to pay benefits, health care for troops and their families, benefits that are clearly necessary by any measure, and puts hundreds of millions of dollars into corporate overhead.

I think we have to understand. You vote for this amendment, you’re voting to cut funds for the troops and their health care and their families’ to put it in corporate overhead accounts, and you’re going to be held to account for it come November, guaranteed.

The defense bill already provides $3.3 billion for this program. No more is needed for corporate overhead. The 5 percent reduction in the program that this amendment seeks to roll back has been reallocated. We reallocated funds for serious equipment shortfalls in the Army, National Guard, and Reserve. The equipment readiness needs of the Army, Guard, and Reserve take priority over corporate overhead any day.

I understand, to pay for this amendment, you cut military pay, benefits, health care, and equipment for the National Guard and Reserve in multiple deployments. The choice could not be more clear. You are going to take funding from the troops and their families and give it to defense contractors who have already received over $15 billion. Defense contractors are well paid for their services. They do not come and their profits do not come before our military families.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. AIN).

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

Mr. AIN. 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 Missouri will be postponed.

AMENDMENTS EN BLOC OFFERED BY MR. SKELTON

Mr. SKELTON. Mr. Chairman, pursuant to H. Res. 1218, I offer amendments en bloc.

The Acting CHAIRMAN. The Clerk will designate the amendments en bloc.

The amendments en bloc consisting of amendments numbered 7, 9, 12, 13, 16, 17, 18, 21, 27, 29, 34, 35, 36, 37, 38, 39, 41, 44, 47, 48, 49, 54 and 57 printed in House Report 110-666 offered by Mr. SKELTON:

AMENDMENT NO. 7 OFFERED BY MRS. TAUSCHER

The text of the amendment is as follows:

At the end of title X, insert the following new section:
SEC. 1071. NONAPPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT TO THE CONGRESSIONAL COMMISSION ON THE STRATEGIC POSTURE OF THE UNITED STATES.

Section 1062 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 476) is amended by adding at the end the following new subsection:

"(b) NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to the commission, which advises Congress, because the Federal Advisory Committee Act does not apply to commissions that advise the executive branch."

AMENDMENT NO. 9 OFFERED BY MR. CUMMINGS

The text of the amendment is as follows:

In section 595, redesignate subsection (b) as subsection (c) and insert after subsection (c) the following new subsection:

(b) INCLUSION OF COAST GUARD IN SENIOR MILITARY LEADERSHIP DIVERSITY COMMISSION.—

(1) EXPANSION OF COMMISSION.—The commission shall include two additional members, as follows:

(A) 2 retired flag officers of the Coast Guard appointed by the Secretary of Homeland Security, in consultation with the Commandant of the Coast Guard.

(B) 1 senior commissioned officer or noncommissioned officer of the Coast Guard on active duty appointed by the Secretary of Homeland Security, in consultation with the Commandant of the Coast Guard.

(2) ARMED FORCES DEFINED.—In this section, the term "Armed Forces" means the Army, Navy, Air Force, Marine Corps, and Coast Guard.

AMENDMENT NO. 12 OFFERED BY MR. BUYER

The text of the amendment is as follows:

At the end of title III, add the following new section:

SEC. 362. FUNDING FOR PROGRAMS RELATING TO DENTAL READINESS FOR THE ARMY RESERVE.

Of the amount authorized in section 301(6) to be appropriated for fiscal year 2009 for the Army Reserve—

(1) $233,000 is authorized for first term dental readiness; and

(2) $8,500,000 is authorized for demobilization dental treatment.

AMENDMENT NO. 13 OFFERED BY MS. SLAUGHTER

The text of the amendment is as follows:

At the end of title VIII, add the following new section:

SEC. 849. ADDITIONAL CONTRACTOR REQUIREMENTS AND RESPONSIBILITIES RELATING TO ALLEGED CRIMES BY OR AGAINST CONTRACTOR PERSONNEL IN IRAQ AND AFGHANISTAN.

(a) REQUIREMENTS FOR DEFENSE CONTRACTORS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall develop requirements relating to covered offenses allegedly perpetrated by or against contractor personnel in the case of defense contractors performing covered contracts.

(2) SPECIFIC MATTERS COVERED.—The requirements developed under paragraph (1) shall include the following:

(A) MEASURES TO DETECT.—A requirement for defense contractors to report, in a manner prescribed by the Secretary of Defense, covered offenses allegedly perpetrated by or against contractor personnel.

(B) ASSISTANCE.—A requirement for defense contractors to provide for victim and witness safety, medical assistance, and psychological assistance in the case of a covered offense. The Secretary of Defense shall prescribe regulations to carry out this subparagraph, and the regulations shall be in accordance with regulations of the Department of Defense relating to restricted reporting for sexual assaults.

(C) INFORMATION.—A requirement that the contractor provide to all contractor personnel who will perform work on the contract, before beginning such work, information on the following:

(i) How and where to report an alleged covered offense.

(ii) Where to seek the assistance required by subparagraph (B).

(D) IMPLEMENTATION AS CONDITION OF CURRENT AND FUTURE CONTRACTS.—

(1) CURRENT CONTRACTS.—With respect to any covered contract in effect on the date of the enactment of this Act, the contract shall be modified to include the requirements under paragraph (1) as a condition of the contract.

(2) FUTURE CONTRACTS.—With respect to any covered contract entered into by the Department of Defense after the date of the enactment of this Act, the requirements developed under paragraph (1) shall be included as a condition of the covered contract.

(b) GOVERNMENT REQUIREMENTS.—Beginning not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall make publicly available a nonclassified summary of all sexual assaults and covered offenses reported under this section. The information shall be updated no less frequently than quarterly.

(c) DEFINITIONS.—In this section:

(1) COVERED CONTRACT.—The term "covered contract" means

(A) a contract with the Department of Defense performed—

(i) in Iraq or Afghanistan; or

(ii) in any area designated by the Secretary as being in support of the United States mission in Iraq or Afghanistan; and

(B) includes—

(i) any subcontract at any tier under the contract; and

(ii) any task order or delivery order issued under the contract or such a subcontract.

(2) COVERED OFFENSE.—The term "covered offense", with respect to a covered contract, means an offense described in chapter 112 of title 18, United States Code—

(A) that is a crime of violence (as defined in section 16 of such title 18); and

(B) that is committed by or against contractor personnel; and

(3) CONTRACTOR PERSONNEL.—The term "contractor personnel" means any person performing work under a covered contract, including individuals and subcontractors at any tier.

AMENDMENT NO. 16 OFFERED BY MR. LAHOOD

The text of the amendment is as follows:

At the end of title V, add the following new section:

SEC. 5. LIMITATION ON SIMULTANEOUS DEPLOYMENT TO COMBAT ZONES OF DUAL-MILITARY COUPLES WHO MAKE MINOR DEPENDENTS.?

(a) AUTHORITY TO OBTAIN DEFERMENT.—In the case of a member of the Armed Forces with minor dependents who has a spouse who is also a member of the Armed Forces and the spouse is deployed in an area for which imminent danger pay is authorized under section 310 of title 37, United States Code, the member may, upon deferment of a deployment to such an area until the spouse returns from such deployment.


AMENDMENT NO. 17 OFFERED BY MS. WOOLSEY

The text of the amendment is as follows:

At the end of subtitle E of title XXVIII add the following new section:

SEC. 28. TRANSFER OF ADMINISTRATIVE JURISDICTION FOR DECOMMISSIONED NAVAL SECURITY GROUP ACTIVITY, SKAGS ISLAND, CALIFORNIA.

(a) TRANSFER REQUEST.—The Secretary of the Navy and the Secretary of the Interior shall negotiate a memorandum of agreement that stipulates the conditions upon which the decommissioned Naval Security Group Activity, Skags Island, Sonoma, California shall be transferred from the administrative jurisdiction of the Department of the Navy to the United States Fish and Wildlife Service for inclusion in the National Wildlife Refuge System.

(b) ACCEPTANCE OF DONATIONS; USE.—The Secretary of the Navy and the Secretary of the Interior may accept contributions from the State of California and other entities to help cover the costs of environmental restoration and removal of structures on the property described in subsection (a) and to facilitate future environmental restoration that furthers the ultimate end use of the property for conservation purposes. Amounts received may be merged with other amounts available to the Secretaries to carry out this section and shall remain available without further appropriation and until expended.

AMENDMENT NO. 18 OFFERED BY MR. HBJRMAN

The text of the amendment is as follows:

In section 1602, add at the end the following new paragraph:

(5) The President’s Fiscal Year 2009 Budget Request to Congress includes $238.6 million for a Civilian Stabilization Initiative that would vastly improve civilian partnership with United States Armed Forces in post-conflict stabilization situations, including by establishing a Active Response Corps of 20 persons, a Stabilization Response Corps of 2,000 persons, and a Civilian Response Corps of 2,000 persons.

In section 1604, in the proposed new section 618 to the Foreign Assistance Act of 1961, in the proposed new subsection (b) of such proposed new section, strike “2008, 2009, and 2010” and insert “2009, 2010, and 2011”.

In section 1604, in the proposed new section 618 to the Foreign Assistance Act of 1961, in the proposed new subsection (b) of such proposed new section, strike “$100,000,000” and insert “$200,000,000”.

AMENDMENT NO. 21 OFFERED BY MR. COOPER

The text of the amendment is as follows:

Page 333, after line 11, insert the following:

SEC. 849. REQUIREMENT FOR DEPARTMENT OF DEFENSE TO ADOPT AN ACQUISITION STRATEGY FOR DEFENSE BASE INSURANCE.

(a) IN GENERAL.—The Secretary of Defense shall adopt an acquisition strategy for insurance required by the Defense Base Act (42 U.S.C. 1651 et seq.) that minimizes the cost of such insurance to the Department of Defense.

(b) CRITERIA.—The Secretary shall ensure that the acquisition strategy adopted pursuant to subsection (a) addresses the following criteria:

(1) Minimize overhead costs associated with obtaining such insurance, such as direct...
or indirect costs for contract management and contract administration.  

(2) Minimize costs for coverage of such insurance consistent with realistic assumptions for program resources and the likelihood of incurred claims by contractors of the Department.

(3) Provide for a correlation of premiums paid in relation to claims incurred that is modeled on best practices in government and industry for similar kinds of insurance.

(4) Provide for a low level of risk to the Department.

(5) Provide for a competitive marketplace for insurance required by the Defense Base Act to the maximum extent practicable.

(6) Options.—In adopting the acquisition strategy pursuant to subsection (a), the Secretary shall consider the following options:

(A) Entering into a single Defense Base Act insurance contract for the Department of Defense.

(B) Entering into a single Defense Base Act insurance contract for contracts involving performance in theaters of combat operations.

(C) Entering into a contract vehicle, such as a multiple award contract, that provides for competition among contractors for categories of coverage, such as construction, aviation, security, and other categories of insurance.

(D) Using a prescriptive rating approach to Defense Base Act insurance that adjusts rates according to actual claims incurred on a cost reimbursement basis.

(E) Adopting a self-insurance approach to Defense Base Act insurance for Department of Defense contracts.

(F) Other such options as the Secretary deems to best satisfy the criteria identified under subsection (b).

(d) REPORT.—(1) Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Oversight and Government Reform of the House of Representatives a report on the acquisition strategy adopted pursuant to subsection (a).

(2) The report shall include a discussion of each of the options considered pursuant to subsection (c) and the extent to which each option addressed the criteria identified under subsection (b).

(e) DETERMINATION STRATEGY.—As considered appropriate by the Secretary, but not less often than once every 3 years, the Secretary shall review and, as necessary, update the acquisition strategy adopted pursuant to subsection (a) to ensure that it best addresses the criteria identified under subsection (b).

AMENDMENT NO. 35 OFFERED BY MR. FOSSELLA

The text of the amendment is as follows:

SEC. 1071. STUDY AND REPORT ON USE OF POWER MANAGEMENT SOFTWARE.

(a) STUDY.—The Secretary of Defense shall conduct a study on the use of power management software by civilian and military personnel and facilities of the Department of Defense to reduce the use of electricity in computer monitors and personal computers. This study shall include recommendations for baseline electric power use, for ensuring robust monitoring and verification of power use requirements on a continuing basis, and for potential technological solutions or best practices for achieving these efficiency objectives.

(b) REPORT.—Not later than 60 days after the date of enactment of this Act, the Secretary shall submit to Congress a report containing the results of the study under subsection (a), including a description of the recommendations developed under the study.

AMENDMENT NO. 36 OFFERED BY MR. MCDERMOTT

The text of the amendment is as follows:

SEC. 497. REPORT ON NATIONAL GUARD RESOURCE REQUIREMENTS.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary of Defense in consultation with the Postal Service.

(b) FUNDING.—(1) INCREASE.—The amount authorized to be appropriated by section 241 for military personnel is hereby increased by $10,000,000, and such amount shall be available for postal benefits provided in this section.

(c) REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to Congress a report containing the results of the study under subsection (a), including a description of the recommendations developed under the study.

SEC. 947. REPORT ON NATIONAL GUARD RESOURCE REQUIREMENTS.

(a) STUDY.—The Secretary of Defense shall conduct a study on the use of power management software by civilian and military personnel and facilities of the Department of Defense to reduce the use of electricity in computer monitors and personal computers. This study shall include recommendations for baseline electric power use, for ensuring robust monitoring and verification of power use requirements on a continuing basis, and for potential technological solutions or best practices for achieving these efficiency objectives.

(b) REPORT.—Not later than 60 days after the date of enactment of this Act, the Secretary shall submit to Congress a report containing the results of the study under subsection (a), including a description of the recommendations developed under the study.

AMENDMENT NO. 29 OFFERED BY MR. INSLEE

The text of the amendment is as follows:

At the end of title X, add the following new section:

SEC. 1071. STUDY AND REPORT ON USE OF POWER MANAGEMENT SOFTWARE.

(a) STUDY.—The Secretary of Defense shall conduct a study on the use of power management software by civilian and military personnel and facilities of the Department of Defense to reduce the use of electricity in computer monitors and personal computers. This study shall include recommendations for baseline electric power use, for ensuring robust monitoring and verification of power use requirements on a continuing basis, and for potential technological solutions or best practices for achieving these efficiency objectives.

(b) REPORT.—Not later than 60 days after the date of enactment of this Act, the Secretary shall submit to Congress a report containing the results of the study under subsection (a), including a description of the recommendations developed under the study.

AMENDMENT NO. 36 OFFERED BY MR. MCDERMOTT

The text of the amendment is as follows:

SEC. 1071. STUDY AND REPORT ON USE OF POWER MANAGEMENT SOFTWARE.

(a) STUDY.—The Secretary of Defense shall conduct a study on the use of power management software by civilian and military personnel and facilities of the Department of Defense to reduce the use of electricity in computer monitors and personal computers. This study shall include recommendations for baseline electric power use, for ensuring robust monitoring and verification of power use requirements on a continuing basis, and for potential technological solutions or best practices for achieving these efficiency objectives.

(b) REPORT.—Not later than 60 days after the date of enactment of this Act, the Secretary shall submit to Congress a report containing the results of the study under subsection (a), including a description of the recommendations developed under the study.

AMENDMENT NO. 35 OFFERED BY MR. FOSSELLA

The text of the amendment is as follows:

SEC. 1071. STUDY AND REPORT ON USE OF POWER MANAGEMENT SOFTWARE.

(a) STUDY.—The Secretary of Defense shall conduct a study on the use of power management software by civilian and military personnel and facilities of the Department of Defense to reduce the use of electricity in computer monitors and personal computers. This study shall include recommendations for baseline electric power use, for ensuring robust monitoring and verification of power use requirements on a continuing basis, and for potential technological solutions or best practices for achieving these efficiency objectives.

(b) REPORT.—Not later than 60 days after the date of enactment of this Act, the Secretary shall submit to Congress a report containing the results of the study under subsection (a), including a description of the recommendations developed under the study.

AMENDMENT NO. 36 OFFERED BY MR. MCDERMOTT

The text of the amendment is as follows:

SEC. 1071. STUDY AND REPORT ON USE OF POWER MANAGEMENT SOFTWARE.

(a) STUDY.—The Secretary of Defense shall conduct a study on the use of power management software by civilian and military personnel and facilities of the Department of Defense to reduce the use of electricity in computer monitors and personal computers. This study shall include recommendations for baseline electric power use, for ensuring robust monitoring and verification of power use requirements on a continuing basis, and for potential technological solutions or best practices for achieving these efficiency objectives.

(b) REPORT.—Not later than 60 days after the date of enactment of this Act, the Secretary shall submit to Congress a report containing the results of the study under subsection (a), including a description of the recommendations developed under the study.

AMENDMENT NO. 35 OFFERED BY MR. FOSSELLA

The text of the amendment is as follows:

SEC. 1071. STUDY AND REPORT ON USE OF POWER MANAGEMENT SOFTWARE.

(a) STUDY.—The Secretary of Defense shall conduct a study on the use of power management software by civilian and military personnel and facilities of the Department of Defense to reduce the use of electricity in computer monitors and personal computers. This study shall include recommendations for baseline electric power use, for ensuring robust monitoring and verification of power use requirements on a continuing basis, and for potential technological solutions or best practices for achieving these efficiency objectives.

(b) REPORT.—Not later than 60 days after the date of enactment of this Act, the Secretary shall submit to Congress a report containing the results of the study under subsection (a), including a description of the recommendations developed under the study.

AMENDMENT NO. 36 OFFERED BY MR. MCDERMOTT

The text of the amendment is as follows:

SEC. 1071. STUDY AND REPORT ON USE OF POWER MANAGEMENT SOFTWARE.

(a) STUDY.—The Secretary of Defense shall conduct a study on the use of power management software by civilian and military personnel and facilities of the Department of Defense to reduce the use of electricity in computer monitors and personal computers. This study shall include recommendations for baseline electric power use, for ensuring robust monitoring and verification of power use requirements on a continuing basis, and for potential technological solutions or best practices for achieving these efficiency objectives.

(b) REPORT.—Not later than 60 days after the date of enactment of this Act, the Secretary shall submit to Congress a report containing the results of the study under subsection (a), including a description of the recommendations developed under the study.

AMENDMENT NO. 35 OFFERED BY MR. FOSSELLA

The text of the amendment is as follows:

SEC. 1071. STUDY AND REPORT ON USE OF POWER MANAGEMENT SOFTWARE.

(a) STUDY.—The Secretary of Defense shall conduct a study on the use of power management software by civilian and military personnel and facilities of the Department of Defense to reduce the use of electricity in computer monitors and personal computers. This study shall include recommendations for baseline electric power use, for ensuring robust monitoring and verification of power use requirements on a continuing basis, and for potential technological solutions or best practices for achieving these efficiency objectives.

(b) REPORT.—Not later than 60 days after the date of enactment of this Act, the Secretary shall submit to Congress a report containing the results of the study under subsection (a), including a description of the recommendations developed under the study.

AMENDMENT NO. 36 OFFERED BY MR. MCDERMOTT

The text of the amendment is as follows:

SEC. 1071. STUDY AND REPORT ON USE OF POWER MANAGEMENT SOFTWARE.

(a) STUDY.—The Secretary of Defense shall conduct a study on the use of power management software by civilian and military personnel and facilities of the Department of Defense to reduce the use of electricity in computer monitors and personal computers. This study shall include recommendations for baseline electric power use, for ensuring robust monitoring and verification of power use requirements on a continuing basis, and for potential technological solutions or best practices for achieving these efficiency objectives.

(b) REPORT.—Not later than 60 days after the date of enactment of this Act, the Secretary shall submit to Congress a report containing the results of the study under subsection (a), including a description of the recommendations developed under the study.

AMENDMENT NO. 35 OFFERED BY MR. FOSSELLA

The text of the amendment is as follows:

SEC. 1071. STUDY AND REPORT ON USE OF POWER MANAGEMENT SOFTWARE.

(a) STUDY.—The Secretary of Defense shall conduct a study on the use of power management software by civilian and military personnel and facilities of the Department of Defense to reduce the use of electricity in computer monitors and personal computers. This study shall include recommendations for baseline electric power use, for ensuring robust monitoring and verification of power use requirements on a continuing basis, and for potential technological solutions or best practices for achieving these efficiency objectives.

(b) REPORT.—Not later than 60 days after the date of enactment of this Act, the Secretary shall submit to Congress a report containing the results of the study under subsection (a), including a description of the recommendations developed under the study.
Section 1107 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 357) is amended by adding at the end the following:

"(e) Status Reports.—

(1) In general.—Not later than 45 days after the date of enactment of this Act and not later than March 1 of each year beginning after the date on which the first report under this subsection is submitted, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report providing, with respect to the year before the current year in which such report is submitted, the information described in paragraph (2).

(2) Information required.—Each report under this subsection shall describe the following:

(A) The actions taken by the Secretary of Defense under subsection (a) during the year covered by the report.

(B) The progress made by the Secretary of Defense during such year in developing and implementing the plan required by subsection (b), including the anticipated date for completion of such plan and a list comprising a description of any issues relating to the development or implementation of such plan.

(C) With respect to any applications by laboratories seeking to be designated as a demonstration laboratory or to otherwise obtain any of the personnel flexibilities available to a demonstration laboratory:

(i) the number of applications that were received, pending, or acted on during such year;

(ii) the status or disposition of any applications under clause (i), including, in the case of any application on which a final decision was not rendered, the date by which a final decision is anticipated.

(3) Definition.—For purposes of this subsection, the term "demonstration laboratory" means a laboratory designated by the Secretary of Defense under the provisions of section 362(b) of the National Defense Authorization Act for Fiscal Year 1998 (as cited in subsection (a)) as a Department of Defense science and technology reinvention laboratory.

AMENDMENT NO. 37 OFFERED BY MR. DEFAZIO

The text of the amendment is as follows:

At the end of title VIII, add the following new section:

SEC. 849. MOTOR CARRIER FUEL SURCHARGES.

(a) Pass Through and Disclosure.—Chapter 157 of title 10, United States Code, is amended by adding at the end the following new section:

"82652. Motor carrier fuel surcharges

"(a) Pass Through to Cost Brazer.—In all carriage contracts in which a fuel-related adjustment is provided for, the Secretary of Defense shall require that a motor carrier, broker, or freight forwarder providing or arranging transportation or service using fuel for which it does not bear the cost pay to the person who bears the cost of such fuel the amount of all charges that relate to the cost of the services provided under contract that are presented to the person responsible directly to the motor carrier, broker, or freight forwarder for payment for the transportation or service.

"(b) Disclosure.—The Secretary shall require in a contract described in subsection (a) that a motor carrier, broker, or freight forwarder providing or arranging transportation or service using fuel not paid for by it disclose any fuel-related adjustment by making the amount of the adjustment publicly available on the Internet.

"(c) Regulations.—The Secretary shall prescribe regulations to ensure contracts described in subsection (a) include measures necessary to ensure enforcement of this section.

"(d) Conforming Amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

new item:

"2652. Motor carrier fuel surcharges.".

AMENDMENT NO. 39 OFFERED BY MR. STUPAK

The text of the amendment is as follows:

At the end of the amendment as follows:

Page 481, after line 13, insert the following:

SEC. 5. EXPANDED AUTHORITY FOR INSTITUTIONS OF PROFESSIONAL MILITARY EDUCATION TO AWARD DEGREES.

(a) National Defense Intelligence College.

(1) In general.—Section 2161 of title 10, United States Code, is amended to read as follows:

"2161. Degree granting authority for National Defense Intelligence College

"(a) Authority.—Under regulations prescribed by the Secretary of Defense, the President of the National Defense Intelligence College may, upon the recommendation of the faculty of the National Defense Intelligence College, confer appropriate degrees upon graduates who meet the degree requirements.

(b) Limitation.—A degree may not be conferred under this section unless—

"(1) the Secretary of Education has recommended approval of the degree in accordance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies; and

"(2) the curriculum leading to that degree is accredited by the appropriate civilian academic accrediting agency or organization, as determined by the Secretary of Education.

"(c) Congressional Notification Requirements.—(1) When seeking to establish degree granting authority under this section, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives—

"(A) a copy of the self assessment questionnaire required by the Federal Policy Governing Granting of Academic Degrees by Federal Agencies, at the time the assessment is submitted to the Department of Education's National Advisory Committee on Institutional Quality and Integrity; and

"(B) the subsequent recommendations and rationale of the Secretary of Education regarding the establishment of the degree granting authority.

"(2) Upon any modification, redesignation or termination of existing degree granting authority, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the rationale for the proposed modification, redesignation or termination and any subsequent recommendation of the Secretary of Education regarding the establishment of the degree granting authority.

(2) Clerical Amendment.—The table of sections at the beginning of chapter 108 of such title is amended by striking the item relating to section 2161 and inserting the following new item:

"2161. Degree granting authority for National Defense Intelligence College.

(b) National Defense University.

(1) In general.—Section 2163 of such title is amended to read as follows:

"2163. Degree granting authority for National Defense University

"(a) Authority.—Under regulations prescribed by the Secretary of Defense, the President of the National Defense University may, upon the recommendation of the faculty of the National Defense University, confer appropriate degrees upon graduates who meet the degree requirements.

(b) Limitation.—A degree may not be conferred under this section unless—
“(1) the Secretary of Education has recommended approval of the degree in accordance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies; and

“(2) the curriculum leading to that degree is accredited by the appropriate civilian academic accrediting agency or organization, as determined by the Secretary of Education.

“(c) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—(1) When seeking to establish degree granting authority under this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives—

(A) a copy of the self assessment questionnaire required by the Federal Policy Governing Granting of Academic Degrees by Federal Agencies, at the time the assessment is submitted to the Department of Education’s National Advisory Committee on Institutional Quality and Integrity; and

(B) the subsequent recommendations and rationale of the Secretary of Education regarding the establishment of the degree granting authority.

“(2) Upon any modification, redesignation or termination of existing degree granting authority, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the rationale for the proposed modification, redesignation or termination and any subsequent recommendations and rationale of the Secretary of Education on the proposed modification, redesignation or termination.

“(3) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing an explanation of any action by the appropriate academic accrediting agency or organization not to accredit the curriculum leading to any new or existing degree.

“(d) UNITED STATES ARMY WAR COLLEGE.

“(1) AUTHORITY.—Under regulations prescribed by the Secretary of the Army, the Commandant of the United States Army War College may, upon the recommendation of the faculty and dean of the college, confer appropriate degrees upon graduates who meet the degree requirements.

“(b) LIMITATION.—A degree may not be conferred under this section unless—

(1) the Secretary of Education has recommended approval of the degree in accordance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies; and

(2) the curriculum leading to that degree is accredited by the appropriate civilian academic accrediting agency or organization, as determined by the Secretary of Education.

“(c) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—(1) When seeking to establish degree granting authority under this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the rationale for the proposed modification, redesignation or termination and any subsequent recommendations and rationale of the Secretary of Education regarding the establishment of the degree granting authority.

“(2) Upon any modification, redesignation or termination of existing degree granting authority, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the rationale for the proposed modification, redesignation or termination and any subsequent recommendations and rationale of the Secretary of Education on the proposed modification, redesignation or termination.

“(3) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing an explanation of any action by the appropriate academic accrediting agency or organization not to accredit the curriculum leading to any new or existing degree.

“(e) UNITED STATES NAVAL POSTGRADUATE SCHOOL.

“(1) IN GENERAL.—Section 7048 of such title is amended to read as follows:

§ 7048. Degree granting authority for United States Naval Postgraduate School

“(a) AUTHORITY.—Under regulations prescribed by the Secretary of the Navy, the President of the Naval Postgraduate School may, upon the recommendation of the faculty of the Naval Postgraduate School, confer appropriate degrees upon graduates who meet the degree requirements.

“(b) LIMITATION.—A degree may not be conferred under this section unless—

(1) the Secretary of Education has recommended approval of the degree in accordance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies; and

(2) the curriculum leading to that degree is accredited by the appropriate civilian academic accrediting agency or organization, as determined by the Secretary of Education.

“(c) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—(1) When seeking to establish degree granting authority under this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives—

(A) a copy of the self assessment questionnaire required by the Federal Policy Governing Granting of Academic Degrees by Federal Agencies, at the time the assessment is submitted to the Department of Education’s National Advisory Committee on Institutional Quality and Integrity; and

(B) the subsequent recommendations and rationale of the Secretary of Education on the proposed modification, redesignation or termination.

“(2) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing an explanation of any action by the appropriate academic accrediting agency or organization not to accredit the curriculum leading to any new or existing degree.
§ 7101. Degree granting authority for Naval War College

(a) AUTHORITY.—Under regulations prescribed by the Secretary of the Navy, the President of the Naval War College may, upon the recommendation of the faculty of the Naval War College components, confer appropriate degrees upon graduates who meet the requirements of the degree.

(b) LIMITATION.—A degree may not be conferred under this section unless

(1) the Secretary of Education has recommended approval of the degree in accordance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies; and

(2) the curriculum leading to that degree is accredited by the appropriate civilian accrediting agency or organization, as determined by the Secretary of Education.

§ 7102. Degree granting authority for Marine Corps University

(a) AUTHORITY.—Under regulations prescribed by the Secretary of the Navy, the Commandant of the Marine Corps University may, upon the recommendation of the directors and faculty of the Marine Corps University, confer appropriate degrees upon graduates who meet the requirements of the degree.

(b) LIMITATION.—A degree may not be conferred under this section unless

(1) after receiving the recommendation of the faculty of the United States Air Force Institute of Technology, the Secretary of the Air Force may, upon the recommendation of the faculty, confer appropriate degrees upon graduates of the United States Air Force Institute of Technology who meet the requirements of the degree.

§ 7103. Granting authority for United States Air Force Institute of Technology

(a) AUTHORITY.—The Secretary of the Air Force may, upon the recommendation of the appropriate academic accrediting agency or organization, grant degrees to member of the armed forces who meet the requirements of the degree.

(b) LIMITATION.—A degree may not be conferred under this section unless

(1) the Secretary of Defense has recommended approval of the degree in accordance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies; and

(2) the curriculum leading to that degree is accredited by the appropriate civilian accrediting agency or organization, as determined by the Secretary of Education.

(c) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—(1) When seeking to establish degree granting authority under this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the rationale for the proposed modification, redesignation or termination of existing degree granting authority.

(2) Upon any modification, redesignation or termination of existing degree granting authority, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the rationale for the proposed modification, redesignation or termination and any subsequent recommendation of the Secretary of Education.

(d) BOARD OF ADVISORS.—The Secretary of the Navy shall establish an advisory board for the Marine Corps University. The Secretary shall ensure that the board is established so as to meet all requirements of the appropriate regional accrediting association.

§ 7104. Degree granting authority for Marine Corps University

(a) AUTHORITY.—Under regulations prescribed by the Secretary of the Navy, the President of the United States Air Force Institute of Technology may, upon the recommendation of the faculty of the United States Air Force Institute of Technology, confer appropriate degrees upon graduates of the United States Air Force Institute of Technology who meet the requirements of the degree.

(b) LIMITATION.—A degree may not be conferred under this section unless

(1) the Secretary of Education has recommended approval of the degree in accordance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies; and

(2) the curriculum leading to that degree is accredited by the appropriate civilian accrediting agency or organization, as determined by the Secretary of Education.

(c) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—(1) When seeking to establish degree granting authority under this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the rationale for the proposed modification, redesignation or termination of existing degree granting authority.

(2) Upon any modification, redesignation or termination of existing degree granting authority, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the rationale for the proposed modification, redesignation or termination and any subsequent recommendation of the Secretary of Education on the proposed modification, redesignation or termination.

§ 7105. Degree granting authority for United States Air Force Institute of Technology

(a) AUTHORITY.—Under regulations prescribed by the Secretary of the Air Force, the President of the United States Air Force Institute of Technology may, upon the recommendation of the faculty of the United States Air Force Institute of Technology, confer appropriate degrees upon graduates of the United States Air Force Institute of Technology who meet the requirements of the degree.

(b) LIMITATION.—A degree may not be conferred under this section unless

(1) the Secretary of Education has recommended approval of the degree in accordance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies; and

(2) the curriculum leading to that degree is accredited by the appropriate civilian accrediting agency or organization, as determined by the Secretary of Education.

(c) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—(1) When seeking to establish degree granting authority under this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the rationale for the proposed modification, redesignation or termination of existing degree granting authority.

(2) Upon any modification, redesignation or termination of existing degree granting authority, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the rationale for the proposed modification, redesignation or termination and any subsequent recommendation of the Secretary of Education.
to pay expenses incurred by the Institute in applying for, and otherwise pursuing, the award of qualifying research grants.

(6) The Secretary shall prescribe regulations for the administration of this subsection.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 901 of this title is amended by striking the item relating to section 9314 and inserting the following new item:

"9314. Degree granting authority for United States Air Force Institute of Technology.—"

(1) AIR UNIVERSITY.—

(1) In general.—Section 9317 of such title is amended to read as follows:

"§ 9317. Degree granting authority for Air University

(a) Authority.—Except as provided in sections 9314 and 9315 of this title, under regulations prescribed by the Secretary of the Air Force, the commander of Air University may, upon the recommendation of the faculty of the Air University, confer appropriate degrees upon graduates who meet established requirements.

(b) Limitation.—A degree may not be conferred under this section unless—

(1) the Secretary of Education has recommended the degree in accordance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies; and

(2) the curriculum leading to that degree is accredited by the appropriate civilian academic accrediting agency or organization, as determined by the Secretary of Education.

(c) Curricular Development.—

(1) When seeking to establish degree granting authority under this section, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and House of Representatives—

(A) a copy of the self-assessment questionnaire required by the Federal Policy Governing Granting of Academic Degrees by Federal Agencies, at the time the assessment is submitted to the Department of Education’s National Advisory Committee on Institutional Quality and Integrity; and

(B) the subsequent recommendations and rationale of the Secretary of Education regarding the establishment of the degree granting authority.

(2) Upon any modification, redesignation or termination of existing degree granting authority, the Secretary of Defense shall submit to the appropriate committees on Armed Services of the Senate and House of Representatives a report containing the rationale for the proposed modification, redesignation or termination and any subsequent recommendation of the Secretary of Education on the proposed modification, redesignation or termination.

(3) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the rationale for the demonstration project.

(d) Unexplosd Ordnance Defined.—In this section, the term "unexploded ordnance" has the meaning given such term in section 10(e)(5) of title 10, United States Code.

AMENDMENT NO. 48 OFFERED BY MR. KENNEDY

The text of the amendment is as follows:

"At the end of subsection A of title VII, add the following new section:

SEC. 708. RESERVE COMPONENT BEHAVIORAL HEALTH CARE PROVIDER LOCATOR AND APPOINTMENT ASSISTANCE DEMONSTRATION PROJECT.

(a) Demonstration Project.—The Secretary of Defense shall conduct a demonstration project to assess the feasibility and efficacy of providing a behavioral health care provider locator and appointment assistance service to members of the reserve components of the Armed Forces.

(b) Elements.—The demonstration project shall include, at a minimum, a toll-free hotline, staffed and available 24 hours a day 7 days a week, to help members of the reserve components find behavioral health care providers and schedule outpatient appointments in the TRICARE network.

(c) Eligibility.—In order to be eligible for the demonstration project, a member of the Armed Forces shall meet the following requirements:

(1) Be a member of the Selected Reserve.

(2) Be enrolled in TRICARE Reserve Select.

(3) Implementation.—The demonstration project shall be implemented not later than 180 days after the date of enactment of this Act.

(e) Sunset.—The authority for the demonstration project required by this section shall expire on September 30, 2011.

(f) Reports.—The Secretary of Defense shall submit to the congressional defense committees a report containing a plan to implement the demonstration project required by this section.

(2) Updates.—Not later than 180 days after such date of enactment and every 180 days thereafter, a report containing an update on the demonstration project.

(3) Final Evaluation.—Not later than January 1, 2012, a report containing a final written evaluation, including recommendations for the extension or expansion of the demonstration project.

AMENDMENT NO. 49 OFFERED BY MR. ISRAEL

The text of the amendment is as follows:

"At the end of subsection B of title III, add the following new section:

SEC. 314. CLOSED LOOP RECYCLING FOR MOTOR VEHICLE LUBRICATING OIL.

(a) Study and Evaluation.—Not later than 90 days after the date of enactment of this Act, the Secretary of Defense shall submit to Congress a report which reviews the Department of Defense’s policies concerning the sale and disposal of used motor vehicle lubricating oil, and shall include in the report an evaluation of the feasibility and desirability of implementing policies to require closed loop recycling of used oil as a means of reducing total indirect energy usage and greenhouse gas emissions.

(b) Implementation.—To the extent that the evaluation of the report submitted under subsection (a) indicates that closed loop recycling of used motor vehicle lubricating oil can reduce total indirect energy usage and greenhouse gas emissions without a significant increase in overall cost to the Department of Defense, the Secretary shall implement policies to require closed loop recycling of used oil to the extent feasible.

(c) Definition.—For purposes of this section, the term "closed loop recycling" means..."
the sale of used oil to entities that re-refine used oil into base oil and vehicle lubricants that meet Department of Defense and industry standards, and the purchase of re-refined oil produced through such re-refining process.

AMENDMENT NO. 54 OFFERED BY MR. CARNEY

The text of the amendment is as follows:

Page 187, after the matter at the end of the page, add the following (and make such technical and conforming changes as may be appropriate):

SEC. 583. SENSE OF THE CONGRESS REGARDING HONOR GUARD DETAILS FOR FUNERALS OF VETERANS.

It is the sense of the Congress that the Secretaries of the military departments should, to the maximum extent practicable, provide honor guard details for the funerals of veterans as is required under section 1491 of title 10, United States Code, as added by section 567(b) of Public Law 105-261 (112 Stat. 2020).

AMENDMENT NO. 57 OFFERED BY MR. YARMBY

The text of the amendment is as follows:

At the end of subtitle B of title XII of the bill, add the following new section:

SEC. 1228. DECLARATION OF POLICY RELATING TO STATUS OF FORCES AGREEMENTS BETWEEN THE UNITED STATES AND IRAQ.

(a) DECLARATION OF POLICY.—It shall be the policy of the United States to ensure that any agreement between the United States and the Republic of Iraq relating to the legal status of United States military personnel or the establishment of or access to military bases includes as part of the agreement measures requiring the provision of support by the Government of Iraq for United States Armed Forces stationed in Iraq.

(b) SUPPORT DESCRIBED.—Support referred to in subsection (a) may include the provision of financial or other types of support to assist United States Armed Forces stationed in Iraq in the conduct of their assigned mission.

The Acting Chairman. Pursuant to House Resolution 1218, the gentleman from Missouri (Mr. SKELOTON) and the gentleman from California (Mr. HUNTER) each will control 10 minutes.

Mr. SKELOTON. Mr. Chairman, I urge the Committee to adopt the amendments en bloc, all of which have been examined by the majority as well as the minority.

Mr. Chairman, I yield at this time 1 minute to my friend from Maryland, from the Armed Services Committee (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Chairman, I rise today in support of H.R. 5658, and I thank Chairman SKELOTON and Ranking Member HUNTER for including a vital amendment introduced by myself and Congresswoman WATSON concerning the United States Coast Guard as part of an en bloc amendment.

This amendment would ensure that the U.S. Coast Guard is represented on the Senior Military Leadership Diversity Commission, created in section 595 of H.R. 5658. As chairman of the Coast Guard and Maritime Transportation Subcommittee, I am committed to expanding diversity throughout the United States Coast Guard. With merely 22 minorities in a graduating class of 222 cadets at the Coast Guard Academy, including them in the commission is imperative.

I am proud to say that this amendment brings us closer to achieving diversity in the senior leadership levels in all of the services, something that the Tuskegee Airmen only dreamed about nearly 67 years ago.

I urge my colleagues to vote in favor of the en bloc and final passage of this great bill.

Mr. HUNTER. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana, distinguished ranking member of the Veterans’ Affairs Committee (Mr. BUYER).

Mr. BUYER. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Chairman, I yield 1 minute to my friend, the gentleman from California (Ms. WATSON).

Ms. WATSON. Mr. Chairman, I rise to speak on the Watson-Cummings amendment to section 995 of the National Defense Authorization Act. Our amendment would strengthen the Senior Military Leadership Diversity Commission by including the U.S. Coast Guard as part of the commission’s membership and including them in the overall scope of the study.

The U.S. Coast Guard has the worst diversity rates among minority commissioned officers of the Armed Forces. The Coast Guard’s membership on the commission would help ensure that the study provides insight into ways to increase the number of minority senior commissioned officers within the services.

Mr. Chairman, I yield 2 minutes to my colleague and good friend, the gentleman from California (Mr. BUYER).

Mr. BUYER. Mr. Chairman, I yield 2 minutes to my friend and good friend, the gentleman from California (Mr. SKELOTON) and the gentleman from California (Mr. HUNTER) each will control 10 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. SKELOTON. Mr. Chairman, I urge the Committee to adopt the amendments en bloc, all of which have been examined by the majority as well as the minority.

Mr. Chairman, I yield at this time 1 minute to my friend from Maryland, from the Armed Services Committee (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Chairman, I arise today in support of H.R. 5658, and I thank Chairman SKELOTON and Ranking Member HUNTER for including a vital amendment introduced by myself and Congresswoman WATSON concerning the United States Coast Guard as part of an en bloc amendment.

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I am proud to say that this amendment brings us closer to achieving diversity in the senior leadership levels in all of the services, something that the Tuskegee Airmen only dreamed about nearly 67 years ago.

I urge my colleagues to vote in favor of the en bloc and final passage of this great bill.

Mr. HUNTER. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana, distinguished ranking member of the Veterans’ Affairs Committee (Mr. BUYER).

Mr. BUYER. Mr. Chairman, in the fall of 2005, I had the House Veterans’ Affairs Committee hold a hearing on redefinition dental costs in the VA. In the fall of 2006, I requested the Army to report on and document Army reserve component dental demobilization treatment costs.

The Army Medical Command tasked its DENCOM to then study and document demobilization dental treatment requirements no later than 30 November, 2006. This study was considered insufficient by the then Surgeon General, General Kiley. We then spoke. He then instituted a study that was conducted in the fall of 2007.

I was briefed on the second study this past February by the Chief of the Army Dental Corps in San Antonio, Texas, and considered this study seriously flawed in its methodology, study construct, and assumptions. The DENCOM told me that dental care during demobilization was not their mission.

Shockingly, I then called upon General Cody, the Vice Chief of Staff of the Army; and Lieutenant General Schoomaker, the Army Surgeon General, the next day to express my concerns with the study and the lack of mission concern by the General of the Army Dental Corps for the demobilization dental requirements of our returning soldiers.

General Cody then quickly convened a study group to identify options and expedient solutions to provide the necessary care and document Army reserve component dental demobilization treatment costs.

I was briefed on the second study this past February by the Chief of the Army Dental Corps in San Antonio, Texas, and considered this study seriously flawed in its methodology, study construct, and assumptions. The DENCOM told me that dental care during demobilization was not their mission.

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I was briefed on the second study this past February by the Chief of the Army Dental Corps in San Antonio, Texas, and considered this study seriously flawed in its methodology, study construct, and assumptions. The DENCOM told me that dental care during demobilization was not their mission.

I urge my colleagues to vote in favor of the en bloc and final passage of this great bill.

Mr. HUNTER. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Chairman, I yield 1 minute to my friend, the gentleman from California (Ms. WATSON).
up a civilian response corps. Our Na-
tion must do a better job, not just in
waging wars, but also in winning the
peace. If we cannot translate security
gains into economic growth, social
well-being and justice and reconcili-
ation, all of the military power in
world will be of no long-term peace and
prosperity for the world.

This bill, together with this en bloc
amendment, will improve our Nation’s
ability to win the peace. I encourage
all the Members to support the en bloc
amendment.

Mr. SKELTON. I yield 1 minute to my
friend, the gentleman from Oregon
(Mr. DeFAZIO).

Mr. DeFAZIO. I thank the chairman and
the ranking member for their sup-
port on this amendment. It’s quite sim-
ple. The Department of Defense spends
nearly $1 billion a year moving freight
and cargo around the United States of
America. Much of that moved on truck.

Many shippers, these days, or brokers,
are charging surcharges. Including this is
the Department of Defense, a fuel sur-
charge or a fuel-related adjustment, as
DOD calls it.

It has come to the attention of the
Surface Transportation Subcommittee
that these surcharges that are charged
to the shippers are not passed on to the truckers who have got
to buy the fuel. Hundreds of trucking
firms have gone out of business this
year. We are looking at record diesel
prices.

This amendment simply says that
when DOD is charged a fuel-related ad-
justment, a fuel surcharge, that that
must be passed on to the person who
has to buy the fuel, generally the trucker, and it has to be posted visibly
on the Internet by the broker so that it
is known to the trucker and others who
purchase the fuel that a fuel surcharge
was in place.

I thank the gentleman for his sup-
port on this important issue.

Mr. SKELTON. Madam Chairman, I
yield 1 minute to our colleague, the
gentleman from Kentucky (Mr.
YARMUTH).

Mr. YARMUTH. Madam Chairman, I
rise on behalf of Mr. KLEIN of Florida
and myself to offer an amendment to
the fiscal year 2009 National Defense
Authorization Act, requiring Iraq to
help support our troops stationed in
their country.

Oil companies have helped generate
a multibillion-dollar surplus in Iraq that
is expected to reach $180 billion within
3 years. Still, American taxpayers send
$339 million to Iraq each day, money
that can be invested here, as gas prices are
soaring, education is lagging, health care is increasingly out of
reach, and everywhere American fami-
lies are struggling.

When the administration negotiates
a Status of Forces Agreement this year,
this amendment will require them to negotiate commonsense terms
for Iraq to provide support for our mili-
tary operations on their soil. This ar-
angement could be similar to the plan
we have with South Korea, where they
pay our security costs, or in Japan,
which pays for 75 percent of the cost of
maintaining troops and grants U.S.
base rights.

Whatever the arrangement, this amendment would ensure that Ameri-
cans no longer have to shoulder the
burden alone. I urge my colleagues to
join me in supporting this amendment.

Mr. SKELTON. I yield 1 minute to
my friend, the gentleman from Oregon
(Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the
gentleman’s courtesy.

We take great pride in the United
States, being the best fighting force
the world has ever seen. I see it in the
training, bombs and shells that have
failed to explode during exercises are
located in every State of the Union on
millions of acres of land. The cleanup of
the 3,500 military Munitions Re-
ponse Program sites alone is going to
cost over $20 billion, and at the current
rate, take 200 to 300 years.

Unexploded ordnance technologies and
levels of funding are clearly inade-
quate. Reducing the detection tech-
nologies will significantly reduce
cleanup costs and allow for more rapid
cleanup. This amendment moves us in
the direction by making research and
development of UXO detection a pri-
ority, facilitates the deployment of
this in the field where it’s needed
through partnership with outside enti-
ties and training of skilled operators.

It requires the Department of Defense
to provide a detailed review of its ac-
tivities in this area by February, 2008.

I deeply appreciate the cooperation
of the committee in leveraging scarce
funding for environmental remediation
and the focus of the Department’s ef-
forts to clean up the millions of
unexploded ordnances in our lands and
waters. We will save money, protect
the environment, and make our sol-
diers safer.

Mr. SKELTON. At this time, I yield 1
minute to my friend and also a member
of the Armed Services Committee, the
gentlelady from New Hampshire (Ms.
SHEA-PORTER).

Ms. SHEA-PORTER. I would like to
thank my colleague and my friend
from Rhode Island for his hard work to
introduce this Amendment with Congress-
woman LOUISE MCINTOSH SLAUGHTER.

Nearly 3 years ago, a distraught father
contacted my office asking for help for his daugh-
ter, Jamie Leigh Jones. Jamie was a 20 year
old, KBR contractor in Iraq. After only 4 days in the
Green Zone, Jamie was drugged and
gang-raped by her coworkers. When she woke
up in the morning, she was naked, bruised,
and bleeding. She saw 1 of her coworkers be-
side her and he confirmed that they had un-
protected sex. She immediately contacted her
supervisors and was taken to an Army hos-
pital, where an Army doctor performed a rape
kit. Rape kits are essential in future prosecu-
tions. The Army doctor took photographs of
Jamie and informed Jamie that she was raped
by multiple men. She has had reconstructive
surgery.
What happened next is appalling. Jamie was locked in a guarded shipping container for 24 hours. Her supervisors told her this was for her safety, but she was not provided food or water and she was not allowed to contact anyone. Jamie finally convinced a sympathetic guard to let her use his cell phone and Jamie called her dad for help.

After speaking with Jamie’s father, my staff and I contacted the State Department and within 2 days, 2 agents from the State Department had rescued Jamie.

Since Jamie lives in America, she has not had justice. Although a grand jury was finally convened, 2½ years later, there is still no indictment. We learned that Jamie’s important rape kit was turned over to her employer, KBR, instead of to the proper law enforcement personnel. KBR then lost and recovered the rape kit, but it is incomplete. KBR has stonewalled cooperation with authorities on the investigation regarding what occurred to this and other victims in Iraq.

This Amendment is very straight forward. It requires defense contractors in Iraq and Afghanistan crimes committed against or by their contracted employees to the Department of Defense and that the information must be made public. It also requires defense contractors to provide for victims with medical and psychological assistance.

Let’s take one step in the right direction for bringing justice to victims. And that’s just the way it is.

Mr. VAN HOLLEN. Madam Chairman, I rise today in strong support of the National Defense Authorization Act.

This bipartisan bill authorizes $531 billion for the DoD and national defense programs of the Department of Energy and reflects Congress’ commitment to supporting our troops and their families while protecting the national interests of the United States and improving the oversight and accountability of funding for operations in Iraq and Afghanistan.

I believe passage of this bill will be welcome news to our service members and their families. To help our troops readjust to civilian life and to help military families deal with the economic pinch at home as a spouse serves overseas, the bill provides a 3.9 percent pay raise for all military personnel.

Mr. STUPAK. Madam Chairman, I rise today to support the amendment that I authored with my friend, Congressman JOHN FOSSELLA, to extend eligibility for disability pay to certain cadets at our military academies.

I am also supporting this bill for the assistance it provides the many thousands of federal employees who work for the DoD and who are bound to have administration efforts to use the OMB A-76 Circular to cut out their jobs. I am pleased that I was able to help ensure that the 2008 National Defense Authorization Act included a provision that prohibits the Pentagon from undertaking, preparing for, or performing continuing, or public-private competitions of federal jobs as directed by the Office of Management and Budget. The provision also overturns the mandatory requirement that the jobs of federal employees be re-competitive every 5 years.

The Department of Defense has yet to issue guidance to the Department to implement past congressional A-76 recommendations nor has it listened to the recommendations of military commanders who have warned that these A-76 competitions are harming the Pentagon’s mission.

Second, with the passage of the Waxman-Fossella Amendment to the bill, anti-fraud measures will be enhanced and transparency in contracting increased by limiting the use of abuse-prone contracts and by rebuilding the federal acquisition workforce.

Mr. FOSSELLA. Madam Chairman, today I rise in support of my amendment, labeled Stupak #39, to extend eligibility for disability pay to certain cadets at our military academies.

Each year, a small number of enlisted military personnel voluntarily separate from the military in order to attend one of the military academies. In doing so, they give up many of the privileges and protections that came with their regular military status.

In the Fiscal Year 2005 Defense Authorization Act, Congress recognized the sacrifices and risks that military cadets undergo by bringing them into the federal health care and disability system. However, this protection is effective only from the date of enactment, which was October 2004.

Enlisted soldiers who choose to leave the service today to attend a military academy will be covered by the military disability system, but soldiers who enlisted before 2004 are not.

With this amendment, I believe passage of this bill will be welcome news to our service members and their families. To help our troops readjust to civilian life and to help military families deal with the economic pinch at home as a spouse serves overseas, the bill provides a 3.9 percent pay raise for all military personnel.

Mr. STUPAK. Madam Chairman, I rise today to support the amendment that I authored with my friend, Congressman JOHN FOSSELLA, to extend eligibility for disability pay to certain cadets at our military academies.

Mr. FOSSELLA. Madam Chairman, today I rise in support of my amendment to the FY2009 Defense Authorization bill (amendment number 27), authorizing free mailing
privileges for the family members of our service men and women deployed in Iraq and Afghanistan. This amendment provides a tremendous opportunity for us to increase the morale of our troops overseas, which, as we are all aware, is necessary for having a confident and motivated military.

First, I would like to thank Chairman SKELTON, Ranking Member HUNTER, Personnel Subcommittee Chairwoman DAVIS and of course my fellow New York colleague, Ranking Member MCHUGH for their help in cultivating this amendment. I drafted this amendment in response to concerns expressed to me by many military families that it was becoming too costly to send regular care packages to loved ones overseas. I heard story after story of families, already finding it hard to make ends meet, having to spend as much as $1,500 a year to mail care packages. Each package our men and women in uniform receive arrives with a touch of home. Personal items in these packages, like pictures, cards and school, projects from their children make deployments much more bearable.

Mail serves a second and important purpose providing our military men and women with basic necessities like shampoo, foot powder, phone cards and even the ever essential fly paper.

In my district of Staten Island and Brooklyn, local residents came together and raised money to help military families send these packages overseas. I was inspired by the outpouring of support for our service men and women in Dyker Heights, Brooklyn, where postal service employees raised money to cover the postage for every package sent to our troops. In Staten Island, residents formed Staten Island Project Homefront, Incorporated: a non-profit organization dedicated to serving our deployed troops and their families by sending thousands of care packages to the troops in theater. This month alone, over 200 packages were mailed overseas by this group with a postage cost of over $2,000.

It was these acts of great generosity and patriotism which prompted me to advocate for this essential program in Congress.

This amendment received the support of organizations such as the VFW, American Legion, and the National Association of Uniformed Services. To quote the VFW, “letters and packages from home do wonders in boosting the morale of our men and women serving in harms way, and high morale transfers to combat ready and effectiveness.” Comments such as this, I wholeheartedly agree with.

I recently heard from Debbie Parsons from Staten Island, Debbie had two sons in the Marine Corps, both of whom returned for their second tours in the fall. Six days a week Debbie volunteers her time at Staten Island Project Homefront, packing boxes to send over to our troops. She would hear from her sons regularly and they often requested she send them supplies such as snacks, Power bars, soft books and foot powder, among other things. Prior to the donations from Staten Island Project Homefront, the packages she sent to her sons cost hundreds of dollars every month.

It goes without saying our servicemen and women have made enormous sacrifices fighting the War on Terrorism and defending freedom and liberty. They face great challenges under trying circumstances, and often without the benefit of basic necessities like socks and foot powder. It falls upon their families to get them these supplies and to cover the cost of shipping them overseas. This amendment will help make life a little better for our soldiers and ease the financial burden on those supporting them. It is a simple way to bring a touch of home overseas to our men and women.

I urge my colleagues to support this amendment and provide our military families an easier path to sending a piece of home to their loved ones.

Mr. KING of Iowa. Mr. Chairman, I rise today to offer an amendment asking the Chief of the National Guard Bureau to develop a report on the effectiveness of certain Guard “empowerment” provisions that were contained in the FY08 Defense Authorization Act. Mr. Chairman, since September 11, 2001, the United States has increasingly turned to the men and women of the National Guard to provide much needed support in our efforts to prosecute a global war against radical Islamic jihadists. Answering their Nation’s call to arms, Guard units from across the country have served their country and successfully served in harm’s way on the front lines of this historic struggle.

The men and women of the Iowa National Guard are no different. Just last month, constituents from my congressional district in Western Iowa welcomed home members of the Iowa Army National Guard who returned from deployments in Iraq. As has been the case with many Guard units across the country, this is not the first welcome home ceremony that these units have enjoyed in the past few years.

And yet, while the Guard is deploying many of its members to distant battlefields, it is still expected to meet the many demands of its domestic mission. Despite the Nation’s need for men and women of the Guard to serve on the battlefield, our State Governors must continue to have ready access to the Guard to respond to the emergency and disaster relief needs of their States.

There is no doubt that the services and capabilities of the Guard are in high demand. In many respects, this is due to the fact that both active duty commanders and governors know that when they call, the Guard will be there. They also know that Guard members can always be counted upon to complete their mission in the most efficient and professional manner possible.

The many demands placed upon the Guard, however, have begun to weigh down its capabilities. To address this, Congress included several provisions in the FY08 National Defense Authorization Act intended to boost the Guard within the Department of Defense. The “empowerment” provisions included the elevation of the Chief of the Guard Bureau from the rank of Lieutenant General to the rank of full General. The bill also made the Guard Chief the primary advisor to the Chairman of the Joint Chiefs on Guard matters.

In addition to these important changes, the bill also made the National Guard a joint agency, charges the Secretary of Defense with writing the Guard’s charter, and requires that the Deputy Commandant of the Northern Command be a member of the Guard.

All of these changes, Mr. Chairman, were aimed at ensuring the National Guard would have a clearer voice in policy and budgetary discussions within the Department of Defense. To determine the extent to which these empowerment provisions have accomplished this goal, my amendment asks the Chief of the Guard Bureau to submit a report to the Secretary of Defense analyzing the effectiveness of the empowerment provisions. My amendment would require the Secretary of Defense to submit the Chief’s report to Congress with the Secretary’s own comments on the matter.

Mr. Chairman, as we continue to wage a global war against radical Islamic jihadists, it is imperative that we give the National Guard the resources and pull necessary to ensure it is able to remain an integral part of this fight and to ensure it is able to carry out its duties with respect to its domestic mission here at home. To do this, we must see to it that we are responsive to the needs of the Guard. With the passage of the empowerment provisions in last year’s Defense Authorization bill, we have taken some important first steps toward addressing the 21st century needs of the Guard. But only the Guard itself will be able to tell us if these changes have hit their mark and are achieving their intended effect.

This amendment will allow Congress to get important, first-hand feedback from the Guard on this important issue, and I ask my colleagues to join me in supporting its passage. Mr. Berman, Madam Chairman, I rise in support of this en bloc amendment and want to make a few comments about Amendment #18, which was included in this amendment.

Title XVI of H.R. 6558, the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009, is the text of H.R. 1084, 110th Congress, as passed by the House on March 7, 2008, introduced by our colleagues SAM Farr and Jim SAXTON. That text differed to some degree from the introduced text and is identical to what was reported out by the Committee on Foreign Affairs, as I explained at the time of House passage.

In discussions with the sponsors of this legislation in the other body, however, certain modifications to the text were deemed desirable, and this amendment, which has been agreed to by the Ranking Member of the Committee on Foreign Affairs, the Gentlewoman from Florida, Ms. ROS-LEHTINEN, and by Mr. Farr, represents those changes.

I thank the Chairman and the ranking Member of the Committee on Armed Services for supporting this amendment, which will smooth the way towards the inclusion of title XVI in the final version of the bill.

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

The Acting CHAIRMAN. Mr. Waxman, the question is on the amendment en bloc offered by the gentleman from Missouri (Mr. SKELTON).

The amendments en bloc were agreed to.

AMENDMENT NO. 6 OFFERED BY MR. FRANKS

The Acting CHAIRMAN. It is now in order to consider amendment No. 6 printed in House Report 110–666.

Mr. FRANKS of Arizona. Madam Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:
Amendment No. 6 offered by Mr. FRANKS of Arizona:

At the end of title II, add the following new section:

SEC. 2. INCREASED AMOUNT FOR MISSILE DEFENSE AGENCY.

(a) INCREASE.—The amount in section 201(4), research, development, test, and evaluation, as hereby reduced by $719,000,000, to be derived by increasing the amounts, as the Secretary of Defense determines, for—

(1) the Terminal High Altitude Area Defense program;
(2) the Aegis ballistic missile defense program; and
(3) the ballistic missile defense testing and targets program.

(b) OFFSET.—The total amount authorized in title II for research, development, test, and evaluation is hereby reduced by $719,000,000, to be derived from any account other than the Missile Defense Agency, as determined by the Secretary of Defense.

The Acting CHAIRMAN. Pursuant to House Resolution 1218, the gentleman from Texas (Mr. FRANKS) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FRANKS of Arizona, Madam Chair,

I rise today in support of my amendment to restore funding to the Missile Defense Agency to fund against short and medium-range ballistic missiles. My amendment restores $719 million in funding to the Missile Defense Agency, to return the President’s budget request to $9.3 billion. My amendment directs that this $719 million be specifically targeted toward the Theater High Altitude Area Defense System and the AEGIS Ballistic Missile Defense Systems and the test and targets necessary to test those systems.

I agree with the Democrats, Madam Chair, which is pretty unusual. I agree with the Democrats that we need to be concerned about the threat of short and medium-range ballistic missiles to our forward-deployed troops on the Korean peninsula, North Japan, and throughout southwest Asia. Today, these forces are at risk of attack by thousands of lethal ballistic missiles that may carry conventional, chemical, or, in some cases, nuclear warheads. Our close allies, South Korea, Japan, Israel, and Turkey are held at risk by these missiles as well.

Deployed Patriot batteries provide some limited point defense to shield some, but not all, of our key command and control centers. We can improve upon this very limited defense and offer a larger umbrella of protection against ballistic missiles to our forces with area defense. Both the land-based Theater High Altitude Area Defense system, or THAAD, as well as the sea-based AEGIS Ballistic Missile system, offer significant area missile defense capabilities to our theater commanders.

I want to applaud the entire House Armed Services Committee for increasing funding for both of these programs. Unfortunately, I fear these increases do not do enough for our theater commanders, who cannot get these systems deployed fast enough because they simply are not yet available to procurement. The House Armed Services Committee has received testimony from Admiral Kellogg of the Joint Staff, Command, and General Bell, Commander of U.S. Forces in Korea, to this effect.

The administration should accelerate production of THAAD fire units and that restoration of $719 million to the AEGIS 3 standard missile 3 interceptors to adequately source the combatant commands with area defense against short and medium-range or theater class ballistic missiles.

The committee has authorized $75 million above the President’s budget for each of these programs, but I am concerned that this increase will not deliver capability to the warfighter soon enough in the most expeditious manner. The short and medium-range ballistic missile threat exists today, and we can procure more interceptors to defend our troops’ way.

Mr. Chairman, very simply, probably one of our best hedges against proliferation of nuclear arms today in the world is missile defense, and it is very important that we do everything we can to prepare for the possibility. So I offer this amendment and urge the support of my colleagues.

I reserve the balance of my time.

Mrs. TAUSCHER. Mr. Chairman, I rise in opposition to the Franks amendment and claim the time in opposition.

The Acting CHAIRMAN (Mr. Ross). The gentlewoman from California is recognized for 10 minutes.

Mrs. TAUSCHER. Mr. Chairman, I rise in opposition to Mr. Franks’ amendment. This amendment would increase fiscal year 2009 funding for the Missile Defense Agency by $719 million, back up to the level of the President’s budget request. The Bush administration’s request of $9.3 billion in fiscal year 2009 for the Missile Defense Agency already represents an increase of $680 million above last year’s funded level.

With prudent reductions and selected increases, H.R. 5858 authorizes $8.6 billion for the Missile Defense Agency, roughly equivalent to the fiscal year 2008 level. We provide increases in funding for assistance geared to current threats, like Aegis BMD, THAAD, the missile defense testing program and missile defense cooperation with Israel, all of these by $185 million. At the same time, we make prudent reductions to longer-term, less-mature systems, like the Multiple Kill Vehicle and the Airborne Laser.

Unfortunately, the Franks amendment would not accomplish the thoughtful work of the committee. First, Mr. FRANKS proposes that the offset would come from any Pentagon research and development account, except the Missile Defense Agency, unfairly placing missile defense programs above all other R&D priorities.

Second, it is unlikely that the proposed increase in the funding for the programs outlined in this amendment could be executed.

Third, and perhaps more important, the amendment is inconsistent of section 223 of the fiscal 2008 National Defense Authorization Act, which requires that procurement funds be used for procurement activities, not research and development activities.

Also, as written, the amendment would not allow any of the funding to be used for additional THAAD or Aegis Standard Missile Interceptors, because it provides only research and development funding.

Mr. Chairman, H.R. 5858 provides our warfighters the real capabilities to meet the real threats to our homeland, deployed forces and allies. It also makes prudent reductions to systems geared to less urgent threats, ensuring that other important national defense priorities, such as readiness, strategic programs and nonproliferation efforts, are well-funded.

The House defeated a similar floor amendment last year, and I urge my colleagues to oppose this amendment.

I reserve the balance of my time.

Mr. FRANKS of Arizona. Madam Chair,

I now yield 3 minutes to the distinguished gentleman from Texas (Mr. SESSIONS).

Mr. SESSIONS. Mr. Chairman, I rise today in support of the gentleman Mr. FRANKS’ amendment. Mr. FRANKS serves along with myself as cochairman of the Missile Defense Caucus.

This amendment restores critical funding to our layered missile defense system, which protects the United States and its allies from short and medium-range ballistic missiles. This bill, that we have heard about cuts funding for missile defense to $719 million below the President’s budget request of $9.3 billion, an unacceptable funding level to provide for our national defense.

The Democrats’ authorization to the Aegis Ballistic Missile Defense System would not even cover the expenses incurred by the Missile Defense Agency to conduct what was recently the shutdown of the US-193 satellite, which cost the agency upwards of $100 million. I would add that the very recent successful shutdown of the satellite is evidence of the successes and importance of the missile defense program and the ongoing necessity to make sure these programs are fully funded and in development.

The Democrats have also authorized inadequate funding for the THAAD, or Theater High Altitude Area Defense System. I think it is an embarrassment that out of the $890 million requested for THAAD, in the administration, only $75 million was authorized for THAAD; $75 million out of $890 million requested.
Finally, my friends in the Democrat majority inserted language into the bill that requires the Secretary of Defense to certify that the two-stage interceptor missile proposed for the European site has demonstrated through successful operational tests its capability to destroy an ICBM. And to clear up that misunderstanding that I believe we heard on this side of the aisle, this bill actually increases Aegis and THAAD $75 million each above the President’s request; not a total of $75 million, but $75 million for Aegis and $75 million for THAAD. And, we approve the missile defense testing program and cooperation with Israel.

I have a number of concerns about the proposed amendment. First, this amendment is an attempt to restore the reduction to the MDA, but this is at a time when we have so many other unmet national security needs that equally meet the standard of providing for the common defense and in the last Congress the House defeated a similar floor amendment last year.

Second, the proposed offset would come from the RDT&E account, except for the Missile Defense Agency, unfairly placing that agency above all other critical RDT&E priorities.

Third, it is my understanding as well that it is unlikely that the proposed increase in funding for the programs outlined in this amendment are even executable in fiscal year 2009.

Fourth, the amendment is inconsistent with section 223 of the 2008 Defense Authorization Act, which states that RDT&E funding in 2009 may not be used for “procurement or advance procurement items for THAAD firing units 3 and 4, and for Standard Missile-3 Block 1A interceptors.” Therefore, as written, the amendment would not allow any of the funding to be used for THAAD, additional THAAD, or SM-3 Block 1A interceptors.

Mr. Chairman, this bill provides a well-balanced approach to missile defense, and it provides a well-balanced approach when balanced against other key national security needs overall in our defense budget such as readiness, strategic programs and nonproliferation, all of which are well-funded as well.

I urge my colleagues to defeat the proposed amendment.

Mr. FRANKS of Arizona. Mr. Chairman, this bill being the Duncan Hunter National Defense Authorization Act, named after the distinguished ranking member of our committee, who has been the former chairman for a long time. He has been here for 26 years, he should have been chairman for that time, I now yield to the gentleman from California, it is my honor, perhaps for the last time, to yield to him for 1 minute.

Mr. HUNTER. I thank my great colleague for yielding to me.

My friends, this is the age of missiles. The people that we listen to so carefully in our hearings are the combatant commanders. Those are the people who are running military operations in the case of an attack on the United States or a military operation or a contingency.

Our combatant commanders have reported to us that we are short missile defense. Specifically, they have said that we should nearly double the inventory of THAAD and Aegis Standard Missile Interceptors. And I quote from Admiral Keating. He said increased inventories are needed, and he goes through these short-range BMD systems that are being proposed and this emerging threat, like the one that is coming from North Korea, like the Shahab-3 being developed now by Iran, and by the increasing short-range and medium-range ballistic missile inventories around the world.

This is crucial to the survival of our troops in theater and to the survival of the United States in wars that are going to occur in the future, and in the last Congress we should listen to the combatant commanders and plus these inventories up. That is what the gentleman from Arizona’s amendment does, and I would recommend it to all Members. Vote ‘yes’ on Franks.

Mrs. TAUSCHER. Mr. Chairman, I am happy to yield 2 minutes to my friend and colleague, the gentleman from South Carolina (Mr. SPRATT), a senior member of the Armed Services Committee and the chairman of the Budget Committee.

Mr. SPRATT. Mr. Chairman, I rise in opposition to the Franks amendment. This amendment would increase fiscal year 2009 funding for the Missile Defense Agency, by $719 million, backing up the bill to the level of the budget request. The administration asked for $9.3 billion in fiscal year 2009. This represented an increase of $880 million above the 2008 level.

With prudent reductions and selected increases, this bill will authorize $8.6 billion, a substantial sum of money for the Missile Defense Agency, which is roughly equivalent to the level of current spending. We provide for increases in funding for systems that are geared to contend threats, and to the DDG-1000; Aegis BMD and THAAD systems that the combatant commanders have told us they need and need now. At the same time, we make prudent reductions in long-term, less-mature vehicles like the Multiple Kill Vehicle and the Airborne Laser.

We don’t know, looking at this amendment, that the money can really be executed, spent wisely. Even if we do, we have to ask where is this money coming from? We find when we look that the $719 million is coming out of RDT&E, which is tantamount to saying that MDA, missile defense, is over and above more important than the UAVs, more important than the F-35 Joint Strike Fighter, the FCS, the Army’s Future Combat Systems, and the Navy’s DDG-1000. A whole host of other systems that will depend on adequate funding will be denied that funding by the $719 million hit which this amendment would impose upon those particular systems.

This is a balanced bill. The cuts and adjustments have been made to it so we that could come up with a system that covers our comprehensive needs. Missile defense is just one of many. There have been all the problems with the Aegis, and we should not disrupt the pattern of this balanced bill by making the cuts that the gentleman would propose.

So I urge everyone to take a close look at this, but to stick with the committee chairman’s very careful and very balanced view.

Mr. FRANKS of Arizona. Mr. Chairman, I request the time remaining.
The Acting CHAIRMAN. The gentleman from Arizona has 3 minutes remaining. The gentlewoman from California has 2 minutes remaining.

Mr. FRANKS of Arizona. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Colorado (Mr. LAMBORN).

Mr. LAMBORN. Mr. Chairman, I rise today in support of an amendment by my good friend, Congressman FRANKS of Arizona. This amendment will restore $719 million in the defense authorization bill for missile defense.

As Congress, we have sworn an oath to provide for the common defense of this great Nation. This amendment will do just that. There are over 25 countries globally with ballistic missiles, and nine of those countries have the capability to launch ballistic missiles. Rogue nations like North Korea and Iran continue to push for nuclear and ballistic missile technologies. It is critical that we fund systems that will deter these threats. We must provide the best possible means to suppress the capabilities of our adversaries. This money will specifically go to Aegis and THAAD defense systems that we all agree on, on both sides of the aisle, are critically needed.

Should our best efforts at diplomacy fail, the United States cannot afford to be without defenses. Mr. Chairman, I yield back.

Mr. FRANKS of Arizona. Mr. Chairman, I request budget authority of $75 million for Aegis and THAAD defense systems that we all agree on.

Mr. Chairman, I yield back.

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

Mr. TAUSCHER. Mr. Chairman, I oppose this amendment for many reasons. I think it is interesting that my colleague from the other side of the aisle sloughs off the fact that we successfully passed up the President's budget by $75 million for THAAD, $75 million for Aegis. But what he doesn't want to tell anyone is that the President's budget actually cut funding for THAAD firing units, and it wasn't until the majority, the Democrats, went to the administration and said we thought that was a really, really bad idea, and gave the money back to the account. We would have been in a deeper hole.

So I think that my colleague is doing a good job showcasing the Missile Defense Agency, but that is not what our job is. Our job is to make sure that we have a balanced portfolio of investments for the American people and our warfighters. This mark does it. I think that is why we have such strong support. I think that it is also important for people to know that Mr. FRANKS wants to buy more Aegis and THAAD inventory; but under the current law his amendment cannot do that because he is using RT&D&F funds. So I ask my colleagues to oppose this amendment.

I yield back the balance of my time.

Mr. FRANKS of Arizona. Mr. Chairman, this bill emphasizes the need to counter short- and medium-range missiles in five different places. The committee report highlights that the warfighters themselves have suggested and asked for increased inventory, and we shouldn't be second-guessing them in a time such as this we live.

Mr. LAMBORN. Mr. Chairman, I rise today in support of an amendment of my good friend Congressman FRANKS. This amendment will restore $719 million to the defense authorization bill for missile defense.
provided in section 310(a)(2) for non-proliferation and weapons of mass destruction programs of the Department of Energy is hereby increased by $329,000,000, which shall be available as follows:

(A) $50,000,000 for Global Threat Reduction Initiative.
(B) $30,000,000 for International Nuclear Materials Protection and Cooperation program.
(C) $60,000,000 for Second Line of Defense program to cooperate with other countries to detect and interdict illicit transfers of nuclear and radioactive materials at border crossings and ports.
(D) $15,000,000 for NNSS’s export control assistance program for the purpose of developing a plan for making sure all countries fulfill their UNSC 1540 obligation to put effective controls in place.
(E) $50,000,000 increase of conditional appropriation to encourage Russia to blend additional HEU, to finance such incentives if an agreement is reached that requires such funding.
(F) $50,000,000 for safeguards work at the Department of Energy National Laboratories.
(G) $100,000,000 increase for non-proliferation research and development, such as treaty monitoring and verification.
(H) $10,000,000 for completing the experimental study on analyzing the impacts of sabotage of spent-fuel transportation in the United States.
(I) $50,000,000 for accelerated or further dismantlement of nuclear weapons (and removal of pits from nuclear weapons).
(J) $41,000,000 for chemical weapons deconstruction at the Bluegrass facility in Kentucky.
(K) $73,000,000 for chemical weapons deconstruction at the Pueblo facility in Colorado.

(2) FAMILY SUPPORT FOR WOUNDED WARRIORS AND THEIR FAMILIES.—

(A) IMPACT AID.—The amount provided in section 571 is hereby increased by $30,000,000 to increase funding for impact aid to help local educational agencies provide support to students who are dependents of members of the Armed Forces.
(B) MENTAL HEALTH.—Amounts available for programs to prevent suicides by members of the Armed Forces is hereby increased by $30,000,000.

(3) MENTOR FOR WOUNDED WARRIORS.—Amounts available for programs to prevent suicides by members of the Armed Forces is hereby increased by $30,000,000.

(4) WOUNDED WARRIORS AS HEALTHCARE PROVIDERS.—An amount equal to $10,000,000 is authorized to be appropriated for a pilot program to identify and retrain wounded members as medical health professionals who would then treat and care for other wounded members.

(5) NATIONAL GUARD AND RESERVE SHORTFALLS.—The amounts reduced under subsection (a), after application of subsections (b) and (c) shall be available to increase amounts available for the National Guard and Reserve to fund identified shortfalls, especially in connection with homeland security activities.

The Acting CHAIRMAN. Pursuant to House Resolution 1218, the gentleman from Massachusetts (Mr. TIERNEY) and a Member opposed each will control 10 minutes.

Mr. TIERNEY. Thank you, Mr. Chairman. I yield myself the purpose as I have already consumed.

Mr. Chairman, this amendment follows a series of hearings with eminent physicists and security experts all testifying, as well as reports from the General Accountability Office, the Congressional Research Service, and others on the status of our weapons programs and their costs, together with an evaluation of the threats realistically facing the United States.

The amendment seeks to ensure that we have appropriate resources directed to address our most urgent risks, our most pressing national security priorities. With $124.36 billion, just under $1 billion, to non-proliferation programs and initiatives aimed at countering weapons of mass destruction and terrorism, to support our wounded warriors and their families, included critical suicide prevention programs, and to cover the National Guard and Reserve shortfalls, especially in connection with homeland security activities.

Mr. Chairman, as you know, governing means choosing. Our amendment allows members to consider the importance of increasing funds for our most serious threats, those being non-proliferation of nuclear weapons and materials and national security programs. Slightly reducing the missile defense and other programs to meet these needs is, we believe, the right choice and the right balance.

The pressing national security threat of our time is asymmetric action, some terror-based group attempting to introduce a small but significant aspect of weapons of mass destruction. Our national intelligence experts and I think other experts all agree on that. And it is common sense to know that such threats won’t come from al Qaeda or other groups through sophisticated intercontinental ballistic missiles. In fact, the CIA said in 2000, and I quote, “The United States territory is probably more likely to be attacked with weapons of mass destruction from non-state entities than by missiles.” And the September 11th Commission gave the United States Government a “D” with respect to our efforts to secure weapons of mass destruction, calling this, and again I quote, “The greatest threat to American security,” and that it should be, and I quote, “the top priority of the President and the Congress.”

Our amendment leaves intact funding for defenses for our troops that they might rely upon for protection against short-range programs, realistic missiles. The reductions are solely made from high-risk long-term research projects and from systems from which there currently is not a pressing threat.

Experts note that with respect to the long-range programs, realistic operational tests have yet to be successfully conducted so as to provide any appreciable belief that they would operate efficiently. We have plenty of funding left then for research and development, but we decrease funds that would be putting procurement and deployment ahead of capability. We have spent $130 billion, Mr. Chairman, on this program already, an amount that is more than our country spent on the Manhattan Project and the Apollo Program.

The Congressional Budget Office estimates that assuming that the Missile Defense Agency continues its present course, the taxpayers will spend an additional $213 billion to $277 billion between now and 2025. Mr. Chairman, we simply seek to allocate our resources so as to provide the best defense that we need currently facing the threats that we realistically expect might be directed at this country.

I reserve the balance of my time.

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

The Acting CHAIRMAN. The gentleman from California is recognized for 10 minutes.

Mr. HUNTER. I yield myself 3 minutes.

My colleagues, we are in a race against those who would build offensive missiles and in fact have built missiles.

Mr. Chairman, I think it was 1987 when members of this committee, the Armed Services Committee, sent a letter to the leadership of Israel, and we said this—and I know this because I drafted that letter. We said, at some point in the future, before the Gulf War. We said, you will be attacked at some point in the future by probably Russian-made missiles coming from a neighboring country. And even though you could defend against an aircraft attack, just as you did in the Bekaa Valley with your F-16s, you will not be able to stop a single incoming ballistic missile coming into Israel.

A few years later in the Gulf War, we saw just that. In fact, we saw ballistic missiles from Iraq come into Israel, which were shot down by deployed Patriots, but we saw missiles coming into Israel totally unprotected. We saw people being rushed to the hospital not from the effects of the missiles, but because they were so afraid that poison gas would be on the head of those missiles launched by Saddam Hussein, that many people went into the hospital with heart problems.

Now we have a race, my friends, my colleagues, and we have seen the manifestations of that race on the other side. We have seen those TD-2s and those NoDong missiles and SCUD missiles launched by the North Koreans that fell into the Sea of Japan, the TD-2 having the ability now to reach some parts of the United States. We have seen the tests of the Iranian Shahab-3s. We have seen now the complicity of North Korea and Syria in developing nuclear weapons capability, which was long-range programs, realistic operations that were made by our allies. We know that that threat through which the Iranian missiles might one day travel going into
Western Europe could be defended by the missile sites that we have now proposed to be established in Czechoslovakia and Poland.

We are in a race. Our combatant commanders tell us that we need to double the number of THAAD missiles and Aegis missiles. Incidentally, those sea-based missile system are testing out very, very well. We have had a series of successes.

The idea that we cut back on this one massive area of vulnerability, that we cut back on this area against this massive area of vulnerability—and for my friends that said we want to use this money for quality of life for our troops, ladies and gentleman, I am the father of one of our marines who has been deployed, and let me tell you quality of life. It is when that family that is sitting there in Pendleton or in Savannah, Georgia, or at Fort Bragg or in Camp Lejeune knows that their family member, their servicemember is not going to be vulnerable to a short-range or ballistic missile attack. That gives you quality of life, because that gives you assurance that they are going to be able to survive that very, very real threat which is now being developed.

This is a misplaced amendment, and I would urge everyone to vote against it.

Mr. TIERNEY. Mr. Chairman, I recognize myself for 30 seconds.

Just to note that it is all very interesting that the gentleman just spoke about a race that we are in. But if we are going to run a race, let’s run it wisely and let’s run it to win.

The comments that the gentleman makes about Israel being susceptible to attacks and missiles is also very interesting, but he is talking about short- and medium-ranged missiles. My amendment does not address short- and medium-ranged missiles; it addresses intercontinental ballistic missiles, long-range missiles which have never been test-fired and realistically tested.

All I am saying is, let’s put our research and development monies into the future where that may take us on those long-range programs, and leave the money that we have for the short- and medium-ranged ones for those threats that might realistically exist.

I reserve the balance of my time.

Mr. HUNTER. Mr. Chairman, I yield at this time to the gentlelady from California (Mrs. TAUSCHER), the chairman of the Strategic Subcommittee, 3 minutes.

Mrs. TAUSCHER. Mr. Chairman, I rise in opposition to the Tierney amendment. The amendment seeks to reduce funding for the Missile Defense Agency by about $1 billion beyond the $719 million that the committee has already reduced.

I have several concerns with the amendment. Our bill strikes the right balance between the current requirements of the warfighter and the need to invest in future technologies. Our bill increases funding for systems geared toward current threats like Aegis BMD and THAAD, while reducing funding for longer term projects.

Our bill already reduces funding for most of the programs the amendment seeks to eliminate, like the kinetic energy interceptor, the multiple kill vehicle, and the airborne laser. Our bill makes the different reductions to the proposed missile defense sites in Europe based on the slow pace of diplomacy and the technological immaturity of the proposed systems, sends a signal to our allies.

The Tierney amendment, on the other hand, is ill-conceived. First, the amendment undermines deployment of the existing ground-based mid course defense system in Alaska and California.

Second, by eliminating any and all funding for the potential missile defense system in Europe, the amendment would undercut U.S.-NATO cooperation on missile defense against our common threats to Europe and U.S. troops in the region.

Third, the amendment’s additional reduction to ABL could actually lead to more missile defense spending because it would delay the planned shootdown demonstration scheduled for next year, leading to increased costs in 2010.

Missile defense provisions in this bill by the committee were carefully crafted to balance the need to deliver missile defense systems that address current threats, and make prudent investments in future capabilities. It pares back spending on immature science projects, like last year’s bill did, and includes a host of provisions to improve accountability for MDA programs.

That is why, Mr. Chairman, I urge my colleagues to oppose the Tierney amendment.

I would like to yield to the gentleman from Washington.

Mr. LARSEN of Washington. Mr. Chairman, I rise in opposition to the Tierney amendment. Just a little bit different focus here. The bill, as it stands, includes provisions to improve oversight and accountability for MDA, including required independent studies of boost phase ballistic missile defense systems, and requires strategy to increase the frequency and rigor of testing for mid course defense systems.

Large increases would undercut the prudent strategy established in this bill, and undermine the accountability provisions. Large additional decreases would undercut deployment of mature systems, and could lead to increased missile defense spending in the future if important demonstrations are postponed from fiscal year 2009 to 2010.

This is already a well-balanced budget within the missile defense budget, and well balanced with other needs, such as readiness, strategic programs and nonproliferation. So I am asking my colleagues to oppose this amendment.

Mr. TIERNEY. Mr. Chairman, at this time I recognize the gentleman from New Jersey (Mr. HOLT) for 1 minute.

Mr. HOLT. Mr. Chairman, I thank my friend from Massachusetts for, once again, asking me to join him in the effort to refocus our military spending priorities toward more useful purposes.

You know, one of the craziest ideas I’ve ever heard is that we should deploy this missile defense system as a way to test it. It should be tested before it’s deployed. And I can tell you, even if it worked, it would never be so reliable that we would think of it as leak-proof, that it would actually change our strategy. So it just becomes another expense.

And simple strategic analysis tells us that a provocative yet permeable defense is destabilizing, and really leads to reduced security for all.

What we do here is provide over $600 million for the Nunn-Lugar Cooperative Threat Reduction Program, much more in keeping with the real threat and their friends that said we want to use this money for quality of life for our troops, and $300 million more to address the National Guard and Reserve shortfalls, especially for homeland security activities. This is a commonsense amendment. I urge its adoption.

Mr. HUNTER. Mr. Chairman, I would like to yield to a gentleman who’s leaving us this year, but the guy who has accomplished so much in confidential briefings and sessions in which you analyze our space systems and our missile systems, and a guy who hasn’t been elbowing his way into press conferences, but who does enormous work for the people of this House and for the people of this Nation, the gentleman from Alabama (Mr. EVERETT). I would like to yield 3 minutes to the gentleman. He’s the ranking member on Strategic.

Mr. EVERETT. Mr. Chairman, I oppose this amendment for many of the reasons that have been stated. I believe that the Iranian intent is clearly demonstrated. It continues to enrich uranium, install advanced P-2 centrifuges, has not answered IAEA’s questions about previous weaponization activities, and continues to defy U.N. Security Council sanctions.

North Korea’s intent is also clearly demonstrated. In July 2006 it launched six short-range missiles (Scuds and NEF-3) and one long-range Taepo Dong 2 missile. In October of 2006 it tested a nuclear device.

The Tierney amendment terminates European missile defense with a $314.2 million cut. This sends a terrible signal to our allies. The amendment demonstrates a lack of U.S. commitment to collective security, after NATO recognized a missile threat in April 2008, unilaterally endorsing substantial contributions of the European missile defenses. The amendment sends a message to Iran that we don’t take missile threats or nuclear enrichment activities seriously.
Mr. TIERNEY. Mr. Chairman, I acknowledge myself for 15 seconds just to make a point. With respect to the testing records that the gentleman from Alabama just read, I hope that they’ve read the amendment. But I certainly appreciate the fact that they understand what it is we’re talking about here.

But conflating the tests for short, medium and long-range is not going to be effective in addressing the amendment that is before the House. The amendment before the House is dealing strictly with the long-range for that, and the results are not reflected accurately by the statement that was just made.

So we’re not talking about Aegis, we’re not talking about THAAD, we’re not talking about Patriot attack systems. We’re talking about intercontinental ballistic missiles. Those tests have not been done operationally, they have not been done realistically, and they have not been done successfully to show that there’s any efficient way that those are going to be successful. All of the testimony by all the physicists and all of the experts who came there indicate that clearly.

Mr. HUNTER. How much time do we have left, Mr. Chairman?

Mr. HUNTER. Mr. Chairman, I started off by talking about that letter that the Armed Services Committee, Democrats and Republicans, sent to Israel in 1987 telling them that at some point in the future they would be attacked by ballistic missiles coming from a neighboring nation, probably Russian-made missiles, and it was a prophetic letter because in the Gulf War they were attacked. And I described some of the effects. Even though there wasn’t poison gas on those missiles, they had an incredible effect, a traumatic effect on the citizens of Israel, reduced in strength.

But I could not have written a letter to ourselves and to our own leadership and the administration at that time and said, at some point ballistic missiles will be launched at the United States.

I don’t take much comfort from Mr. Tierney’s statement that he only wants to stop the funding of long-range missile defense systems, not short-range missile defense systems. We’ve had a series of successes with our long-range missile defense systems. We’ve had these collisions 148 miles above the surface of the Earth, the interceptor and the target missile both going about three times the speed of a 30-06 bullet. And because of the dedication of our scientists and our engineers, we’ve been able to achieve some successes with these long-range missile defense systems.

The facts are, you have to defend against all missiles, against short-range, medium-range and long-range. And you have to try to get as many shots as you can at these missiles. If you can get them when they’re taking off, if you can get them in the ascent phase, if you can get them in mid course, then you don’t put as much pressure on that terminal missile defense system when they’re coming in to American cities.

We are in a race. Mr. Chairman. And I would just remind my colleagues that this year, which was tested by the North Koreans, has the ability, according to some of our scientists, to reach parts of the United States of America. And our intelligence people tell us that Iran, it is estimated, will have the capability with ICBMs to reach parts of the United States of America.

Just in time. Just in time is a concept for building products in our domestic economy. You get the steel just in time to build the car so that you don’t pay interest on that terminal missile defense system when they’re coming in to American cities.

We are in a race, Mr. Chairman. And I would just remind my colleagues that this year, which was tested by the North Koreans, has the ability, according to some of our scientists, to reach parts of the United States of America. And our intelligence people tell us that Iran, it is estimated, will have the capability with ICBMs to reach parts of the United States of America.

Just in time is a concept for building products in our domestic economy. You get the steel just in time to build the car so that you don’t pay interest on that terminal missile defense system when they’re coming in to American cities. And we are behind the clock. And Mr. Tierney’s amendment is a gutting amendment. We should vote “no” on this amendment.

Mr. TIERNEY. I yield myself the balance of the time.

Mr. Chairman, again, it’s all very interesting what we hear for comments from our colleagues. But the interesting part of this is it does matter whether it’s short and medium-range or whether it’s long-range. The short and medium-range, some of the testing has, in fact, been effective and does lead us to believe and experts to believe that there might be an effective defense against those.

But the tests at the long-range system and they say, you know, we are procuring and we are deploying a way ahead of our capability. These do not work. There has been no realistic operational testing to indicate that they would. There have been sporadic tests that have been successful on some aspects of it. There have been a number of tests that have been abject failures on a large part of it.

The fact of the matter is, if we’re going to have a defense, it should be a smart defense. We have spent $150 billion so far for nothing, nothing in terms of that long-range missile system and its effectiveness.

You want to spend another $217 billion to $250 billion in the next several years when we have other pressing needs, the ones that the Congressional Budget Office, the General Accountability Office, the 9/11 Commission, our own common sense tell us are the more pressing threats to our security, some asymmetric threat, some weapon of mass destruction by a terrorist group, or some short-range or medium-range missile coming in our direction. That’s what we should be defending against.

We can still test, we can still research and development and testing for the long-range, but that would mean cutting it back substantially so we’re not deploying and not procuring ahead of the game, so that we don’t find ourselves owning these things, having them deployed and fielded and have to retract all of it and start over again, having a false sense of security, and having things on the ground that only need to be redone, at huge, huge cost. You want to spend another $217 billion to $250 billion in the next several years when we have other pressing needs, the ones that the Congressional Budget Office, the General Accountability Office, the 9/11 Commission, our own common sense tell us are the more pressing threats to our security, some asymmetric threat, some weapon of mass destruction by a terrorist group, or some short-range or medium-range missile coming in our direction. That’s what we should be defending against.

I urge the House Members to support the amendment and let us move forward in a more secure way in this country.

I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. Tierney).

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

Mr. HUNTER. 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 Massachusetts will be postponed.

NOTICE TO ALTER ORDER OF CONSIDERATION OF AMENDMENTS

Mrs. TAUSCHER. Mr. Chairman, pursuant to section 4 of House Resolution 1218, and as the designee of the chairman of the Committee on Armed Services, I request that, during further consideration of H.R. 5658 in the Committee of the Whole, and following consideration of the second en bloc amendment, the following amendment be considered in the following order: amendment No. 22, amendment No. 52, amendment No. 32, amendment No. 21, amendment No. 31, amendment No. 55, amendment No. 56, amendment No. 58, amendment No. 51, amendment No. 4. 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. Larsen of Washington) having assumed the chair, Mr. Ross, 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. 5658) to authorize appropriations for...
PERMISSION TO REDUCE TIME FOR ELECTRONIC VOTING DURING FURTHER CONSIDERATION OF H.R. 5658

Mrs. TAUSCHER. Mr. Speaker, I ask unanimous consent that, during further consideration of H.R. 5658 pursuant to House Resolution 1218, 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 gentlewoman from California?

There was no objection.

DUNCAN HUNTER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009

The SPEAKER pro tempore. Pursuant to House Resolution 1218 and rule XVIII, the Chair declares the House in the Committee of the Whole on the state of the Union for the further consideration of the bill, H.R. 5658.

Mr. PEARCE. Mr. Chairman, I have an amendment to the bill.

The Chair recognizes the gentleman from New Mexico (Mr. PEARCE) and a time of 5 minutes.

Mr. PEARCE. Mr. Chairman, I rise today to offer an amendment to restore a small sum of money into an important program, the Reliable Replacement Warhead program. The RRW is critically important for our national security.

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. 5658) to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2009, and for other purposes, with Mr. Ross (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. The Acting Chairman.

The Acting CHAIRMAN. The Clerk will designate the amendment.

Amendment No. 33 offered by Mr. PEARCE:

The Acting CHAIRMAN. Sec. 31. Increased funding for Reliable Replacement Warhead Program.

Amendment No. 33 offered by Mr. PEARCE: At the end of title XXXI, insert the following:

(a) Increase—The amount in section 3101 for weapons activities, National Nuclear Security Administration, is hereby increased by $10,000,000, to be available for the Reliable Replacement Warhead program.

(b) Offsets.—The amount in section 2402 is hereby reduced by $10,000,000, to be derived from energy conservation on military installations.

The Acting CHAIRMAN. Pursuant to House Resolution 1218, the gentleman from New Mexico (Mr. PEARCE) and a Member opposed each will control 5 minutes.

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

Mr. PEARCE asked and was given permission to revise and extend his remarks.

Mr. PEARCE. Mr. Chairman, I rise today to offer an amendment to restore a small sum of money into an important program, the Reliable Replacement Warhead program. The RRW is critically important for our national security.

Our current nuclear stockpile is aging. As it ages, we must constantly pour more money into maintaining the aging weapons.

We have a choice to make as a Nation: Do we continue to rely on current weapon stockpiles and pay an increasing cost of maintaining the readiness and reliability of these weapons, or do we develop a new line of weapons to replace the current stockpile? The RRW would improve the overall shelf life of a warhead from 30 to over 50 years, and the program is true to its name.

RRW does not pursue new nuclear weapons capabilities. Rather, it pursues making our weapons more reliable, and more reliable weapons will help reduce the maintenance costs of our nuclear stockpile and ensure that we have stable and reliable weapons ready, and most notably, reduce our overall nuclear stockpile by potentially as many as 1,000 warheads.

Without RRW, we will continue to have a larger weapon stockpile. Not pursuing RRW is essentially counterproductive to our stated goals of arms reduction. Not only is my amendment the responsible thing to do for our national security, it’s the fiscally responsible choice as well. The current life extension programs that are designed to extend the shelf life of expired warheads are at a great cost to the taxpayer.

I think we should all agree on the goal of reducing our total stockpile of nuclear arms, and if you agree with that goal, then I urge you to adopt my amendment to restore funding for the RRW program, the Reliable Replacement Warhead program. I reserve the balance of my time.

Mrs. TAUSCHER. Mr. Chairman, I rise in opposition.

The Acting CHAIRMAN. The gentlewoman from California is recognized for 5 minutes.

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

Mr. HUNTER. Mr. Chairman, I appreciate the gentleman for bringing this amendment, and we do not have a testing regime in place any longer and that necessarily deteriorates the reliability factor. So the idea was let’s build a reliable replacement warhead, and the fact that we have compromised that path is really a tragedy.

Now, I know the gentleman has $10 million in this amendment for this Reliable Replacement Warhead. He takes some money from the energy conservation program, which has many, many good aspects. I know that some Members are torn between these two important goals, one of developing energy...
Mr. Chairman, the world is not safer since 9/11. The world is more dangerous. During the 50 or so years of the Cold War, we didn’t experience one strike inside the United States that even came close to being like the attack on the World Trade Center and then the second attack in 2001.

The world is getting progressively more dangerous, and I think for us to think that we can negotiate with these different countries that we should back up with the capability to strike back if a strike is needed. I would reserve the balance of my time, Mr. Chairman.

Mrs. TAUSCHER. Mr. Chairman, I just want to make sure that my colleague from New Mexico knows that we spend—and that anybody listening—we spend over $6 billion maintaining the weapons. So it’s hardly not spending any money at all.

At this time, I am happy to yield the balance of my time to the gentleman from Indiana, the chairman of the Energy and Water Subcommittee, Mr. VISOSKY.

Mr. VISOSKY. Mr. Chairman, I greatly appreciate the chairwoman yielding to me, and I do rise in respectful opposition to the gentleman’s amendment.

The fact is we ought to ensure our security as a Nation. To best do that, we need to develop, in a bipartisan fashion, in a posture of nonproliferation, and no construction of new nuclear weapons or major alterations of the DOE lab complexes should be made until such a review is completed.

Accordingly, I urge my colleagues to oppose the Pearce amendment.

Mr. PEARCE. Mr. Chairman, how much time is remaining?

The Acting CHAIRMAN. The gentleman from New Mexico has 2 minutes remaining.

Mr. PEARCE. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, I have heard the arguments that maybe we’re taking too much money from the EEC program, the Energy Efficiency Conservation program, that we’re actually taking 12 percent was what was stated, but actually the truth is from last year’s funding, going to penny-packing, and then actual leaving that program funded at exactly the same level. I have heard that we should not be building new weapons in order to give the right example to some of our friends around the world. And when I consider our attempts to influence our friends in North Korea, I would think that our unwillingness to build new weapons won’t influence them at all. And when I think about influencing our friends in Iran, I think that our new weapons will not influence them at all. In fact, they might be influenced in the other way.

Mr. Chairman, if we are to convince other countries to abstain from using nuclear weapons, a pressing, indeed critical, national need for our security to persuade other countries to abstain going forward with Reliable Replacement Warhead programs would not make sense. It was defunded last year by the Appropriations Committee largely for some of these reasons I have outlined.

Finally, the United States has not recently conducted a comprehensive review and at the very least, and no construction of new nuclear weapons or major alterations of the DOE lab complexes should be made until such a review is completed.

Accordingly, I urge my colleagues to oppose the Pearce amendment.

Mr. Chairman, this amendment is unwise and, at the very least, premature. Existing Department of Energy Reports and reports from outside consultants, such as the JASON group, have made it clear that our existing nuclear weapons will be viable for decades. It makes no sense to begin construction of a new generation of nuclear weapons. It is not necessary, and worse, it would be harmful to our security.

In light of our efforts to convince other countries to abstain from using nuclear weapons, a pressing, indeed critical, national need for our security to persuade other countries to abstain going forward with Reliable Replacement Warhead programs would not make sense. It was defunded last year by the Appropriations Committee largely for some of these reasons I have outlined.

Finally, the United States has not recently conducted a comprehensive review and at the very least, and no construction of new nuclear weapons or major alterations of the DOE lab complexes should be made until such a review is completed.

Accordingly, I urge my colleagues to oppose the Pearce amendment.

In the end, we ought to develop a strategy and then determine the types and the numbers of weapons we need. And not just in the sense of nuclear, but conventional, as well as other aspects of what that plan should be as opposed to having a set number of weapons and of various types and then constructing a strategy around them. The Energy and Water appropriations bill that was passed and is in effect as part of the omnibus package for fiscal year 2008 indicates that’s exactly what this Nation should be about, and I would ask my colleagues to oppose the gentleman’s amendment.

Mr. Pearce. Mr. Chairman, I’ve listened with respect to the arguments from all of the speakers on the opposition. If I would note that $10 million, the amount that is designated for the RRW, is just enough to keep the doors open; that once we allow this team of experts to dissipate, once these people are hired away, then we will never build another team possible. This is just enough money to hold the human resources together to produce these weapons because we will not be able to produce them. After we give up the human technology, the human capabilities, and so just enough to keep the doors open. It’s exactly what the Senate did last year.

I would urge passage of the Pearce amendment.

First, I would like to thank Chairman SKELTON and Ranking Member HUNTER for the exceptional work in crafting this important piece of legislation that is extremely vital for the defense needs of this Nation. This is a good bill. I believe it will address the readiness needs of our Armed Forces for the distant future. Our servicemembers that so bravely protect and defend our Nation deserve nothing less than our full support.

Mr. Chairman, my amendment now being considered before this Chamber would amend section 526 of the Energy Independence and Security Act in a manner that would address the concerns that I share with many of my fellow colleagues within this Chamber.

Section 526 prohibits any Federal agency from entering into a contract to purchase alternative or synthetic fuels for mobility-related purposes, unless the life-cycle greenhouse gas emissions of such fuels are less than that of conventional petroleum-based fuels. What the positive intent behind section 526 to reduce greenhouse gas emissions, I have strong concerns about how it will affect the ability of DOD to provide for the future energy needs of our Armed Forces.

Second, support of determining what alternative or synthetic fuels Federal agencies are prohibited from contracting to purchase. It also does not clearly define “nonconventional petroleum sources.” This ambiguity in the law, therefore, creates uncertainty as to whether the Department of Defense can procure generally available fuels that contain mix-in amounts of fuel derived from nonconventional petroleum sources, such as oil sands.

My amendment would amend section 526 to allow DOD and other Federal agencies to enter into contracts to purchase generally available fuels that are not predominantly derived from nonconventional fuel sources. Any contract to purchase such fuel must specify that the lifecycle greenhouse gas emissions are less than that of conventional petroleum sources.

If my amendment is adopted, it would not repeal section 526. Rather, it will improve section 526 to provide additional clarity that is needed to meet the future energy needs of our Armed Forces.

Mr. Chairman, this amendment reflects an agreement—this is very important—this is an agreement that was reached with the respective committees of jurisdiction, House leadership and myself. I am very pleased that we were able to reach a compromise on the language of this amendment that is mutually acceptable to all parties.

Therefore, I urge my colleagues from both sides of the aisle to support the adoption of this amendment. I want to thank the chairman.

I reserve the balance of my time.

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

The Acting CHAIRMAN. The gentleman from California is recognized for 10 minutes.

Mr. HUNTER. Thank you, Mr. Chairman.

First, Mr. Chairman, I want to congratulate Mr. BOREN who is a great member of the Armed Services Committee for bringing this amendment, and I think we recognize a real problem with section 526, which is really a section, and his amendment does take away some of the onus of section 526.

Section 526 prohibits us to high-grade Middle Eastern oil. It says that if you come up with other types of fuel that are alternatives, but that might have a greenhouse gas footprint higher than this high-end Middle Eastern oil, and there are very few types of petroleum-based fuels which do that, you can't use it.

Mr. BOREN has taken some of the onus off of that by saying that if it’s not predominantly that type of oil, meaning you can use, for example, tar sands from Canada and other types, that section 526 does not apply.

Now, the problem is, I’m reading the last of the amendment, and one of the conditions is that the contracts under this petroleum product would not increase its use of fuel from a nonconventional petroleum source. And I think we should be doing everything we can to expand refineries. I don't think we’ve built a refinery in a decade, and we all sat in this Chamber and watched gas prices go through the roof here not too long ago when they had just a couple of refineries down for repair.

So I know Mr. BOREN’s heart’s in the right place, and he’s brought us at least halfway across the river here. I guess what I’d like to see is the double Boren amendment that takes us all the way and eliminates section 526.

I congratulate the gentleman. I know a lot of our Members are going to probably support this because it, in fact, does take us part way home. I wish we could go all the way, and I thank the gentleman for his amendment.

I reluctantly oppose it because I would like to see the full loaf here. I reserve the balance of my time.

Mr. BOREN. Mr. Chairman, I want to thank the ranking member for his friendship. I know this is his last term here on Capitol Hill, and he’s been a great leader for our committee. He’s also a fellow deer hunter friend of mine, and I would also like to see the double Boren amendment. We’re going to try to take half a loaf right now and work on this in the future.

At this time, I would like to yield 1½ minutes to my great friend and colleague from the State of Texas (Mr. ORTIZ).

Mr. ORTIZ. Mr. Chairman, I rise in support of the amendment offered by my good friend from Oklahoma (Mr. BOREN).

You know, the Canadian ambassador to the United States and some oil companies have expressed concern about the implication of section 526 on petroleum derived from oil sands.

North American oil sands are vital to United States oil supplies. Oil sands represent approximately 5 percent of the total U.S. oil supply and are mixed in with fuel derived from other sources.

This amendment addresses the concerns that have been raised, while preserving the overall intent of section 526. Section 526 establishes a positive goal for future alternative fuels greenhouse gas emissions. This amendment clarifies section 526 while retaining the standards it sets for greenhouse gas emissions.

This amendment would simply provide an exception to section 526 by exempting contracts for generally available fuels that are not predominantly derived from nonconventional petroleum sources, thereby addressing the uncertainty regarding the presence of fuel from oil sands mixed with fuel from other sources in existing commercial processes. And my friends, all I can say is there’s always a first time.

I’d like to compliment my friend for coming up with this amendment, and I urge my colleagues to support this amendment.

Mr. HUNTER. Mr. Chairman, I would like to yield at this time 3 minutes to Mr. UPTON, the gentleman from Michigan.

Mr. UPTON. Mr. Chairman, I rise in support of the amendment, though I wish it could do a lot more. I appreciate your remarks, my friend from Oklahoma, and certainly my good friend from Texas, a member of the House Armed Services Committee, and I, in large part, echo the remarks of my good friend, the former chairman and now ranking member, Mr. HUNTER.

Section 526, I’m not sure where it really came from. It was a provision that was snuck in a major energy bill this last year, and it somehow became law. And sadly, as we talk to our Canadian friends, they’re producing 1.5 million barrels of oil a day, 1.5 million barrels a day from oil shale, tar sands rather in Alberta, and they want to send it to their good friends to the south, the United States of America. And this section 527 stops it at the border. It prevents it from coming in.

Now, I think we all know that we have a supply problem in this country which is why the price of gasoline continues to go up as it has every single day. And until we get the message out that we need more supply so that we can counter this price increase, they’re going to continue to go up. It’s crazy to think that some of our international friends, who have all of this up there and want to send it to us down here in the Lower 48, cannot do that.
As I sat down with their ambassador a few weeks ago and their energy minister as well, they’re producing at least 1.5 million barrels a day. They’re anticipating within 4 or 5 years they’re going to be producing as much as 4 million barrels a day. They can’t consume that, and I think they’re looking at a kind of a pipeline and they’re going to send it west. It’s going to end up in China or someplace else, rather than coming down and being refined in this country. I think by our motorists across the country.

So, for me, I’d like to repeat the whole section, and I know the gentleman doesn’t do that in this amendment. But it’s a step in the right direction, and I would like to think that we can hold our nose and allow us to be able to support this amendment, make it part of going to conference and perhaps even make it better when it emerges from the House and the Senate.

I appreciate the gentleman’s willingness to work with Members on both sides, and I certainly appreciate a number of my colleagues on that side of the aisle who are looking to work with me to try and repeal the whole section.

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

Mr. HUNTER. Mr. Chairman, I think we’ve had a good discussion, and I appreciate the gentleman’s amendment and his contribution to the committee, and we look forward to this back at this time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma (Mr. BOREN).

The amendment was agreed to.

Amendment No. 15 offered by Mr. WAXMAN

Mr. WAXMAN. 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. 15 offered by Mr. WAXMAN:

Add at the end of the bill the following new division:

DIVISION D—GOVERNMENTWIDE ACQUISITION IMPROVEMENTS

Sec. 4001. Short title.

TITLE XLI—CURBING ABUSE-PRONE CONTRACTS

Sec. 4201. Regulations to minimize the inappropriate use of cost-reimbursement contracts.

Sec. 4202. Prohibition of use of interagency contracts.

Sec. 4203. Prohibitions on the use of lead systems integrators.

Sec. 4204. Requirement to cancel or rescind pass-through charges.

Sec. 4205. Linking of award and incentive compensation to contract performance.

Sec. 4206. Minimizing abuse of commercial services item authority.

TITLE XLIII—ACQUISITION WORKFORCE

Sec. 4301. Acquisition workforce development fund.

Sec. 4302. Contingency contracting corps.

Sec. 4401. Protection for contractor employees from reprimals for disclosure of certain information.

Sec. 4402. Mandatory Fraud Reporting.

Sec. 4403. Access of General Accounting Office to Contractor Employees.

Sec. 4404. Preventing conflicts of interest.

TITLE XLIV—ENHANCED CONTRACT TRIBUNAL

Sec. 4501. Disclosure of CEO salaries.

Sec. 4502. Database for contracting officers and suspension and debarment data.

Sec. 4503. Review of database.

Sec. 4504. Disclosure in applications.

Sec. 4505. Role of interagency committee.

Sec. 4506. Authorization of independent agencies.

Sec. 4507. Authorization of appropriations.

Sec. 4508. Report to Congress.

Sec. 4509. Employment of—to the Federal procurement data system.

SEC. 4001. SHORT TITLE.

This division may be cited as the “Clean Contracting Act of 2008”.

TITLE XLI—ENHANCED COMPETITION

Sec. 4011. MINIMIZING SOLE-SOURCE CONTRACTS.

(a) PLANS REQUIRED.—Subject to subsection (c), the head of each executive agency for coverages by the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) or, in the case of the Department of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall develop and implement a plan to minimize, to the maximum extent practicable, the use of contracts entered into by an agency pursuant to the authority provided under subsection (c)(2) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3)(A) The contract period of a contract described in subparagraph (B) that is entered into by an executive agency pursuant to the authority provided under subsection (c)(2) may not exceed the time necessary—

“(I) to meet the unusual and compelling requirements of the work to be performed under the contract; and

“(II) for the executive agency to enter into another contract for the required goods or services through the use of competitive procedures; and

“(B) This paragraph applies to any contract in an amount greater than $1,000,000.”.

(b) DEFENSE CONTRACTS.—Section 2304(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3)(A) The contract period of a contract described in subparagraph (B) that is entered into by an agency pursuant to the authority provided under subsection (c)(2) may not exceed the time necessary—

“(I) to meet the unusual and compelling requirements of the work to be performed under the contract; and

“(II) for the executive agency to enter into another contract for the required goods or services through the use of competitive procedures; and

“(B) This paragraph applies to any contract in an amount greater than $1,000,000.”.

SEC. 4003. REQUIREMENT FOR PURCHASE OF PROPERTY AND SERVICES PURSUANT TO MULTIPLE AWARD CONTRACTS.

(a) REGULATIONS REQUIRED.—Not later than 12 months after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to require enhanced competition in the purchase of property and services by all executive agencies pursuant to multiple award contracts.

(b) CONTENT OF REGULATIONS.—

(1) IN GENERAL.—The regulations required by subsection (a) shall provide, at a minimum, that each individual purchase of property or services in excess of the simplified acquisition threshold that is made under a multiple award contract shall be made on a competitive basis unless a contracting officer—

(A) waives the requirement on the basis of a determination that—

(i) such of the circumstances described in paragraphs (1) through (4) of section 303(b)(3) of the Federal Property and Administrative
means quantity contract that is entered into by the
contractive Services Act of 1949 (41 U.S.C. 253h
303K of the Federal Property and Adminis-
tration Code; in section 2302(2)(C) of title 10, United States
laws; and (B) contractors offering such property or serv-
ices under the multiple award contract; and (B) notice may be provided to fewer than all con-
tactors offering such property or services
Wherever the word ‘purchase’ means the head of an executive agency with 2 or more
purposes of this subsection, an individual purchase
may not be made pursuant to a notice that
the determinations required by (b)(1)(B) re-
involved in the proper use of
ers, have been assigned to
and, in the case of the Department of De-
scurity and Governmental Affairs of the
principles of the law; and
shall include guidelines on the following
measures for the use of interagency acquisitions to maximize competition, de-
river best value to executive agencies, and
ize waste, fraud, and abuse.
(C) Requirements for training acquisition
$1,000,000,000 in the fiscal year proceeding the fiscal year in which the assessments and reports are sub-
mits.
(C) prepare and submit an annual report to
the Office of Management and Budget assess-
ing progress in meeting the metrics estab-
lished in (B).
within one year after the date of the enact-
ment of this Act, the Federal Acquisition
ration shall be amended
tions may be made pursuant to a notice that
is provided to fewer than all contractors
under subparagraph (A) unless:
(1) notice may be provided to fewer than
14 days after such orders are placed,
cept in the event of extraordinary
rations or classified orders; and
the date of the enactment of this Act, the Fed-
eral Acquisition Regulation shall be amend-
ed to require the head of each executive
agency to publish on—
(1) FedBizOpps notice of all sole source
task or delivery orders in excess of the sim-
plified acquisition threshold that are placed
against multiple award contracts not later
than 14 days after such orders are placed,
cept in the event of extraordinary
rations or classified orders; and
(2) the website of the agency and through a
Governmewide website selected by the Ad-
dministrator for Federal Procurement
and Budget shall submit to Congress a com-
prehensive report that—
(A) include a written agreement between
the requesting agency and the servicing
agency assigning responsibility for the ad-
ministration and management of the con-
tract;
(B) include a determination that an inter-
agency acquisition is the best procurement
1) the total number and value of contracts
awarded and orders issued during the covered
fiscal year;
(2) the number and value of cost-reim-
bursement contracts and orders issued during the covered fiscal year;
(3) a list of contracts and task and delivery orders identified in subparagraph (2) exceed-
ing ten million dollars ($10,000,000), whose pe-
formance, including options, ex-
ceeded three years; the reasons why such
contracts or orders could not be priced or
edified because of the actions being taken by the agency
to: (4) a certification by the contracting
agency that for each contract identified in
paragraph (a), an appropriate number of tra-
tained acquisition personnel, consistent with the complexity and risk associated with
the contract or order, have been assigned to
provide oversight of the contractor’s perfor-
mance; and
(5) a description of each agency’s actions
to ensure the appropriate use of cost-reim-
bursement contracts.
(e) CONGRESSIONAL COMMITTEES DEFINED.—
The term ‘Congressional Committee’ shall be
submitted to the Committee on Oversight
and Government Reform of the House of Rep-
resentatives; the Committee on Homeland
Security and Governmental Affairs of the
Senate; the Committees on Appropriations of the House of Representatives and the Senate;
and, in the case of the Department of De-
scurity and the Department of Defense,
the Committees on Armed Services of the Senate and the House of Representatives.

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SEC. 4203. PROHIBITIONS ON THE USE OF LEAD SYSTEMS INTEGRATORS.

(a) PROHIBITION ON NEW LEAD SYSTEMS INTEGRATORS.—(1) Effective October 1, 2010, the head of an executive agency may not award a new contract for lead systems integrator functions in the acquisition of a major system.

(b) PROHIBITION ON LEAD SYSTEMS INTEGRATORS: BEYOND DEMONSTRATION LEVEL PHASE.—Effective on the date of the enactment of this Act, an executive agency may award a new contract for lead systems integrator functions in the acquisition of a major system only if—

(A) the contract for the major system does not exceed the demonstration phase-level; or

(B) the head of the agency determines in writing that it would not be practicable to carry out the acquisition without continuing to use a contractor to perform lead systems integrator functions and that doing so is in the best interest of the agency.

(c) DETERMINATION RELEVANT TO DETERMINATIONS.—A determination under paragraph (2)(A) shall specify the reasons why it would not be practicable to carry out the acquisition continuing to use a contractor to perform lead systems integrator functions (including a discussion of alternatives, such as the use of the agency workforce, or a system engineering and technical assistance contractor);

(d) shall include a plan for phasing out the use of contracted lead systems integrator functions over the shortest period of time consistent with the interest of the government;

(e) may not be delegated below the level of the Chief Acquisition Officer; and

(f) shall be provided to the Committee on Oversight and Government Reform in the House of Representatives and the Committee on Homeland Security and Governmental Affairs in the Senate at least 45 days before the award of a contract pursuant to the determination.

SEC. 4204. REGULATIONS ON EXCESSIVE PASS-THROUGH CHARGES.

(a) REGULATIONS REQUIRED.—(1) Not later than 180 days after the date of enactment of this Act, the Federal Acquisition Regulation shall be amended to ensure that excessive pass-through charges on contracts or (or task or delivery orders) are not paid by the Federal Government.

(b) REQUIREMENTS OF REGULATIONS.—The Federal Acquisition Regulation shall be amended for the procurement of department and agency program cost, schedule, and performance.

(c) EXCEPTIONS TO REGULATIONS.—Notwithstanding the definition of low-rate initial production as defined in section 2302d of title 10, United States Code,—

(1) a prime contractor under a contract for the development or production of a major system, if the prime contractor is not expected to be awarded the entire contract or a substantial portion of the work on the system and the major subsystem;

(2) a contractor under a contract for procurement of services the primary purpose of which to perform acquisition functions closely associated with inherently governmental functions with respect to the development or production of a major system; and

(3) the contract for the major system does not exceed the demonstration phase-level; or

(d) DEFINITIONS.—In this section:

(1) LEAD SYSTEMS INTEGRATOR.—The term ‘lead systems integrator’ means—

(A) a prime contractor for the development or production of a major system, if the prime contractor is not expected at the time of award to perform a substantial portion of the work on the system and the major subsystems; or

(B) a contractor under a contract for procurement of services the primary purpose of which to perform acquisition functions associated with inherently governmental functions with respect to the development or production of a major system.

(2) MAJOR SYSTEM.—The term ‘major system’ has the meaning given such term in section 2302d of title 10, United States Code.

(3) DEMONSTRATION PHASE LEVEL.—For purposes of this section, the term ‘demonstration phase level’ means—

(A) work performed prior to first article testing and acceptance in part 9.3 of the Federal Acquisition Regulation; or

(B) a level comparable to the level identified in subparagraph (A) which the FAR Council determines, by regulation, after consideration of the definition of low-rate initial production as defined in section 2400 of title 10, United States Code.

(4) HEAD.—As used in this section, the term ‘head of an executive agency’ means—

(A) the head of an executive agency (the servicing agency). The servicing agency obtains them from another executive agency (the requesting agency) which the FAR Council determines to be necessary in the interest of Federal Procurement Policy Act (41 U.S.C. 403(12)); and

(B) the head of an executive agency if the following conditions are met—

(i) a prime contractor functions over the shortest period of time necessary to effectuate the purpose of subsection (a), if the following conditions are met—

(ii) the head of an executive agency (the servicing agency) obtains them from another executive agency (the requesting agency) if the following conditions are met—

(iii) the head of an executive agency (the servicing agency) obtains them from another executive agency (the requesting agency) if the following conditions are met—

(iv) the head of an executive agency (the servicing agency) obtains them from another executive agency (the requesting agency) if the following conditions are met—

(v) the head of an executive agency (the servicing agency) obtains them from another executive agency (the requesting agency) if the following conditions are met—

(vi) the head of an executive agency (the servicing agency) obtains them from another executive agency (the requesting agency) if the following conditions are met—

(vii) the head of an executive agency (the servicing agency) obtains them from another executive agency (the requesting agency) if the following conditions are met—

(viii) the head of an executive agency (the servicing agency) obtains them from another executive agency (the requesting agency) if the following conditions are met—

(ix) the head of an executive agency (the servicing agency) obtains them from another executive agency (the requesting agency) if the following conditions are met—

(x) the head of an executive agency (the servicing agency) obtains them from another executive agency (the requesting agency) if the following conditions are met—

(B) a prime contractor under a contract for the development or production of a major system, if the prime contractor is not expected at the time of award to perform a substantial portion of the work on the system and the major subsystems; or

(5) REQUIREMENTS RELATING TO DETERMINATION PHASE.—(A) shall specify the reasons why it would not be practicable to carry out the acquisition continuing to use a contractor to perform lead systems integrator functions (including a discussion of alternatives, such as the use of the agency workforce, or a system engineering and technical assistance contractor);

(B) shall include a plan for phasing out the use of contracted lead systems integrator functions over the shortest period of time consistent with the interest of the government;

(C) may not be delegated below the level of the Chief Acquisition Officer; and

(D) shall be provided to the Committee on Oversight and Government Reform in the House of Representatives and the Committee on Homeland Security and Governmental Affairs in the Senate at least 45 days before the award of a contract pursuant to the determination.

(6) HEAD.—As used in this section, the term ‘head of an executive agency’ means—

(A) the head of an executive agency (the servicing agency). The servicing agency obtains them from another executive agency (the requesting agency) which the FAR Council determines to be necessary in the interest of Federal Procurement Policy Act (41 U.S.C. 403(12)); and

(7) EXCEPTIONS TO REGULATIONS.—(A) shall not apply to any firm, fixed-price contract or subcontract (or task or delivery order) that is—

(i) awarded on the basis of adequate price competition; or

(ii) for the acquisition of a commercial item, as defined in section 12.207 of the Federal Acquisition Regulation (41 U.S.C. 403(12)); and

(B) may include such additional exceptions as the Federal Acquisition Regulation Council determines to be necessary in the interest of the government.

(8) DEFINITION.—In this section, the term ‘contractor or subcontractor’ means—

(A) prices paid for the same or similar commercial items under comparable terms and conditions; or

(B) the offeror has submitted sufficient information to evaluate, through price analysis, the reasonableness of the price for such services.

SEC. 4205. LINKING OF AWARD AND INCENTIVE FEES TO ACQUISITION OUTCOMES.

(a) GUIDANCE ON LINKING OF AWARD AND INCENTIVE FEES TO ACQUISITION OUTCOMES.—Not later than 12 months after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to provide executive agencies with instructions, including definitions, on the appropriate use of award and incentive fees in Federal acquisition programs.

(b) ELEMENTS.—The regulations under subsection (a) shall—

(1) ensure that new contracts using award fees link such fees to acquisition outcomes (which shall be defined in terms of program cost, schedule, and performance);

(2) establish standards for identifying the appropriate level of officials authorized to approve the use of award and incentive fees in new contracts;

(3) provide specific direction on the circumstances in which contractor performance may be judged to be ‘excellent’ or ‘superior’ and the percentage of the available award fee which contractors should be paid for such performance;

(4) establish standards for determining the percentage of the available award fee, if any, which contractors should be paid for performance that is judged to be ‘acceptable’, ‘average’, ‘expected’, ‘good’, or ‘satisfactory’;

(5) require that no award fee may be paid for contractor performance that is judged to be below satisfactory performance or performance that does not meet the basic requirements of the contract; (6) provide specific direction on the circumstances, if any, in which it may be appropriate to roll over award fees that are not earned in one award fee period to a subsequent award fee period or periods;

(7) ensure consistent use of guidelines and definitions relating to award and incentive fees across the Federal Government;

(8) ensure that each executive agency—

(A) collects relevant data on award and incentive fees paid to contractors; and

(B) has mechanisms in place to evaluate such data on a regular basis.

(c) INCREASE IN PERFORMANCE MEASURES.—(1) The head of an executive agency (the servicing agency) shall ensure that services the primary purpose of which is to perform acquisition functions closely associated with inherently governmental functions with respect to the development or production of a major system.

(b) DETERMINATION OF REQUIREMENTS.—Not later than 180 days after the date of enactment of this Act, the Federal Acquisition Regulation shall be amended for the procurement of commercial services.

(c) APPLICABILITY OF COMMERCIAL SERVICES ITEM AUTHORITY.

(a) REGULATIONS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to ensure that services the primary purpose of which is to perform acquisition functions closely associated with inherently governmental functions with respect to the development or production of a major system.

(b) REQUIREMENTS OF REGULATIONS.—The Federal Acquisition Regulation shall be amended for the procurement of commercial services.

(c) EXCEPTION TO DEPARTMENT OF DEFENSE.—This section does not apply to the Department of Defense.

SEC. 4206. MINIMIZING ABUSE OF COMMERCIAL SERVICES ITEM AUTHORITY.

(a) REGULATIONS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to ensure that services the primary purpose of which is to perform acquisition functions closely associated with inherently governmental functions with respect to the development or production of a major system.

(b) APPLICATION OF COMMERCIAL SERVICES ITEM AUTHORITY.

(1) SERVICES OF A TYPE SOLD IN MARKETPLACE.—The regulations modified pursuant to subsection (a) shall ensure that services that are not offered commercially in substantial quantities in the commercial marketplace, but are of a type offered and sold competitively in substantial quantities in the commercial marketplace, may be treated as commercial items for purposes of section 251b of title 41, United States Code (relating to truth in negotiations), only if the contracting officer determines in writing that the offeror has submitted sufficient information to evaluate, through price analysis, the reasonableness of the price for such services.

(2) INFORMATION SUBMITTED.—To the extent necessary to make a determination under paragraph (1), the contracting officer may require the offeror to—

(A) provide an item authority.

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(c) Timed-Materials Contracts.—

(1) Commercial Item Acquisitions.—The regulations promulgated to subsection (a) shall ensure that procedures applicable to time-and-materials contracts and labor-hour contracts for commercial item acquisitions may be used as follows:

(A) Services procured for support of a commercial item, as described in section 412(e)(1) of the Federal Procurement Policy Act (41 U.S.C. 403(12)(F));

(B) If the services to be acquired are subject to subsection (b), the offeror of the services has submitted sufficient information in accordance with that subsection;

(C) such services are commonly sold to the government for use of time-and-materials or labor-hour contracts; and

(D) the use of a time-and-materials or labor-hour contract type is in the best interest of the government.

(2) Non-Commercial Item Acquisitions.—Nothing in this subsection shall be construed to preclude the use of procedures applicable to time-and-materials or labor-hour contracts for non-commercial item acquisitions for the acquisition of any category of services.

SECTION 4301. ACQUISITION WORKFORCE DEVELOPMENT FUND.

(a) Purpose.—The purpose of this section is to ensure that there are resources available to recruit, hire, educate, train, and retain members of the Federal acquisition workforce with the requisite competencies and skills to ensure that the government receives best value property and services in its acquisitions.

(b) Establishment of Fund.—Title III of the Homeland Security Act of 2002 (6 U.S.C. 401 et seq) is amended by adding at the end the following new section:

"§334. Acquisition Workforce Development Fund.

"(a) The Administrator of General Services shall establish an acquisition workforce development fund.

"(1) The Administrator shall manage the fund through the Federal Acquisition Institute, in consultation with the Director of the Office of Management and Budget, the Secretary of Defense, and the Secretary of Homeland Security, as the agency and a statement of the amounts credited to the Fund.

"(2) A description of the expenditures made from the Fund, including the purpose of such expenditures.

"(3) A description and assessment of im- provements resulting from the acquisition workforce resulting from such expenditures, including the extent to which the fund has been used to increase the number of individuals in the acquisition workforce to a specified number of individuals in the acquisition workforce as of the date of enactment.

"(4) Recommendations for additional authorities to fulfill the purpose of the Fund.

"(5) A statement of the balance remaining in the Fund at the end of such fiscal year.

"(6) The report required by subsection (b) shall be submitted to the House Committee on Oversight and Government Reform of the House of Representatives; the Committee on Homeland Security and Governmental Affairs of the Senate; and the Committees on Appropriations of the House of Representatives and the Senate.

"(1) No expired balances appropriated prior to the date of enactment of the Clean Contracting Act of 2008 may be used to make any payment to the Acquisition Workforce Development Fund.

§4. Exception.—This section and the amendments made by this section shall not apply to the acquisition workforce of the Department of Defense.

SECTION 4302. CONTINGENCY CONTRACTING CORPS.

The Office of Federal Procurement Policy Act (41 U.S.C. 403(12)(F)), as amended by section 102, is further amended by adding at the end the following new section:


"(a) Establishment.—The Administrator of General Services, in consultation with the Director of the Office of Management and Budget, the Secretary of Defense and the Secretary of Homeland Security, shall establish a Governmentwide Contingency Contracting Corps (in this section, referred to as the "Corps"). The members of the Corps shall be available for deployment in responding to an emergency or major disaster, or a contingency operation, within or outside the continental United States.

"(b) Membership.—The authorities provided in this section apply with respect to any procurement of property or services by or for an executive agency that, as determined by the head of such executive agency, are to be used—

"(1) in support of a contingency operation as defined in section 101(a)(13) of title 10, United States Code; or

"(2) to respond to an emergency or major disaster as defined in section 5122 of title 41, United States Code.

"(c) Performance.—Membership in the Corps shall be voluntary and open to all Federal employees and uniformed members of the Armed Services, who are currently members of the Federal acquisition workforce. As a condition precedent to membership in the Corps, each volunteer will execute a mobilization agreement consistent with the provisions in sections 371 through 376 of title 5, United States Code.

"(d) Education and Training.—The Director of the Federal Acquisition Institute, in consultation with the Chief Acquisition Officers Council shall establish educational and training requirements for members of the Corps, and shall pay for those additional requirements of funds available in the acquisition workforce development fund or the Department of Defense Acquisition Workforce Development Fund.

"(e) Clothing and Equipment.—The Administrator shall identify any necessary clothing and equipment requirements, and shall pay for those additional requirements from funds available in the acquisition workforce development fund or the Department of Defense Acquisition Workforce Development Fund.

"(f) Annual Critical List.—Each year, the Director of the Federal Acquisition Institute shall submit to the Congress a list of the acquisition workforce positions that are critical to the mission of the Department of Defense.
Defense Acquisition Workforce Development Fund.

“(f) Salary.—The salaries for members of the Corps shall be paid by their parent agencies of the Federal Government.

“(g) Authority to deploy the Corps.—The Director of the Office of Management and Budget shall have the authority to determine the deployment of the Corps, in consultation with the head of the agency or agencies employing the members to be deployed.”

Title XLV—Anti-Fraud Provisions

Section 4401. Protection for contractor employees from reprisal for disclosure of certain information.

(a) Increased protection from reprisal.—Subsection (a) of section 315 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 265(a)), is amended—

(1) by striking “disclosing to a Member of Congress” and inserting “disclosing to a Member of Congress, a representative of a committee of Congress, an Inspector General, the Government Accountability Office, an employee of an executive agency responsible for contract oversight or management,”; and

(2) by striking “information relating to a substantial violation of law related to a contract (including the competition for or negotiation of a contract)” and inserting “information relating to the fraud, conflict of interest, illegal, gross waste of executive agency funds, a substandard or deficient good or service, prohibited by subsection (a), the head of the agency concerned shall determine the following: “Not later than 30 days after receiving an Inspector General report pursuant to subsection (b), the head of an executive agency concerned shall determine whether there is sufficient basis to conclude that the contractor concerned has subjected the complainant to a reprisal prohibited by subsection (a)”.

(b) Clarification of Inspector General determination.—Subtitle (b) of such section is amended—

(1) by striking “section 30.50 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254d) is amended in subsection (c) by inserting after “records”, “or interview any employee.”; and

(2) by striking “section 2313 of title 10, United States Code, is amended in subsection (c)(1) by inserting after “records”, “or interview any employee.”.

Section 4402. Access of general accounting office to contractor employees.

(a) Civilian agencies.—Section 304C of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254d) is amended in subsection (c)(2), by inserting—

“Not later than 30 days after receiving a report under section 13(a) or 15(d) of the Office of Federal Procurement Policy, in consultation with the Office of Government Ethics, shall, at a minimum, develop and make available a list of any contractor employees of violations of Federal criminal laws or contracts, including those performed outside the United States and those for commercial items.

(b) Covered contract defined.—In this section, the term ‘covered contract’ means a contract in an amount greater than $25,000,000 or more in annual gross revenues from Federal awards for contracts or subcontracts, including those performed outside the United States and those for commercial items.

Section 4403. Access of general accounting office to contractor employees.

(a) Civilian agencies.—Section 304C of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254d) is amended in subsection (c)(2) by inserting—

“Not later than 30 days after receiving a report under section 13(a) or 15(d) of the Office of Federal Procurement Policy, in consultation with the Office of Government Ethics, shall, at a minimum, develop and make available a list of any contractor employees of violations of Federal criminal laws or contracts, including those performed outside the United States and those for commercial items.”

(b) Covered contract defined.—In this section, the term ‘covered contract’ means a contract in an amount greater than $25,000,000 or more in annual gross revenues from Federal awards for contracts or subcontracts, including those performed outside the United States and those for commercial items.

Title XLV—Enhanced Contract Transparency

Section 4501. Disclosure of CEO salaries.


(1) by striking “and” at the end of subparagraph (E);

(2) by redesignating subparagraph (F) as subparagraph (G); and

(3) by inserting after subparagraph (E) the following new subparagraph:

“(F) the names and total compensation of the five most highly compensated officers of the entity if—

(i) the entity in the preceding fiscal year received—

(II) $25,000,000 or more in annual gross revenues from Federal awards; and

(ii) the public does not have access to information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986.”

(b) Regulations required.—The Director of the Office of Management and Budget shall promulgate regulations to implement the amendment made by this title. Such regulation shall include a definition of “total compensation” that is consistent with regulations of the Securities and Exchange Commission at section 402 of part 229 of title 17 or any Federal regulations (or any subsequent regulation).

Section 4502. Database for contracting officers, suspension and debarment officials.

(a) In general.—Subject to the authority, direction, and control of the Director of the Office of Management and Budget, the Administrator of General Services shall establish and maintain a database of information regarding integrity and performance of persons who are Federal contractors and grantees for use by Federal officials having authority over contracts and grants.
(b) Persons Covered.—The database shall cover any person awarded a Federal contract or grant if any information described in subsection (c) exists with respect to such person.

(c) Information Included.—With respect to a person awarded a Federal contract or grant, the database shall include information (including a brief description) for at least the most recent 5-year period regarding—

1. any civil or criminal proceeding, or any administrative proceeding to the extent that such proceeding results in both a finding of fault on the part of the person and the payment of restitution to a government of $5,000 or more. The database shall include data at the task or delivery-order level; and
2. any final findings by a Federal official in that period that the person has been determined not to be a responsible source under either subparagraph (C) or (D) of section 4(7) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(7)).

(d) Requirements Relating to Information in Database.—

1. DIRECT INPUT AND UPDATE.—The Administrator shall design and maintain the database entered into the database by the person and the Federal Government or a State government in that period, and (a) not later than 12 months after the date of the enactment of this Act, the Director of the Office of Management and Budget shall design appropriate revisions to the Federal Procurement Data System or any successor system to facilitate the collection of complete, timely, and reliable data on interagency contracting actions other than contracts, grants, and cooperative agreements issued pursuant to section 202 of title 5, United States Code, or similar authorities.
2. TRANSMISSION AND DATA ENTRY OF INFORMATION.—The Administrator of the Office of Management and Budget shall authorize appropriate revisions to the Governmentwide suspension and debarment system; and (b) submit to the Congress an annual report on—

Direct Input and Update

2. Coordinate actions among interested agencies with respect to such action.
3. encourage and assist Federal agencies in entering into cooperative efforts to pool resources and achieve operational efficiencies in the Governmentwide suspension and debarment system.
4. recommend to the Office of Management and Budget changes to Government suspension and debarment system and its rules, if such recommendations are approved by a majority of the Interagency Committee;
5. authorize the Office of Management and Budget to issue guidelines that implement those recommendations;
6. authorize the chair of the Interagency Committee to establish subcommittees as appropriate to best enable that Committee to carry out its functions; and
7. submit to the Congress an annual report on—

Direct Input and Update

a. the progress and efforts to improve the suspension and debarment system;

b. member agencies’ active participation in the committee’s work; and

(c) A summary of each agency’s activities and accomplishments in the Governmentwide debarment system.

(d) DEFINITION.—The term “Interagency Committee on Governmentwide Suspension and Debarment” means such committee constituted under sections 4 and 5 of Executive Order 12549.

SEC. 4505. AUTHORIZATION OF INDEPENDENT REVIEW

Any agency, commission, or organization of the Federal Government to which Executive Order 12549 does not apply is authorized to participate in the Governmentwide suspension and debarment system and may recognize the suspension or debarment issued by an executive branch agency in its own procurement or regulatory activities.

SEC. 4506. AUTHORIZATION OF APPROPRIATIONS

There are authorized to be appropriated to the Administrator of General Services such funds as may be necessary to establish the database described in section 2.

SEC. 4507. REPORT TO CONGRESS

(a) Report Required.—Not later than 180 days after the date of the enactment of this Act, the Administrator of General Services shall submit to Congress a report describing—

1. a list of all databases that include information about Federal contracting and Federal grants.
2. Recommendations for further legislation or administrative action that the Administrator recommends to create a centralized, comprehensive Federal contracting and Federal grant database.

(b) CONTENTS OF REPORT.—The report shall contain the following:

1. A list of all databases that include information about Federal contracting and Federal grants.
2. Recommendations for further legislation or administrative action that the Administrator recommends to create a centralized, comprehensive Federal contracting and Federal grant database.
Department of Homeland Security need to be halted. They may enrich companies like Halliburton and Blackwater, but have squandered billions of dollars that belong to the taxpayer.

This amendment says that Congress is sending upward waste, fraud and abuse. One important provision deals directly with no-bid contracts and requires agencies to develop plans to promote competition. This provision is needed because the value of contracts awarded without full and open competition has more than tripled since 2000, rising from $67 billion in 2000 to almost $207 billion in 2006. Full and open competition provides the government with its best guarantee that tax dollars are being spent economically and efficiently.

Another important measure would limit the length of no-bid contracts awarded in emergencies to 9 months. This provision would end the abuses that occurred after Hurricane Katrina when many “emergency” contracts were allowed to continue for years.

The amendment would also curb the use of cost-plus contracts, which provide contractors with little incentive to control costs. Spending under this kind of contract grew over 75 percent between 2000 and 2005.

Another important provision would prohibit contractors from charging excessive mark-up charges for work done by subcontractors. This would prevent the infamous “blue roof” scandal following Hurricane Katrina where taxpayers paid almost $2,500 for something that actually cost $300.

Other vital provisions of this amendment would provide whistleblower protections to civilian contractor employees, fund increases in the acquisition workforce, and prevent the abuse of interagency contracts, as was the case at Abu Ghraib, where interrogators were hired using an Interior Department contract for information technology.

The amendment also includes three provisions which have recently passed the House under suspension of the rules. One, authored by Representative Velázquez, requires mandatory reporting of fraud by contractors. Another, based on the bill by Representative Murphy, requires the disclosure of CEO salaries if a company makes most of its money from government contracts. The third, based on a bill authored by Representative Maloney, requires the development of a database of suspension and debarment information. I want to commend these Members for their hard work on these issues.

I also want to particularly thank Chairwoman Velázquez of the Small Business Committee for working with us to perfect some of the language in this bill.

I urge Members to support the Clean Contracting amendment. I reserve the balance of my time.

Mr. DAVIS of Virginia. I rise today to speak on the amendment filed by Chair Waxman to the FY09 Defense Authorization Act.

This amendment is an amalgamation of various government contractor-related problems which are currently working their way through the legislative process. Most of the more than 20 components of this amendment represent attempts to, quote, reform the Federal Government’s acquisition system. The provisions and reports geared towards greater regulation and oversight.

More specifically, this amendment would limit the duration of contracts awarded under unusual and compelling conditions, require agencies to develop plans for the use of sole-source contracts, restrict the use of lead system integrators in acquisitions of major systems, restrict the acquisition of services that are available for sale, and impose restrictions and reports geared towards greater regulation and oversight.

While I remain skeptical these provisions will do much to address the most serious problems of the Federal acquisition system today, I very much appreciate that Chairman Waxman has worked with me to revise the provisions before bringing them to the floor to help ensure they don’t impose unduly burdens on the acquisition system. In addition, I am pleased that the amendment includes a provision aimed at promoting a stronger and more robust Federal acquisition workforce which is needed because the value of contracts awarded under unusual and compelling conditions, require agencies to develop plans for the use of sole-source contracts, restrict the use of lead system integrators in acquisitions of major systems, restrict the acquisition of services that are available for sale, and impose restrictions and reports geared towards greater regulation and oversight.

Section 401 of the amendment creates a government-wide acquisition workforce development fund. This fund will provide training and retraining to our Federal acquisition workforce.

He noted that there are too many cost-plus types of contracts. This contract vehicle is only utilized when the contractor believes it’s necessary. These contracts are the most expensive of all and are fraught with problems. How in the world can you fix the problem of fixed price? I know of no company that has fixed prices. The way to get rid of these cost-plus contracts which the chairman and others have criticized is to offer them the opportunity to compete with the best value companies in the country.

An endless stream of reports, an endless stream of restrictions and limitations really does very little to help us. We need to apply modern acquisition workforce skills to the increasingly complex defense of the Federal Government for goods and services. Other provisions in the amendment, however, cause me more concern.

I am disappointed that the amendment in its present form is not ready for prime time. I think it is a good authorization bill, but I am bitterly disappointed that there is no provision for debarment information. I want to commend the chairman and others that the amendment is the same concerns I expressed last year when the House took up H. R. 1362, the chairman’s Accountability in Contracting Act.

The Federal acquisition system has been under considerable stress in recent years because of the extraordinary pressures of a shrinking acquisition workforce combined with an increasing reliance on Federal contractors for major activities such as providing essential support on the ground in Iraq. This strain has resulted in a series of management problems that have been trumpeted by the press and exploited by opponents of the system. Nevertheless, the systems work pretty well, and the vast majority of government acquisitions have been conducted properly. And in the cases where we have found fraud, the system has uncovered these in many cases, audits have uncovered these, and we’ve been able to deal with them.

I remain concerned that controls that reports, procedures and restrictions will not go very far in addressing the most serious challenges facing us today. Reverting to the bloated system of the past, weighted down with “process,” will not help the Federal Government acquire the best value goods and services the commercial market has to offer and our government so desperately needs and our taxpayers can afford.

I have said many times before, reverting to the past under the rubic of fraud, waste and abuse and “cleaning up” the system may provide flash
sound bites and play well back home, but it doesn’t give us the world-class acquisition systems that Federal taxpayers deserve.

More controls and procedures will not remedy poorly defined requirements or provide us with a sufficient number of Federal acquisition personnel with the right skills to select the best contractor and the best contracting vehicles to get there and manage the subsequent performance of those contracts.

Despite these concerns, I don’t intend to ask for a rollick, but I intend to oppose this amendment. And I hope to be able to work with Chairman AXMAN and other interested stakeholders on these provisions in conference to try to make sure that we’re not imposing unnecessary burdens on our Federal acquisition system.

Mr. HUNTER. Would the gentleman yield?

Mr. DAVIS of Virginia. I would be happy to yield to my friend.

Mr. HUNTER. I thank the gentleman for yielding.

You know, one aspect of this that I thought was troubling also was the fact that private contractors will have to disclose the amounts of money that their particular people make. That’s going to go out, presumably, to others; competitors will see that. These aren’t publicly held companies. I think that that’s an intrusion we don’t necessarily need to make.

Mr. DAVIS of Virginia. Let me say to my friend and the concern of Chairman MURPHY, the author of this provision, we feel that in the light that—the sirens will go out, not just for contractors, but for grantees, too, on Federal grants and the like. And it will go out not under the rubric of just contracts, but be available on a Federal database which the Congress approved last year.

So I appreciate Mr. MURPHY working with us on that. We’re, at this point, committed to a concern, in working with Mr. MURPHY, the author of this provision, we feel that in that the light that the sirens will go out, not just for contractors, but for grantees, too, on Federal grants and the like. And it will go out not under the rubric of just contracts, but be available on a Federal database which the Congress approved last year.

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

Mr. WAXMAN. Mr. Chairman. I do want to express my appreciation to Ranking Member DAVIS for the hard work and contribution; he helped us in fashioning so much of this legislation. At this point, I yield 1½ minutes to the gentleman from Connecticut, who is an author of an important provision in this bill and is a very valued member of our committee.

Mr. MURPHY of Connecticut. I would like to thank Chairman WAXMAN for putting this very valuable amendment before us today. We’ve spent an awful lot of time on the Government Oversight Committee looking into the contracting practice of the Federal Government. I think this goes a very long way towards safeguarding our taxpayer dollars, and also sharing some transparency on it, which is the piece of the amendment that I would like to speak on today.

This amendment includes legislation that passed the House on voice vote several weeks ago, the Government funding Transparency Act. The act requires that companies that make almost every penny of their revenue from the U.S. Department of Defense and other Federal quasi-public agencies, require them to disclose to the American public the amount of profit that they’re taking off of those contracts. These companies making over 20 percent of their money shouldn’t be allowed to hide this type of financial data from the American taxpayers.

I would like to thank Ranking Member DAVIS for working through this bill as it moved through the committee, and the best friends that we can find. And when we do that, that means we have to pay them appropriately, we have to train them appropriately, we have to give them the appropriate incentives and bonuses. Think of a multi-billion-dollar acquisition that comes in on time and under budget. That is worth its weight in gold. We have had so many of these vehicles that have gone sideways on us and end up costing us billions of dollars. It is better to spend a little bit of front training the right people to oversee these contracts, define the requirements along the way. This amendment does do something in that regard. I think we need to continue to work in that direction.

I look forward to working with my friends on other amendments as we can strengthen the acquisition system.

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

Mr. WAXMAN. Mr. Chairman, this amendment, which consolidates a number of other provisions, has within it a provision that the House also passed on the suspension calendar authorizing the gentleman from Vermont, Congressman WELCH. I yield 1½ minutes to him at this point.

Mr. WELCH of Vermont. I want to thank Chairman AXMAN for his leadership, Chairman WAXMAN, Mr. HUNTER and Mr. DAVIS.

I have been listening to Mr. DAVIS, and he makes a good point; you have to, when you’re spending $1 trillion on a war—and we’re pushing that—have a good acquisition team. But that really begs the question, we have to have oversight. And there has been documented an astonishing amount of waste, fraud and absolute rip-off in this area to the tune of $1 trillion. And that does require some simple reporting requirements.

Mr. MURPHY’s amendment, where private companies that go into contracts from $700,000, and then when the war starts over the next 4 years for $1 billion, that 10 percent cut for the owner of that company, or the owners, the public has a right to know. Sunlight is going to put some limits on how much profit is reasonable when our soldiers are working so hard for so little.

Secondly, when we have no-bid contracts—and these have proliferated so that they are about over $1 trillion—and the companies that have those contracts become aware of fraud, why is it not public companies that would have the obligation immediately to report to the American government their knowledge of fraud so that we can save taxpayer dollars, particularly when these involve national security contracts, that things are going to protect our troops? We owe them no less and we owe our taxpayers no less. So I thank the gentleman for the work that they’ve done to restore fiscal responsibility.
Mr. WAXMAN. Mr. Chairman, I yield the balance of my time to my very good friend and respected leader, the chairman of the Committee on Armed Services (Mr. SKELTON).

Mr. Sketch. I thank the gentleman for yielding. I also wish to compliment him on this amendment.

Mr. Chairman, there was a lot of hard work that went into this, and what it would do is add the Clean Contracting Act of 2008 to national security and defense. It clarifies provisions that have already passed the House or would extend acquisition reforms passed for the Department of Defense in prior authorization bills in identical form. It also adds a couple of new measures.

This amendment complements last year’s bill in which we extended several of the reforms beyond the Department of Defense, and it also included several bills that have already passed, such as the Contractors and Federal Spending Accountability Act offered by Representative MALONEY, the Close the Contractor Fraud Loophole Act offered by Mr. WELCH, and the Government Contractor Accountability Act offered by Mr. CORKER.

Mr. Chairman, I also want to acknowledge Representative MARK UDALL for his supportive efforts to improve the federal contracting system, and I urge my colleagues to support this amendment.

The Acting CHAIRMAN. Pursuant to the order of the House, the Acting Chairman is in the chair.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. The amendment was agreed to.

AMENDMENT NO. 26 OFFERED BY MS. LEE

The Acting CHAIRMAN. It is now in order to consider amendment No. 26 printed in House Report 110-666.

Ms. LEE. Mr. Chairman, I have an amendment at the desk.

Ms. LEE. Amendment No. 26 offered by Ms. LEE.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

SEC. 12xx. LIMITATION ON CERTAIN STATUS OF FORCES AGREEMENTS

No provision of any agreement between the United States and Iraq described in section 1212 (a)(1)(A)(i)(I) shall be in force with respect to the United States unless the agreement—

(1) is in the form of a treaty requiring the advice and consent of the Senate (or is intended to take that form in the case of an agreement under negotiation); or

(2) is specifically authorized by an Act of Congress enacted after the date of the enactment of this Act.

The Acting CHAIRMAN. Pursuant to House Resolution 1218, the gentlewoman from California (Ms. Lee) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentlewoman from California. Ms. LEE. Mr. Chairman, I yield myself such time as I may consume.

First let me thank Chairman SKELTON and Ranking Member HUNTER for their work on this bill and also for their devotion to the men and women of our Armed Forces.

Thank you very much on behalf of my dad, retired Lieutenant Colonel, recently deceased, Garvin Tutt. Thank you, Mr. SKELTON; thank you, Mr. HUNTER.

Mr. Chairman, my amendment is simple and straightforward. It provides that no provision contained in any Status of Forces Agreement, or SOFA, negotiated between the President and the Government of Iraq which commits the United States to the security of Iraq from internal and external threats is valid unless this agreement has been authorized and approved by Congress.

This may sound complicated but it really is not. The issue is really simple. Should President Bush, this President, or any President be allowed to obligated our troops to a long-term commitment to spend resources and provide troops to defend Iraq against its enemies internal or external without congressional review? The longstanding answer and constitutional answer to this question is “no.” So, Mr. Chairman, this amendment should not be controversial.

And why is it needed? Because in November, 2007, President Bush and Iraqi Prime Minister Maliki signed the Declaration of Principles for Friendship and Cooperation, which included an unprecedented commitment to defend Iraq against internal and external threats. Frankly, this is not only unprecedented, but it is really insulting when one considers that the agreement does require the review and approval of the Iraqi Parliament but not our own Congress. That doesn’t make any sense. If prior review and approval is good enough for the Iraqi Parliament, it is good enough for the United States Congress. In fact, it is essential for the United States Congress to give their approval.

I want to take a moment to address the position of the administration and some of my Republican colleagues who would argue that the agreement is nothing more than a garden variety Status of Forces Agreement, for the most part, don’t require congressional involvement or approval. But the reality is that this Declaration of Principles goes far beyond what is typically required in the Status of Forces Agreement, or SOFA. The reality is that routine SOFAs do not include any guarantee to defend a host country against external or internal threats. That just has not been part of prior SOFA agreements.

I cannot underscore how serious this commitment is. An agreement of this kind to commit American troops to the defense of security of another country is not routine or is personal or minor. It is a major commitment that must have the support of the American people, and that popular support will only be reflected through the Congress of the United States, the people’s House.

Mr. Chairman, if a decision is made about keeping troops in Iraq indefinitely, then it is the Congress that
should have a say. My amendment does that.

I want to be clear, though, that this amendment is not about redeploying our troops from Iraq, a position that I strongly support, nor is it about time limitations, or for that matter any of the various other debates raging around our occupation of Iraq. We can’t undo the suffering, the death, the horrible injuries, the deep psychological scars, or the millions of lives that are forever altered, and we can’t erase the representations made, the mistakes made, or the damage done. But we can, however, prevent future mistakes. And it would be a disastrous mistake to let the current declaration move forward without congressional debate and approval.

So this amendment is about the future. Do we want the next President and Congress to inherit a situation where our troops are committed to fight Iraqi civil wars and any entity the Iraqis call a threat? Do we really want that? Do we want to do that without even having debated it or allowing congressional review? Do we really want that?

This is about standing up for Congress and the Constitution. Again, this amendment is responsible, practical, and necessary. For these reasons, I urge all Members to support my amendment.

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

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

The Acting CHAIRMAN. The gentleman from California is recognized for 10 minutes.

Mr. HUNTER. Mr. Chairman, I reluctantly rise to oppose this amendment because of my great respect for the gentlewoman. But this Status of Forces Agreement is something that we’ve done now in over 80-some countries. It’s not a guarantee of security. It’s not a guarantee of defense. It is not and should not be considered as a treaty. It is simply for the protection of American soldiers and American civilian personnel.

It sets out, for example, if you are sued, if you’re charged with a criminal action, there has to be an agreement between the countries as to how people are treated, that is, how American personnel are treated, and under the agreement that Iraq has made with the United States.

Now, Secretary Gates has testified to us in the Armed Services Committee, and he has been asked about the SOFA, and he has said there are no security guarantees in this SOFA. We’re going to have the same team that has done SOFAs, these Status of Forces Agreements, in many other countries, moving in to do the same Status of Forces Agreement that will go over the same types of things. And, again, this does not rise to the level of a treaty because of my great respect for the gentlewoman. But this Status of Forces Agreement is something that we have done now in over 80-some countries, moving in to do the same Status of Forces Agreement.

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

Ms. LEE. Mr. Chairman, I would like to yield 1 minute to the chairman of the committee, the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Chairman, this is really a reflection of constitutionality. In Mr. Hunter’s remarks, he raises to any agreement that requires the United States to take action on behalf of an ally in the face of an attack. This is one that is an agreement that is a security agreement, and it requires either a treaty ratified by the United States Senate or a provision passed by the entire Congress of the United States.

It’s unclear, for instance, that if the Iraqis could repel any external invasion or address a serious internal threat without an agreement that the United States could avoid being involved against its will in such a situation. Quite honestly, it is a requirement that the Constitution be followed. A security agreement, by the way, is different from a Status of Forces Agreement. I favor the amendment.

Mr. HUNTER. Mr. Chairman, once again, these Status of Forces Agreements, which are pretty run of the mill, do not manifest security commitments by the United States to protect the countries that they are made with.

They talk about the treatment and describe the treatment of Americans with respect to getting licenses, licensing their vehicles, how they’re going to be treated in cases of civil or criminal actions. Basically how the American who is in that particular foreign country, and again we have got 80 of them that we have done, how they are going to be treated by that host country.

Now, these different commitments, and if you have something that does, in fact, commit the United States to a security agreement with another country, and in this case Iraq, I have no dispute with my colleagues, that at that point you have a treaty, and a treaty, because it manifests commitments, has to be ratified.

But I don’t understand why we are saying that the Status of Forces Agreement, which is going to talk about how our troops are treated in the same way that we talk about how American military personnel who are in Germany or Japan or 80 other countries are treated, how that now becomes something special because it’s Iraq and, in the case of Iraq alone, we have to have a ratification by Congress.

I would reserve the balance of my time.

Ms. LEE. Mr. Chairman, how much time do I have left?

The Acting CHAIRMAN. The gentlewoman has 4½ minutes remaining.

Ms. LEE. I would yield 1 minute to the gentlelady from Connecticut (Ms. DELAUNO).

Ms. DELAUNO. Mr. Chairman, as we speak, the administration is negotiating a strategic framework agreement with Iraq that goes well beyond the typical Status of Forces Agreement. Contrary to what my colleague, Mr. HUNTER says, from California, essentially it does amount to a treaty. Read the words of the Declaration of Principles. It will need to be ratified by the Iraqi Parliament and therefore it must be ratified by the United States Congress as well. This is the issue that goes to the heart of our constitutional duties as a Congress and the power to declare war, with which we have been entrusted as representatives.

After voting against this war, I have supported the goal of responsibly redeploying our troops for over 2 years, and after President Bush and Prime Minister al-Maliki signed the Declaration of Principles last year, it is a document that outlines unprecedented security commitments and assurances to Iraq from the United States. If in fact it is just a Status of Forces Agreement as usual, then the administration should repudiate this Declaration of Principles and start with a genuine Status of Forces Agreement.

I introduced the Iraq Strategic Agreement Act. I compliment my colleague, Ms. LEE, and support her amendment.

Mr. HUNTER. Once again, the gentlelady talked about a strategic framework agreement. That does manifest security commitments, and that does have to be ratified. But that is not the Status of Forces Agreement. The Status of Forces Agreement is simply about the treatment of American military personnel in that particular place. We are talking about two different things; one that has to be ratified and the other that doesn’t. And I have a good argument as to why, of the 80 Status of Forces Agreements that we have around the world, why this one has to be ratified by Congress and none of the others have to be.

I reserve the balance of my time.

Ms. LEE. I yield 30 seconds to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. MCDERMOTT asked and was given permission to revise and extend his remarks.

Mr. MCDERMOTT. I will give you a reason why we ought to have this amendment. We know what happens when we give this President a blank check. It always goes badly. We get a
banner. Mission Accomplished, and he gets to continue a failed war that has now claimed the U.S. economy as its latest casualty. That is why I urge my colleagues to approve this Lee amendment.

This lame duck President must not be able to indenure the next President to carry on a disastrous war of security. This is a lame duck administration trying to rewrite history, and they will tie the hands of the Nation into a knot in the process if we let them. The next President and the next Congress are the only ones who should determine the future policy in Iraq. This amendment ensures this will happen.

The President has had a blank check since 2001, and we see where we are. This amendment brings some balance to the process. It’s time to close the blank check account for a lame duck President. We ought to approve the Lee amendment and preserve our chance in the future to get out of Iraq.

Ms. LEE. I would like to yield 1 minute to the gentlelady from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, I rise today to support Congresswoman Barbara Lee’s amendment. In fact, Mr. Chairman, I would not be providing security when essentially for abusive power grabs, we would not need this amendment today. As Chairman SKELTON just said to us, this amendment actually strengthens a right guaranteed by the Constitution. With Congresswoman Lee’s amendment, we simply affirm that any major international agreement signed by the representatives of the United States, the U.S. Government, it must be approved by the Congress.

Whether you call it a treaty, whether you call it a Declaration of Principles, this Congress will fulfill our constitutional duty today because every one of us, every Member of Congress takes an oath to defend the Constitution of the United States of America, and today we will do just that.

So, again, I thank Congresswoman Lee, and I urge support of this amendment.

Mr. HUNTER. How much time do we have left, Mr. Chairman?

The Acting CHAIRMAN. The gentleman from California has 6 minutes remaining. The gentlewoman from California has 1½ minutes remaining.

Mr. HUNTER. Mr. Chairman, I would just like to yield 1 minute to my colleagues, including the gentleman from Washington who spoke I think somewhat disparagingly of the President, this is part of the duties of an administration anywhere where you have American troops. You lay down rules of how they are going to be treated with respect to civil actions, criminal actions, licensing of vehicles, payment of taxes, all the things that affect a person who is now physically residing in that foreign country, whether it’s an American civilian or a military guy who’s stationed there. It’s a necessary thing.

The idea that we are going to elevate this thing, which has been a fairly minor ministerial thing, to a treaty on the basis that the people who are speaking don’t like the President doesn’t make any sense. You know, when the Secretary of Defense comes in, testifies to our committee that there will be no commitments in this particular SOFA with respect to security, he testifies to us that effect, the idea that we say we are not going to believe him, and certain members of the other side don’t like the President so they come down the line saying he does have to be ratified by Congress, I think that disparages the process, Mr. Chairman.

We have got a fairly run-of-the-mill ministerial thing that we need to do and, once again, I say to my colleagues, this protects American personnel. The same team that has negotiated this with presumably dozens of countries and gone over the same ministerial stuff with respect to how people are treated in that country, will be talking to a high-level diplomat and making that same negotiation on those same points.

So the idea that we now elevate this to a treaty; if a treaty is coming with this strategic framework that does not have to be ratified by Congress, and should be ratified by Congress. But let’s not mix the two up. Let’s protect our personnel and then let’s move to this ratification or this decision of what any security commitments might be.

I would reserve the balance of my time.

Ms. LEE. I would like to yield now 1 minute to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH of Vermont. Mr. Chairman, I thank the gentlewoman from California. We have two issues here. The first is whether this body, the Congress of the United States, is going to continue a failed war that has been a fairly minor ministerial thing and turn it into a treaty; if a treaty is coming with this strategic framework that does not have to be ratified by Congress, and should be ratified by Congress.

The first is whether this body, the Congress of the United States, is going to raise this thing to a treaty that does move to a treaty, and Congress doesn’t act on the treaty, they will lose their protection if the United Nations provision expires.

It doesn’t make sense to put this onus on them, that somehow we are going to raise this thing to a treaty level, and Congress, golly, is going to have to come in here and ratify it. I don’t think you can decide how an E-5, a sergeant with a couple of stripes, living in Baghdad, how he is going to be treated with respect to the laws of that country. It doesn’t make a lot of sense.

I think we ought to leave this thing alone. When we go to any treaties that actually manifest security commitments by the United States, certainly that has to be then ratified by Congress. This isn’t one of those. It will be the 81st SOFA that we have had without requiring Congress to ratify it.

Mr. BERMAN. Mr. Chairman, I rise in strong support of this amendment by my colleague from the Foreign Affairs Committee.

Mr. Chairman, this is a simple amendment. It provides that any security commitment, arrangement, or assurance that obligates the United States to respond to internal or external threats against Iraq must be by golly, is going to be ratified by Congress or by a treaty that receives advice and consent.

Mr. Chairman, the United States has many friends around the world, including in the Middle East, with whom we have non-legally binding arrangement about security. However, legally binding security commitments to use the Armed Forces of the United States have only been entered into with the approval of Congress. U.S. security commitments to NATO and Japan, for example, have been made pursuant to a treaty subject to advice and consent with the Senate.

I believe that past precedent should be our guide as to how to deal with any legally binding obligation of the United States that would commit both the current President and all of his successors to defend Iraq. If the President believes this is wise for the country, he should not do it alone; it should only be taken with congressional approval.

Mr. Chairman, this is not an esoteric or hypothetical situation. This past week I was in Baghdad with Speaker Pelosi’s delegation. It’s quite clear from our discussions there that the government of Iraq at the highest level expects that any strategic framework or other
agreement between the United States and Iraq will include a legally binding security commitment that would require the United States to respond to threats against Iraq. This amendment ensures congressional approval and, implicitly, congressional oversight of any permanent security commitment to Iraq’s security. I would hope that all my colleagues, irrespective of their political affiliation and their views about the conflict in Iraq, would agree that Congress should not be sidelined when it comes to what could be a monumental commitment to defend a country in the heart of one of the hottest regions on the planet.

I strongly support the amendment.

I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. LEE).

The question was taken, and the Acting Chairman announced that the ayes appeared to have it.

Mr. HUNTER. 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 gentlewoman from California will be postponed.

AMENDMENT NO. 50 OFFERED BY MR. ISRAEL.

The Acting CHAIRMAN. It is now in order to consider amendment No. 50 printed in House Report 110–666.

Mr. ISRAEL. Mr. Chairman, I have an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 50 offered by Mr. ISRAEL:

At the end of title XII, add the following new section:

SEC. 12. EMPLOYMENT FOR RESSETLED IRAQIS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall jointly establish and operate a temporary program to offer employment as translators, interpreters, or cultural awareness instructors to individuals described in subsection (b).

(b) ELIGIBILITY.—Individuals referred to in subsection (a) are individuals, in the determination of the Secretary of Defense and the Secretary of Homeland Security, who—

(1) are Iraqi nationals lawfully present in the United States, and

(2) worked, for at least 12 months since 2003, as translators in the Republic of Iraq for the United States Armed Forces or other agency of the United States Government.

(c) FUNDING.—

(1) IN GENERAL.—Except as provided in paragraph (2), the program established under subsection (a) shall be funded from the annual general operating budget of the Department of Defense.

(2) RULE OF CONSTRUCTION REGARDING ACCESS TO CLASSIFIED INFORMATION.—Nothing in this section may be construed as affecting in any way practices and procedures regarding the handling of or access to classified information.

The Acting CHAIRMAN. Pursuant to House Resolution 1218, the gentleman from New York (Mr. ISRAEL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. ISRAEL. Mr. Chairman, this amendment addresses a critical deficiency in our warfighting and our peacekeeping capabilities by strengthening the Arab language capabilities in the Department of Defense and Department of State. There are literally hundreds of Iraqis in the United States who supported our military units as translators in Iraq. They risked their lives, they risked their families’ lives. They went on patrol in very dangerous areas, told our servicemembers what the enemy was saying, what was being said.

Then they came here to escape persecution, and when they got here, they wanted to continue providing those critical linguistic abilities and they were told there was no place for them to work. Many of them today are working in Safeways and working in Home Depots and working in restaurants, instead of providing the linguistic capabilities that we desperately need in the military theater.

Study after study after study, including the Quadrennial Defense Review, points to the critical deficiency we have in understanding the cultures and languages that we are fighting in. Our Nation now has hundreds of people who work with us, and in many of these languages, pass background checks, risk their lives, and what do we do, even though we need their skills? We let them bag groceries at a Safeway. It doesn’t make any sense.

This amendment would help solve that problem. It would instruct DOD and the Department of State to create a temporary program that would offer employment as translators, interpreters, or culture awareness instructors in Iraq, who meet certain rigid criteria. One, they must be here legally. Two, they must have worked for at least the last 12 months as translators in Iraq since 2003 for our troops or for an agency of the U.S. Government.

This amendment is endorsed by the Episcopal Church, Veterans for Common Sense, the International Rescue Committee, Church World Service, which works very hard on it, and many additional groups.

I would like to read into the RECORD the statement by Major Andrew Morton, U.S. Army Active Service, a former Director of Strategic Communications for Multinational Forces in Iraq, where he says, “Representative Israel’s proposed amendment is a critically needed step up to us assist these many Iraqis who have put themselves and their families in harm’s way to assist our joint operations in Iraq.”

This is a very important amendment in helping those who were protecting us, and I urge its passage.

I reserve the balance of my time.

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

The Acting CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. HUNTER. Mr. Chairman, first let me express my great respect for the gentleman who is offering this amendment. He does work on the committee and truly has a heart for those who have been impacted by the operations in Afghanistan and Iraq.

On that point, I would say I remember the time we were in Fallujah and a young Marine captain came up to us with some language he had written. In fact, his name was Keviugh Coughlin. He thinks he has traded up. He moved on to the FBI from the committee staff. But we were so impressed with the language he had written to protect translators that we brought him back with us and made him part of the HASC staff. He did leave us a “Dear John” note after he left to go to work for the FBI, but a great young Marine captain. And he felt the same way we had, which is that our translators needed to be protected.

We have a program which protects them. Now, the question here is, are we going to mandate employment for them that’s a big issue.

I think that, first, a lot of these folks have got great initiative. They are happy to be in a free country. If we have a program to help make sure they know of all the job opportunities that are available and perhaps help them with language, make sure that they are connected with folks that are recruiting our people who need those language talents, I think that’s the way to go.

But I think the idea, at least the way I read this thing, that there is mandated employment, I think that is 1645
Mr. GOODE. Mr. Chairman, I too want to salute the gentleman from New York and his work on the Armed Forces Committee, but I must respectfully disagree with this amendment and what I believe is the philosophy behind it.

We need to be encouraging Iraqis to stay in Iraq. Iraq is improving. The situation there is expanding. They need to rebuild Iraq. They need to have a better economy. And by encouraging the best and the brightest to come to this country, we are doing a disservice. We should not be encouraging the Iraqi translators to abandon their country, to leave their country. We should be promoting their staying in Iraq.

If we have jobs programs, I suggest that first, with the mandatory language that exists in this amendment, that we focus on jobs for U.S. citizens. Refugees get food stamps, SSI and Medicaid. That is often more than U.S. citizens get. We should be rolling out the red carpet for our citizens first, instead of adopting programs like this.

Mr. ISRAEL. Mr. Chairman, I would just point out to my good friend from Virginia that these translators did risk their lives to help our troops in Iraq. If they stayed in Iraq, they would in all likelihood be killed. The reason they come here is to escape assassination.

With that, I yield such time as he may consume to the gentleman from Missouri (Mr. SKELTON), the distinguished chairman of the committee.

Mr. SKELTON. Mr. Chairman, I go back to the basics, and that is, read the amendment before you. This amendment asks that the Secretaries jointly establish and operate a temporary program to offer employment as translators, interpreters, et cetera. This is not a mandate in the words at all that the Iraqis must abandon their country, must hire these folks.

The only thing I would object to is the language, and it says: “shall offer employment.” So it clearly says, if I were going to read that as an agency head, I would say that means I must hire these folks.

Again, this committee worked to make sure that they got over here, that they were protected and that their families were protected, and I am glad we did that. I will offer my small offices. We have had jobs fairs at Bethesda and Walter Reed for our returning wounded warriors where we bring people from industry and we bring people from the agencies and we try to get them together with our wounded vets who are returning and help them to match up and get jobs. I would be happy to do the same thing with respect to these interpreters. And, indeed, interpreters have special skills. This should be something that can be done.

The only thing I would object to is the mandated job. We don’t offer that to our veterans. I just think that is a step a little bit too far. But I would be happy to work with the gentleman in terms of helping them to access jobs.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. ISRAEL).

The amendment was agreed to.

The Acting CHAIRMAN. The Committee will rise informally.

The Speaker pro tempore (Mr. BRALEY) assumed the chair.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate having proceeded to reconsider the bill (H.R. 2419), “An Act to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes”, returned by the President of the United States with his objections, to the House, in which it originated, and passed by the House on reconsideration of the same, it was

Resolved, That the said bill pass, two-thirds of the Senators present having voted in the affirmative.

The SPEAKER pro tempore. The Committee will resume its sitting.
The Senate met at 9:30 a.m. and was called to order by the Honorable Mark L. Pryor, a Senator from the State of Arkansas.

The PRESIDING OFFICER. Today’s opening prayer will be offered by our guest Chaplain, Rabbi Stephen Baars, of Aish Hatorah, of North Bethesda, MD.

The guest Chaplain offered the following prayer:

Words are more powerful than medicine, and more painful than daggers.
Words can give courage to soldiers or destroy careers, even lives.

There is a Jewish teaching, that a person is granted so many words in this world, and when he has used them up, so is his time on this good earth.

There is the right word.
Then there is the right word at the right time.
Then there is the right word and the courage to say it to the right people.

May the Almighty, Ruler of this world, fill our hearts and minds with wisdom, truth, and courage to be able to choose the right words, at the right time, with the right person. Amen.

PLEDGE OF ALLEGIANCE

The Honorable Mark L. Pryor led the Pledge of Allegiance, as follows:
I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Byrd).

The assistant legislative clerk read the following letter:


To the Senate:
Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable Mark L. Pryor, a Senator from the State of Arkansas, to perform the duties of the Chair.

Robert C. Byrd, President pro tempore.

Mr. Pryor thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

WELCOMING THE GUEST CHAPLAIN

Mr. Reid. Mr. President, I listened intently to the prayer of the rabbi. I was really concerned during the first part of it because he said you only have so many words and then you are all through. But he went on to better explain that, which we surely appreciate, because we talk a lot around here. And if it is just words only, I think our life expectancy would not be very long. So we appreciate the Rabbi putting all the other conditions on it.

SCHEDULE

Mr. Reid. Mr. President, following leader time, the Senate will resume consideration of the House message to accompany H.R. 2642, the supplemental appropriations bill. There will be 2 hours of debate prior to a series of up to four rollovers in relation to motions to concur in House amendments. It is my understanding the 2-hour time is equally divided between the parties. Is that true?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. Reid. Mr. President, under the direction of Senator Byrd, Senator Murray will allocate the time on this side. I would further tell all Senators, because of the procedural glitch we had with the farm bill, we have not totally worked out what we are going to do on the farm bill yet. I had a conversation with the Speaker. I have spoken to both Parlamentarians—the House and Senate Parlamentarians. I think what we are going to do, as the House has done—I think at this time it is our intention to override the veto of the President. He vetoed 14 of the 15 sections of the farm bill. Through a clerical error, section 3 was left out. As a result of that, section 3 will be sent to us from the House later today, having been passed, and we will see if we can pass that here later today. But we have a good legal precedent going back to a case, I understand, in 1892, when something like this happened before. It is totally constitutional to do what we are planning to do. So no one should be concerned about that.

Also, after we finish the work on the supplemental, we are going to go to, hopefully, the farm bill and the budget and complete all that.

As all Senators know, for a number of personal reasons, not the least of which is the wedding of Senator Dan Inouye on Saturday in Los Angeles, and his best man is Senator Stevens, they are not going to be here tomorrow. So as a result of that and other things, we are going to do our very best to complete work on what we have today, and we should be able to do that.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MILITARY CONSTRUCTION AND VETERANS AFFAIRS APPROPRIATIONS ACT, 2008

The ACTING PRESIDENT pro tempore. Under the previous order, the
But while we are doing that, and we are trying to keep Afghanistan and Iraq safe, we added to this bill money for people here at home. What we did was we added $50 million to the U.S. Marshals’ funds to catch fugitive sex offenders who threaten the safety of our children. We added another $50 million more, which was authorized under the Adam Walsh legislation, the bill to be able to fund the Marshals Service to go after those sexual offenders for whom we know they are, we know where they are and, most important of all, they are loose in our society. It is the Marshals Service that has both the authority and the know-how to do that. If we want to make the streets safe abroad, I certainly want to protect the children of the United States of America against these sexual predators.

Then, we also added, at the request of over 55 Senators, on a bipartisan basis, $490 million for Byrne formula grants for State and local police. We know there is a spike in violent crime all over the United States of America. The best way to fight violent crime is to make sure our local law enforcement has the tools they need to do their job. Therefore, we want the streets of Boston and Baltimore and Daytona to be as safe as we are fighting to make the streets safe in Afghanistan.

We are also working to deal with disaster recovery. In some States there are fishery disasters, such as in the gulf region, and the damage to the Pacific Northwest with its salmon constraints. We have added money to deal with the fisheries disaster. We also added a particular item for Byrne grants for the gulf region to address and deal with violent crime.

We are trying to deal with the fact that our own American citizens are facing disasters that so adversely affect either public safety or their very livelihoods. Therefore, we added $33 million for the Department of Justice, for both the FBI and DEA and the work they need to do in Afghanistan and in Iraq.

Once again, we have underestimated greatly the cost of this war. But we are not going to neglect our duty. This subcommittee provides $23 million to the Drug Enforcement Agency to fight narcotics in Afghanistan, to fight the poppy trade that funds terrorism. Although the cost was underestimated, we are now trying to make sure we are going to do our duty to put those DEA agents next to the Afghan leadership to fight this narcotics war.

Then, at the same time, we are going to have FBI agents in the war zone gathering on terrorism, on dealing with IEDs and some of the forensic issues there, and we have provided money for them to be able to do this. Once again, they underestimated what it would take because there is very important work the FBI needs to do so many of our citizens are dealing with IEDs.
go down because it is not germane. I just wish to say this: It might not be germane, but it is relevant. Maybe it is not technically germane, but it is relevant because we are doing legislation to deal with the supplemental on compelling needs that our people face. That is why I want to get the sexual predators off the street.

I asked for 3 additional minutes. I am about to lose thousands of jobs because of this point of order.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. MIKULSKI. I ask unanimous consent that the handwriting is on the wall, but the handwriting essentially says this: If you go by the rules, you are going to lose out.

The Senator has the right to offer his point of order, but I am just telling my colleagues this: We are losing this battle on the seasonal guest worker program, not because of law but because of ideology, both from the extreme right and because of the left. So when my amendment falls, it is not about Barbara Mikulski’s amendment falling. When that amendment falls, we will hear thousands of jobs falling where we actually had an immigration program that worked and rewarded people who went by the rules. That is it.

So that is the way it is going to be today. I look forward to the votes. I wish to congratulate the Senator for the way she has organized this bill and Senator Bayh for the great job he did.

Mr. President, I yield the floor, but I am pretty worked up today.

The ACTING PRESIDENT pro tempore. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I wish to thank the Senator from Maryland for her passion on behalf of all Americans but particularly those whom she represents in Maryland. She has done an amazing job, and I commend her for that. I hope all of our colleagues listened to her words about what is in this bill because it is extremely important.

This first amendment we will be voting on today—we are going to have some pretty important decisions when we vote shortly because the bill we are debating does more than provide billions of dollars to fund our operations in Iraq and Afghanistan. What this amendment does is provide money for emergencies right here at home in America, including funding to respond to natural disasters and our weakened economy.

Now, as we debate this bill, we are facing a choice: Will we support the domestic funding to help keep our communities strong at home or are we going to simply ignore their needs as we send billions of dollars to Iraq and Afghanistan alone?

President Bush has made his position pretty clear. He said that the only emergencies worth funding in this bill are the wars in Iraq and Afghanistan. He said he is going to veto any legislation that includes one penny over his request of $183.8 billion for the wars.

But people across this country are hurting. Workers are facing unemployment. Our veterans are having to fight their own government for the services they earned, and communities from Maine to New Hampshire to my home State of Washington are struggling to recover from devastating storms.

The domestic funding in this amendment would keep jobs here at home, repair badly damaged roads, care for our veterans, and help our rural communities. I think the President’s veto threat shows exactly how out of touch he is with the needs of our American people.

As chairman of the Appropriations Subcommittee on Transportation, Housing and Urban Development, one of the provisions in this bill that I am most concerned about is highway and bridge construction. Now, it is not that President Bush isn’t concerned about highway construction. This administration actually requested millions of dollars in emergency funding for highway construction in this bill. The problem is, I tell my colleagues, that President Bush’s concern is for highways in Iraq and Afghanistan. In fact, those are the only requests for roads and bridge repairs by the President in this supplemental.

Meanwhile, the Federal Highway Administration is currently sitting on a backlog of applications totaling over half a billion dollars for roads and bridges that have been destroyed by natural disasters right here at home in America. They are still struggling in Louisiana to rebuild roads that were damaged during Hurricane Katrina and the heavy rains of 2006. Texas needs help to rebuild after Hurricane Rita and floods over the last 2 years. Large sections of roads in Maine and New Hampshire were destroyed in floods last spring. In Oregon and in my home State of Washington, we are still fighting to recover from devastating floods that were caused by storms of last December.

Let me give my colleagues an idea of what I am talking about. This photo shows us roadwork that is being done in Afghanistan. Now, in this supplemental appropriations bill, the President requested more than $275 million for construction, repair, and restoration of roads and bridges in Iraq and Afghanistan. The money the President is requesting includes over $300 million for the Commander’s Emergency Response Program for road projects in Iraq and Afghanistan; $50 million for Afghanistan’s Bamiyan-Dowshu Road, as well as another $275 million for other roads in Afghanistan. He is also asking for another $100 million in military construction projects for road projects in Bagram, Afghanistan, and elsewhere. My colleague from New York, the President wants to fund these roads overseas, and yet he is ignoring that 21 States right here are waiting—waiting—for emergency help with roads and bridges that are eligible for Federal aid—roads in Louisiana, Maine, Minnesota, New Hampshire, Oklahoma, Oregon, Texas, and Washington.

Let’s be clear. We are not talking just about fixing potholes.

I ask unanimous consent to have a table which displays all of the States that are waiting for emergency relief printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

**EMERGENCY RELIEF PROGRAM FUND REQUESTS, APRIL 30, 2008**

<table>
<thead>
<tr>
<th>State</th>
<th>Event</th>
<th>Formal requests</th>
<th>Pending requests</th>
<th>Subtotal by State</th>
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</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>AU03-3, August 29, 2005 Hurricane Katrina (addl request)</td>
<td>2,300,000</td>
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<tr>
<td>Alaska</td>
<td>AN05-1, November 2005 Winter Storms (addl request)</td>
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<td>California</td>
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<td></td>
<td>CA05-1, October 3, 2005 La Jolla Slide City of San Diego</td>
<td>17,600,000</td>
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<tr>
<td></td>
<td>CA05-2, October 3, 2005 La Jolla Slide City of San Diego</td>
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<tr>
<td></td>
<td>CA05-3, October 2007 Wildfires</td>
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<td></td>
<td></td>
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<tr>
<td></td>
<td>CA05-4, Mortons Ferry Bridge Disaster</td>
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<td>Kansas</td>
<td>KS07-1, May 4, 2007 Tornado and Flooding</td>
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<td>Minnesota</td>
<td>MN07-2, August 2007 Flooding</td>
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<td>Missouri</td>
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<td></td>
<td>MO07-3, November 27, 2007 Jefferson Street Bridge Fire</td>
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<td>New Hampshire</td>
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</table>
Mrs. MURRAY. Mr. President, in several of those 21 States that are waiting for funds, officially declared natural disasters wiped-out roads and bridges, completely creating obvious safety hazards but also cutting off some of our rural communities and disrupting families and commerce. Here is a picture that gives us an idea of the scope of the problem we face in my home State alone. Sections of roads such as this one in Gifford-Pinchot National Forest were completely destroyed in recent floods.

If the Federal Government doesn’t provide help, these States are going to have to either wait to fix these roads or pay for these emergency repairs by diverting money from their annual highway funds and delaying or canceling critically needed projects. At a time when we know our economy is slipping and gas prices are at an all-time high, our States can’t afford to do this. A State such as Oklahoma would have to spend almost 7 percent of its limited annual highway program to help repair roads that were destroyed during last December. Communities from Southeast Washington were hit by devastating floods last December. Communities from what I say, my home State of Washington was hit by devastating floods last December. Communities from what I say, my home State of Washington was hit by devastating floods last December. Communities from what I say, my home State of Washington was hit by devastating floods last December. Communities from what I say, my home State of Washington was hit by devastating floods last December.

Mr. President, 2007 was an unusually hard year for Oklahoma. The problems that were caused by storms last year were compounded by more storms this past April. As a result, the backlog of highway repairs now waiting for the Federal aid emergency relief program totals $33.5 million. That money is contained in the amendment we will be voting on this morning.

So, as I said, my home State of Washington was hit by devastating floods last December. Communities from what I say, my home State of Washington was hit by devastating floods last December. Communities from what I say, my home State of Washington was hit by devastating floods last December. Communities from what I say, my home State of Washington was hit by devastating floods last December.

The bottom line is that while I understand the problems that inadequate roads pose to our military and the people in Iraq and Afghanistan, we also have urgent needs right here at home for the same kinds of repairs, and we have a responsibility to address those emergencies. The longer we wait, the longer the list of roads waiting for repairs becomes. And those damaged roads hold up our commerce, they keep people from getting to work, and they keep goods from getting to market. That is going to continue to hurt our already strained economy.

Just yesterday, Governor Gregoire in my home State declared an emergency when a highway in Spokane was completely washed out in heavy rains and snowmelt. Our Transportation Department says those repairs will cost $1 million, and it is going to take several days to reopen a single lane of that highway.

When our citizens pay their taxes, they expect their money will go to keep the roads and bridges in their own communities safe and reliable. I think President Bush is profoundly out of touch if he believes our taxpayers would rather spend their money on new roads overseas than on damaged roads in their own communities.

So I hope my colleagues on both sides of the aisle will pay close attention to what is in the emergency relief amendment and that they vote to take care of their own constituents at home while we continue to fund these wars in Iraq and Afghanistan.

Thank you, Mr. President, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, earlier this week I spoke about the need to act expeditiously to consider the supplemental appropriations bill to fund on-going operations in Afghanistan, Iraq, and the global war on terrorism. I don’t know that I could add any more persuasive reasons why we must approve the President’s request for supplemental appropriations.

In a hearing earlier this week before our Appropriations subcommittee, Secretary of Defense Gates testified that the military personnel account that pays the operations and maintenance accounts which fund readiness, training, and the salaries of civilian employees across the Defense Department will run dry over the next few weeks. Secretary Gates can forecast this already depleted funds for the short period of time, but if he does so, it will disrupt ongoing programs that are critical to our operations in theater and to our national defense generally.

Delay in providing funds for our troops has already disrupted operations in Afghanistan and Iraq. Admiral Mullin, the Chairman of the Joint Chiefs of Staff, testified before the Appropriations Defense Subcommittee about a recent visit he had with soldiers on the front lines. Those soldiers told Admiral Mullin that they were unable to allocate additional funds from the Commander’s Emergency Response Program because essentially all the money had been allocated for the quarter. We are two-thirds of the way through the fiscal year, and yet Congress has provided less than one-third of the funds requested for this emergency response program.

Secretary Gates characterizes this initiative as:

The single most effective program to enable commanders to address local populations’ needs and get potential insurgents in Iraq and Afghanistan off the streets and into jobs.

I will not repeat my statement from earlier this week on the urgent need to move this process forward, but it is clear that when Congress finally began to act, it did so using convoluted procedures designed to shut out individual Members in the Senate and in the other body. Yet, this morning, it remains highly uncertain whether an adequate and signable supplemental funding bill will be sent to the President before Memorial Day. There are rumors—conversations—about a short-term, 1-month supplemental being drafted by the majority.

Mr. President, that is really not what we need. It is one thing to extend the aviation bill or the farm bill or other programs for short periods of time while Congress completes its work on long-term legislation, but to begin stringing out our military and our diplomatic corps on a month-by-month
basis during a period of military conflict is a dereliction of our duties. I worry that the Congress is becoming an impediment to the efficiency and the capability of our Government, and to our Department of Defense in particular, in acting to protect the security of our troops who are putting themselves in harm’s way and embarking on dangerous missions or providing for others whom we are trying to train to prepare to take over the responsibilities for national security. We need to get together now.

The time for dragging our feet is long past. We need to find a common ground so that we can provide our men and women in the field with the necessary resources and the support that is necessary to conduct successfully the mission assigned to them by our United States Government. We need to do this without any further delay. I urge my colleagues to do it now.

I yield the floor.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Washington is recognized.

Mrs. MURRAY. Madam President, I yield 5 minutes to the Senator from Louisiana.

Ms. LANDRIEU. Madam President, I rise to speak in support of the supplemental bill that was put together by many Members, actually, on both sides of the aisle, who believe that, yes, we should expedite funding for our troops in the field, but also there are emergencies right here at home, as eloquently described earlier this morning in the remarks of the Senator from Maryland and the Senator from Washington State.

I would like to add some words to their arguments. First of all, I realize there is an emergency and a war and conflict going on in Iraq and international incidents around the world that deserve the attention and support of this body. But there are also emergencies right here at home and imminent and ongoing threats.

This chart basically says it all. It is a frightening chart to me, a depressing chart sometimes and reminds us how vulnerable we all are.

In the United States, we just don’t cry about these things and wring our hands. We do something. We, the States, local and Federal Governments are going to provide the right kind of levees and dams, and we provide the right paradigm or framework for insurance because that is the way we protect ourselves. Hopefully, we have infrastructure that will not fail when they are needed; and then insurance, if it does come, to help people who have lost so much get back on their feet. That is all we can do. It would be good if we would do that.

But if we vote against this bill today, we are not taking the necessary steps to get that done. Again, this is a depressing chart to me. I don’t like to see it, but I put this up in my office to remind myself that this is not just about Katrina and Rita, which we will be marking the anniversary of on August 29th, but it is 3 years—3 years for Rita, two of the most destructive storms to hit the United States. I remind myself that New York is in danger, New Jersey is in danger, and South Carolina and North Carolina are in danger.

2005 created the worst storm season of the century, according to the Senator from Florida.

Briefly, referring to this chart, this is the area that went underwater in New Orleans, this region—New Orleans and Jefferson Parish. Some might say: Why don’t you all just relocate? That would be a very expensive proposition, and impossible, for any number of reasons. One, about 1 million people live in the metropolitan area; two, the mouth of the Mississippi River is something that the people of Mississippi and Louisiana most certainly think is an important asset to the country—so important that Thomas Jefferson, when he was President, leveraged the entire Federal Treasury to purchase it. We put all of our defenses along the river to defend it. You cannot close this river. The people who work on the river and contribute to the assets of the country cannot go live in Arkansas or north Texas or north Mississippi. They need to live close to the coast for all of the important energy that comes.

The city is no longer underwater. The water is long gone, but the tears are still there and the pain is still there, too, with the levees there because the start of the hurricane season is just right around the corner, June 1. We have reports in the paper today that there is some leakage in the same canal that breached and destroyed over 10,000 homes—or more, actually—in the Lakeview area, which is a solid middle-class area.

This is a picture from the Times-Picayune today. In this bill, there is about $7 billion for levees, to finish the construction of the ones that broke—Federal levees that should have held and didn’t. We are in a mad dash to get these levees and this infrastructure rebuilt strongly, correctly, and safely so people can begin to rebuild this city higher, yes, and stronger, yes. But no one living in the middle of a city or urban area should have to go to bed at night and wonder when they wake up if they will be in 8 feet of water or 12 feet.

I am returning herewith without my approval H.R. 2419, the “Food, Conservation, and Energy Act of 2008.”
For a year and a half, I have consistently asked that the Congress pass a good farm bill that I can sign. Regrettably, the Congress has failed to do so. At a time of high food prices and record farm income, this bill lacks program reform and fiscal discipline. It continues the wasteful spending and increases farm bill spending by more than $20 billion, while using budget gimmicks to hide much of the increase. It is inconsistent with our objectives in international trade negotiations, which include securing greater market access for American farmers and ranchers. It would needlessly expand the size and scope of government. Americans sent us to Washington to achieve results and be good stewards of their hard-earned taxpayer dollars. This bill violates that fundamental commitment.

In January 2007, my Administration put forward a fiscally responsible farm bill proposal that would improve the safety net for farmers and move current programs toward more market-oriented policies. The bill before me today fails to achieve these important goals.

At a time when net farm income is projected to increase by more than $28 billion this year, the American taxpayer should not be forced to subsidize that group of farmers who have adjusted gross incomes of up to $1.5 million. When commodity prices are at record highs, it is irresponsible to increase spending on already multi-crops, subsidize additional crops, and provide payments that further distort markets. Instead of better targeting farm programs, this bill eliminates the existing payment limit on marketing loan subsidies.

Now is also not the time to create a new uncapped revenue guarantee that could cost billions of dollars more than advertised. This is on top of a farm bill that is anticipated to cost more than $900 billion over the next 10 years. In addition, this bill would force many businesses to pay their taxes in order to finance the additional spending.

This legislation is also filled with earmarks and other ill-considered provisions. Most notably, H.R. 2419 provides: $175 million to address water issues for desert lakes; $250 million for a 400,000-acre land purchase from a private owner; funding and authority for the noncompetitive sale of National Forests to a ski resort; $15 million earmarked for a specific watershed project. These earmarks, and the expansion of Davis-Bacon Act prevailing wage requirements, have no place in the farm bill. Rural and urban Americans alike are frustrated with excessive government spending and the funneling of taxpayer funds for pet projects. This bill will only add to that frustration.

The bill also contains a wide range of other objectionable provisions, including one that restricts our ability to redirect disaster aid dollars to ensure emergency use at a time of great need globally. The bill does not include the requested authority to buy food in the developing world to save lives. Additionally, provisions in the bill raise serious constitutional concerns. For all the reasons outlined above, I must veto H.R. 2419, and I urge the Congress to extend current law for a year or more.

I veto this bill fully aware that it is rare for a Congress to amend a farm bill not to receive the President’s signature, but my action today is not without precedent. In 1956, President Eisenhower stood firmly on principle, citing high crop subsidies and too much government involvement of farm programs among the reasons for his veto. President Eisenhower wrote in his veto message, “Bad as some provisions of this bill are, I would have signed it if in total it could be interpreted as sound and good for farmers and the nation.” For similar reasons, I am vetoing the bill before me today.

GEORGE W. BUSH

MILITARY CONSTRUCTION AND VETERANS AFFAIRS APPROPRIATIONS ACT, 2008—Continued

Mrs. MURRAY. Madam President, I yield 5 minutes to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. TESTER. Madam President, the Senate has a real opportunity today to do right by our newest veterans who have served us well in Iraq and Afghanistan.

When our troops came home at the end of World War II, our Nation made a choice to make college a reality for millions of them. Nearly 8 million veterans—half of all who served in that war—took advantage of the Montgomery GI bill. They had their college education paid for. Our country made a decision to invest in our warriors’ future as they returned from the battlefields of war. That “education investment” produced broad-based growth and prosperity.

Today, we are great at sending our troops off to war, but we are coming up short in providing the benefits their service has earned. That is shortsighted and wrong.

A very small percentage of Americans actually serve in our Armed Forces, the military, on Active Duty, Reserves, and National Guard. It totals less than 3 million people in a country of 300 million.

So far, 1.6 million troops have served in Iraq and Afghanistan. Tens of thousands more of our troops will rotate in Iraq and Afghanistan. The total cost of $1,200. Now, $100 may not seem much to some folks in Washington, DC, but I guarantee you that to an airman just out of basic and on his or her first tour at a base such as, say, Elmendorf, the $100 is a big deal. The Webb GI bill gets rid of that fee, and it is about time we did so.

Finally, I wish to address one of the complaints about the Webb bill. Some have said the Webb bill will hurt retention, especially in the mid-career officer corps. This is simply untrue. A commissioned officer would have to serve 8 or 9 years before being fully eligible for the new enhanced GI benefit. It is not the GI bill that causes mid-career folks to leave the military. It is 15-month deployments for emergency tours, and stop-loss involuntary deployment extensions, the so-called back-door draft.
So I hope we can get this done today. This bill will cost about $2 billion a year, and that is a little less than we spend in Iraq in 1 week.

Keep in mind that, over a lifetime, the average individual who goes to college earns more than $500,000 more than the average person who does not. This is the right thing to do for our troops, but it is also a good investment in our country’s future, especially at a time when the economy is sputtering, wages are stagnant, and jobs are being lost. So I call upon all of you, to stand by our nation’s warriors and to pass a 21st century GI bill. It is the right thing to do. I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Madam President, I wish to be recognized for 6 minutes because we are going to split the time with my colleagues. Would the Chair let me know when 5 minutes has expired?

The PRESIDING OFFICER. The Chair will notify the Senator.

Mr. GRAHAM. Madam President, three quick points.

The procedure being employed is bad for this country, and my Republican colleague, Senator Cochran from Mississippi, expressed himself very well. If we give in to this, pack and go home. We don’t deserve to be here.

Now, I have a proposal, I say to my good friend, Senator Tester. I have a proposal that does two things. It helps those who leave the military get a better GI benefit. It is right; we need to increase the money we give to people who leave the military to go to college. But the Webb bill, unfortunately, according to CBO, hurts retention. The benefits of $52, $53 billion are all driven to the people who would leave, and the consequence of that is we are going to hurt retention, according to CBO, by 16 percent.

Our approach, Senators McCain, Burr, and many of you here, is to do two things: Increase the benefit for those who leave but entice people to stay and reward those who will make a career of the military at a time when we need a career force because we don’t draft people anymore.

This is not World War II, this is not Vietnam; this is a global struggle being fought by a few, and we need to do two things: Reward those who serve and decide to go back into civilian life, and tell those families and military members who will stay on for a career, God bless you, we are going to treat you differently than we have ever treated you before. We are going to give you a benefit you have never had before. You are not only going to be able to retire, but you are going to be able to send your kids to college without using a dime of your retirement pay.

But under this procedure, we can’t even talk about this. To my Republican colleagues who denied me a chance to come on because of you, I have never done that to you all. Now, if there is some project in this bill that means that much to you that you are going to throw the rest of us over, we don’t need to be here.

As to the war and the funding, Senator Reid said on April 20, 2007: "This war is lost. The surge has not accomplished anything, as indicated by the extreme violence in Iraq yesterday."

April 20, 2007. April 13, 2007: "Reid said he plans to continue an aggressive path for early withdrawal from Iraq and does not particularly care if the Republicans are trying to paint that position as a lack of support for U.S. troops because we are going to pick up Senate seats as a result of this war."

SCHUMER, April 25, 2007: "The war in Iraq is a lead weight attached to their ankles, Schumer warned, predicting that Congress will pick up additional Republican votes for Democratic initiatives as the 2008 elections approach. We will break their backs because they are looking extinction in the eye. Schumer declared, making no attempt to hide his glee."

Come down to the floor today and stand by those statements. It is not about the Republicans winning or losing seats, it is about this Nation being able to be safer. It is about winning in Iraq, not being a stakeholder in our defeat. It has never been about the next election to me, it has been about standing behind moderate forces in Iraq that will fight al-Qaida. Well over a year later, we have evidence now from the surge, with better security, that Muslims in Iraq have taken up arms, stood by us, and are giving al-Qaida a punishing blow. Reconciliation, political economic reconciliation in Iraq is beginning to bear fruit because of better security and Iranian desires to dominate that country, to kill Americans, and split Iraq. They are losing. We are killing special groups from Iran by the droves.

So I hope this President, President Bush, will veto this bill, if that is what it will take.

The PRESIDING OFFICER. The Senator has consumed 5 minutes.

Mr. GRAHAM. I thank the Chair.

Senator Webb has just come to tell President Bush’s concerns for the troops to see if he will sign the Webb bill. To President Bush: Do not sign this bill. It will hurt retention.

We can all come together to help those who serve and leave the military and give them a benefit better than they have today because they deserve it, but we should be working together for the common good to retain a career force that is going to fight this war and the war of the future.

The people who put the Webb bill together had no idea what they were doing when it came to retention. They didn’t even think about retention, Senator O’Keefe said: "You if people leave, you will get some more. The heart and soul of any military is that career NCO officer, and we need to retain them, tell them their service is valuable, and help them stay around. We need to help them get to their ankles, Schumer warned, predicting, that Congress will pick up additional Republican votes for Democratic initiatives as the 2008 elections approach."

Procedurally, the only tool we have is to say we are not going to vote for it or we are going to stand with the President and uphold his veto and bring the majority back to the table to present a process that allows us to debate the differences between the two competing views. I believe it is worth it for us to talk about the education of our veterans.

I believe there are parts of the Webb bill that are very well done, and there are parts of the Graham bill that are extremely beneficial to our soldiers. We will never get that opportunity unless we are bold enough in this body to stand up and say this process absolutely stinks and we are not going to stand for it.

The politics of it Senator Graham pointed out very well. There are some who believe the politics of the next election trump whether this bill is right or whether the process is fair. I don’t believe politics should play a part.
in this. I only wish those who have expressed such concern about this education benefit would help me fix K-through-12 education, where last year 70 percent of the high school students in this country graduated on time, and 30 percent of our kids do not have the tools needed to prepare for a job. But we are more passionate about making sure we don’t even create a choice on education for our veterans. They have no voice in this. This dictates what their benefit is going to be in the future. I think we have a right to come down and debate the merits of two proposals but not under the structure we have been given today.

The politics of this have gotten ugly. This week an ad was run that showed a veteran who had been injured in battle, a service-connected injury, and it said unless you support the Webb bill, there is no education benefit for this injured vet. Well, let me say today that is a lie. It is factually challenged. Any servicemember who has a service-connected injury has 100 percent coverage for their education benefit today without us doing one thing. It is called the Vocational Rehabilitation Program within the Veterans Administration. It covers their tuition, public and private. Harvard or North Carolina at Chapel Hill. It doesn’t matter if it is a State or private school. It covers their room, their board, and their tuition. It will even pay for somebody to work with them on their resume enhancements, on internships.

Every person with a service-connected disabling is covered under vocational rehab. To suggest in an ad that they are left behind if the Webb bill is not passed is absolutely the most disingenuous thing I have ever seen. From a policy standpoint, do our veterans deserve the ability to determine whether the GI benefit they have qualified for is, in fact, transferable to a child? Well, what we are saying today is that we have to give our veterans a right to that. That is our benefit. We dictate in legislation how you use it. We are not going to have a debate on whether transferability, whether a servicemember who qualifies for an education benefit should have the right. Their decision.

The PRESIDING OFFICER. The Senator has consumed 5 minutes.

Mr. BURR. I thank the Presiding Officer.

Should it be their decision to decide whether a spouse or family member, who has sacrificed so much, is going to be the recipient of a benefit or whether they are going to let it expire because they have the education they need? Well, not having the debate, we are not going to have an option to sell to our colleagues, to sell to veterans, to sell to the American people why veterans deserve more than what the Webb bill offers. We have only valued it on dollars, on numbers.

From a policy standpoint, this creates a tremendous inequity between States because the benefit is actually determined by where a veteran actually chooses to go to school, not by where they live or where they came from. It is not equal for every veteran. Some will get more, some will get less, and the unintended consequences are that States will look at that subsidized higher education today and say: Why should we subsidize it in the future, we get cheated when the Government pays us.

We know who will pay for that: All the kids who go to school. All the kids in the future who are not connected to the military, when they go in to make their tuition payment, are going to be the ones who pay the brunt of this situation.

There is only one way to stop this, and that is to make sure we uphold the President’s veto. We are not going to defeat the legislation to move forward, but we have to uphold the President’s veto if, in fact, we want to bring this legislation back to the Senate floor, have a real debate about the differences in the legislation, a real debate about what is important to our vets, who continue to serve. We need to make the security we need in this country in an all-volunteer Army.

I am convinced that our colleagues understand the importance procedurally of making sure this comes back to the Senate in a fashion that we can actually have a real debate about creating a choice between something and something versus the setup today, which is something and nothing.

I yield the floor.

The PRESIDING OFFICER (Mr. TESTER). The Senator from Texas.

Mr. CORNYN. Mr. President, I congratulate the Senator from North Carolina and the Senator from South Carolina for their leadership, but I also wish to congratulate Senator WEBB, the Senator from Virginia. I do believe that all of these Senators, and those of us who are in the Armed Forces, are operating with the best of intentions, and that is how do we modernize the GI bill that helped provide my father an education after he left the Air Force after World War II? How do we modernize the GI bill and provide the maximum benefit we can but also make sure it provides for benefits to military families by allowing for transferability to spouses and children under some circumstances? And, I would think, fundamentally to our national security, how do we preserve and protect the All-Volunteer military force?

I know it is not his intention, but Senator WEBB’s bill actually would encourage people not to reenlist by providing an incentive to leave early in order to obtain the benefits they would receive after 3 years of service. We need to make sure we encourage continuation of service, retention in the military in the best interests of our All-Volunteer military force.

To me, it is ironic—I remember the Senator from Virginia had an amend-
Mr. CORNYN. Unless we act promptly, we are going to find out our troops are not going to get their paychecks, and the services that are available for our military families are going to be denied unless Congress acts. So why would we engage in this kind of delay?

I find that the President's emergency bill does provide for the full cost of a 4-year public school education in my State of Texas, which costs roughly $55,000 a year. This bill provides $568,000 a year worth of benefits and added to items such as the GI Bill and the Webb-Hagel Act, which allows tuition forgiveness, is a good benefit and one certainly deserved by the veterans who take advantage of their GI benefits in my home State, and I am proud to support them.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the following amendments be printed in the Record:

The amendment includes $180 million for Byrne Grant Program to provide critical funding to local law enforcement, and this funding is crucial. Unless we restore the Byrne funding for fiscal year 2008, local law enforcement operations will be severely cut back—set back, even—if we provide the funds in 2009.

In my State of Iowa, over half of all the drug task forces will be forced to shut down unless these cuts are restored. Mr. President, 15 out of 21 regional drug task forces have been eliminated. That is just my State. Think about your State. It is going to devastate our law enforcement activities to fight drugs and crime. Law enforcement has made it clear that once these programs are stopped, they are very hard to start again. It is hard to hire back trained and experienced law enforcement, hard to restart a wiretap, for example, to reconnect with lost witnesses. So the Byrne Grant Program is absolutely essential. But there are other things we need to do with supporting our troops in harm’s way.

Mr. KOHL. Mr. President, the pending amendment includes several provisions within my jurisdiction as chairman of the Agriculture Subcommittee. Under the current unanimous consent agreement, these provisions will be stripped from the bill if we fail to get 60 votes. So I want my colleagues to know exactly what they are voting against if they oppose this amendment.

The amendment includes $180 million to support American communities and families in most States recover from recent natural disasters, including floods and tornadoes. Already this year, we witnessed a new record of tornado touchdowns, and flooding in the South, Midwest, Pacific Northwest, and other parts of the country has been devastating. If these funds are dropped from the bill, then we are asking for even greater destruction when other storms events strike later this year.

The amendment also includes $275 million for the Food and Drug Administration. I know this is important to the senior Senator from Pennsylvania, and I suspect it is also a priority for
other Members as well. The FDA needs to get its house in order on food and drug safety, and these funds are targeted to do just that. FDA Commissioner Von Eschenbach called me himself to stress the need for this funding. Finally, I wish to talk about food aid. For Public Law 480, this amendment provides an additional $500 million over the President’s request in the current fiscal year. These additional resources will compensate for skyrocketing food and transportation costs that no one in the Administration seems to be acknowledging.

I have written two letters in recent weeks, one to the President of the United States and another to the Secretary of State, urging them to support these additional resources. I am still waiting for a response. I am troubled by their silence. I ask unanimous consent these two letters be printed in the Record.

There being no objection, the matter was ordered to be printed in the Record, as follows:


Mr. KOHL. Mr. President, Public Law 48 provides our Nation’s response to hunger and malnutrition around the globe. By all accounts we are facing a humanitarian crisis ahead. For the first time in years, UNICEF estimates that 6 million Ethiopian children under the age of 5 are at risk of malnutrition and that more than 120,000 have only about a month to live—that is a chilling and disturbing thought; 120,000 children in Ethiopia have only a month to live— and we know this tide is coming. Our moral responsibility, I believe, is clear.

There are other critical situations around the globe. The Secretary General of the United Nations is in Burma today, surveying the crisis at hand. These additional resources are needed now and not just for places that are making headlines.

Each of the provisions I described—the food aid, the food and drug safety money, the food aid money—cover legitimate needs that deserve to be addressed. They are not pork, they are not excessive, they are rational responses to critical problems. If we fail to address them in this bill, we have done a disservice to the public.

I urge my colleagues to weigh these items carefully as they consider their support for the pending amendment.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mrs. LINCOLN. Mr. President, I come to the floor today to voice my support as well to the supplemental appropriations bill before the Senate today. I commend Chairman BYRD and all the hard-working members of the Appropriations Committee for the good work they have done. It reflects the sacrifices they have made for each one of us.

I appreciate the leadership exhibited by Senators Webb and Hagel, Lautenberg and Warner, and others who have made food aid a priority.

One provision included in the GI bill will ensure that our citizen soldiers, our National Guard and Reserve serving multiple deployments abroad, will accrue additional education benefits similar to those Active-Duty troops receive when they are deployed.

I have fought for this equity because guardsmen and reservists who serve multiple tours of duty do not receive one extra penny of educational benefits for their added service. These benefits are based on the single longest deployment. Passage of this bill will make that change, and it will make it possible for those Guard and Reserve to accrue their educational benefits.

Another important piece of this bill is the domestic investment it makes. There are dollars for VA polytrauma centers, rural schools, and law enforcement that need immediate attention. It also includes funding under the Adam Walsh Act to track and prosecute sex offenders and those who would do harm to our children.

In addition, this bill provides vital resources to help in recovery efforts from all kinds of disasters, from Hurricane Katrina and Rita and other natural disasters such as the string of tornadoes and flooding that hit my State earlier this year. Arkansas has suffered a series of natural disasters this year unlike any I have seen in my lifetime. It has left 60 of our 75 counties in our State in need of Federal disaster assistance. Wave after wave of storms has rocked the residents of Arkansas and left many of them shocked by the disaster. It started on February 5, when a band of tornadoes created a path of destruction that stretched 12 counties in Arkansas, killing 13 people and injuring 135—the deadliest storm in nearly 10 years.

A little more than a month later, heavy storms hit Arkansas once again, this time bringing rain, floods, and devastation that we have not seen the likes of in 90 years. Thirty-five Arkansas counties were declared disaster areas from that storm.

Again, on April 3, another set of tornadoes hit central Arkansas. Although not as deadly as the February tornados, four twisters touched down in a five-county area, including some of the
The citizens of Arkansas and in our communities all across this Nation have suffered much at the hands of Mother Nature. We are asking our colleagues to work with us to ensure that the things we could not predict, the things we could not prepare for, could be taken care of for those brave Americans in our great state. The PRESIDING OFFICER. Under the previous order, the Senator from New York is recognized for 5 minutes. Mr. President, Senator WEBB, I certainly add my support to the very passionate appeal of my friend from Arkansas on behalf of that wonderful State. I remember very well all the difficult storms and floods that too frequently impact Arkansas. I hope our colleagues will support the request for disaster assistance.

I rise to support strongly the GI bill that has been proposed in the Senate. I thank Senator Weinh for his hard work on this unique legislation, as well as Senator Lautenberg, Senator Warner, and Senator Hagel—each one a veteran who understands, deeply and personally, the importance of honoring the service and sacrifice of our men and women in uniform.

I am proud to be a cosponsor of this legislation. It is in the spirit of the original GI bill of rights to provide every American who has served honorably with real help to go to college, to earn a degree, to end his or her military service with a new beginning in civilian life.

After 36 months of Active-Duty service, a veteran’s tuition and fees for any in-State public college would be fully covered. We provide a stipend for books and supplies and a housing allowance based on actual housing costs in the area. The benefit would apply fully to members of the National Guard and Reserve who have served on Active Duty, and all Active-Duty servicemembers would be entitled to a portion of the benefit based on the length of their Active-Duty service.

That is not leadership and it is not the real test is whether we act to support our troops and our veterans—before, during, and long after deployment.

I have proposed my own GI bill of rights to build on this legislation with opportunities to secure a mortgage, to start a small business or expand it with an affordable loan. As a member of the Senate Armed Services Committee, I am proud to support our troops and veterans, improving health care for the National Guard and reservists, providing our servicemembers with the equipment and supplies they need to improve treatment and care at our military and veterans hospitals.

The original GI bill was proposed 2½ years after the attack on Pearl Harbor and, more than a year before the war ended, President Roosevelt signed that bill into law. Eight million veterans participated, improving their skills or education. At the peak in 1947, veterans accounted for nearly half of all college admissions. That is the way we should be honoring the service of those who served us. This is our moment to provide each and every veteran the opportunity to realize their version of the American dream—the dream they have fought to defend.

It is time we started acting as Americans again. We are all in this together. Let’s send this legislation to the President and let’s serve the men and women who served us.

Thank you, Mr. President.

The PRESIDING OFFICER. Under the previous order the Senator from Louisiana has 5 minutes.

Mr. VITTER. Mr. President, I rise in strong support of legislation I introduced that will provide emergency funding bill for the recovery of New Orleans and the Gulf Coast. The bill will be voted on in about 35 minutes. The reason I do so is because it is absolutely essential to deliver the help the President has committed—that the Nation has committed—to our continuing recovery in Louisiana.

First, let me begin by thanking all my colleagues and, perhaps even more importantly, the American people, the American taxpayer, for an unprecedented outpouring of support for our recovery. Thank you, New Orleans, Katrina, and Rita, a devastating one-two punch, were unprecedented disasters, the biggest natural disasters—particularly when put together—that the country has ever faced. Still, it is very significant, very important to acknowledge that the American people have also stepped to the plate and made an unprecedented response. The people of Louisiana are deeply grateful.

The provisions in this bill are an essential part of that commitment and that response. Very soon after Hurricane Katrina, I sat in Jackson Square, in the middle of the French Quarter, and heard the President deliver his live address to the Nation from Jackson Square, right in front of St. Louis Cathedral. It was a strange, eerie night because New Orleans had not yet recovered, in significant ways, from the storm. It was only a few weeks since Hurricane Katrina. The whole French Quarter was dark—no electricity. The only light, lighting a small portion of that part of the world, was from light trucks sent in so the President could speak from that historic point to the American people.

The President made a clear and a firm commitment to the full recovery of our region. I thank him for that. I thank him for that today.

A big part of that commitment, of course was the strong, meaningful hurricane and flood protection for southeast Louisiana, building at a minimum a 100-year level of protection and building it quickly enough to sustain a storm that you might expect to see only once every 100 years.

Again, I thank the President for that commitment. I thank the American people for that commitment. But this funding in this bill passed now is absolutely essential to keep that commitment.

The Corps of Engineers itself says, if they do not have this money by October 1, they will slip from their schedule and that rebuilding and that level of protection for southeast Louisiana will not be here in the time that we came for the hurricane season of 2011. We cannot allow that schedule to slip. We cannot allow that solemn commitment of the President not to be fulfilled in a real and a timely manner. That is why these funds in this emergency funding bill are so essential.

I know many of my friends who have fiscal concerns, as I do in general have concerns about this bill. I would simply say with regard to these funds for our recovery, only every 100 years has 95 percent of these moneys. The President himself has asked that those monies be emergency spending. So this is hardly some Christmas tree on which we are trying to put ornaments for needs that are not there, that the President has not requested. At least 95 percent of this recovery package is what the President himself has explicitly requested and even requested be made emergency funding.

Let’s follow through on that solemn commitment of the President, of the Congress, of the American people, and let’s be sure to do it in a timely way so this enormously important protection...
system is built in time for the hurricane season of 2011. This is very important to our recovery.

Besides levees and hurricane protection, it also addresses, in a small but important way, hospital needs, criminal justice needs, and locating benefits from the MRGO so that hurricane high-water can finally be closed and we do not have a repeat of the devastation it helped cause in eastern New Orleans and St. Bernard Parish. Again, this is our opportunity to do this this year in a timely way.

I yield back any remaining time.

The PRESIDING OFFICER. The Senator from Washington State.

Mrs. MURRAY. I yield 5 minutes to the Senator from Illinois.

Mr. DURBIN. Mr. President, I thank the Senator from Washington for her leadership and especially to Senator BYRD from West Virginia, the Chairman of the Senate Appropriations Committee.

What we are considering on the floor of the Senate is not normal business, this is emergency spending. President Bush has come to Congress and said: We have an emergency in Iraq. Set aside whatever you are doing and deal with this emergency. He said: We are not going to pay for this. It is such an emergency, we are going to add it to the debt of America—not the first time President Bush has come to us and asked for that. In the 5 years plus of this ongoing war, President Bush has now asked us for $660 billion to be spent on the war in Iraq and the reconstruction of that country, $660 billion. This administration says is such an emergency that we do not pay for it, we are not going to pay for it. It is a way to leave the debt of America and leave it to our kids and grandchildren.

Well, some of us believe that, first, Iraq has a responsibility to pay its own bills; this country has a surplus, Iraq, with all of its oil, has a surplus of almost $30 billion. Why in the world are we taking billions of dollars out of our Treasury, the hard-earned paychecks of American families at a moment when we are facing a recession to send over $660 billion to pay for our emergency?

Why would not the Iraqis spend their own money from their own oil first? That is going to be part of this in a timely way.

I respectfully again thank all of my colleagues for their support in our recovery and ask them to support this essential step in meeting the President’s commitment, meeting these needs in a timely way.

I yield back any remaining time.

The PRESIDING OFFICER. The Senator from West Virginia, the Chair.

Mr. WEBB, with this GI bill asks the basic question: Will you honor these soldiers when they come home? Will you respect the education they need to go on with their lives or will they join the ranks of the unemployed after serving our country? We know a GI bill works. It worked after World War II. Millions of returning veterans, women and men, had an opportunity to go to college, and America enjoyed the greatest prosperity in our modern history because we put an investment in people in our future.

Jim Webb, with this bipartisan amendment, does exactly the same thing. I tell my friends on the Republican side of the aisle, do not tell me how much you love the soldiers if you will not stand behind them when they come home. Much has been said about how much you honor our military if you will not honor them and their families by giving them a chance at a quality education.

Voting “no” on this GI bill will be remembered across America not only by soldiers but by many others. And that is not all. In this bill there is $437 million for VA polytrauma centers. Do you know why we need them? Because of traumatic brain injuries, post-traumatic stress disorders, amputations. Our VA was not ready for this, all of these thousands of returning veterans with all of their problems. We put the money in to rebuild the VA so they can respond and help those veterans. It also provides money for our communities and towns. In the city of Chicago, which I am proud to represent, we have had a painful year of gang violence. Over 20 schoolchildren have been killed outside of Chicago public schools by gang warfare.

We put money in this bill, $490 million, to give to police forces around America to fight the drug gangs, to fight the violence, to bring peace to our neighborhoods. I want peace in Baghdad, but I want peace in Chicago as well. We can spend some money on America if we can find $180 billion to spend in Iraq.

We also provide money for the Americans who are out of work. We are facing a recession. We have millions of Americans who cannot find a job. This bill provides them an extension of unemployment insurance so they can keep their families together. Is there a higher priority? Is there a higher family value? Let me also tell you, this bill provides assistance which is essential for health care for the poorest people in America; families who are struggling to get by, many of them going to work with no health insurance whatsoever. This bill provides assistance through Medicaid and Medicare. So if you believe a strong America begins at home, if you believe we have to honor our soldiers not only when they are at war but when they come home, then you have only one vote that can be cast. It is a “yes” vote for the pending amendment.

Mr. LEVIN, Mr. President, I speak today to lend my support to S. 22, the Post-9/11 Veterans Educational Assistance Act of 2008. S. 22 establishes a new GI bill for our servicemembers who have served after 9/11 and represents a comprehensive readjustment benefit for our brave men and women, one they richly deserve, just as members of an earlier generation benefited from a GI bill following World War II, with a huge gain for our Nation from the more educated work force and leaders that resulted.

Senators WEBB, HAGEL, and WARNER have talked at length about the virtues, and need, for this landmark legislation. I want to speak today on the impact on retention, the transferability provisions recently added, and recruiting.

As has been said about the effect on retention this legislation may have. Some are afraid servicemembers may leave the military in unacceptable numbers in order to take advantage of these benefits.

We need to focus on retention is clear. The military we have today is vastly different from the military we had in 1945. Since 1973 we have enjoyed the benefits of the All-Volunteer Force. Rather than drafting servicemembers, we encourage them to join. Over the past 35 years of the All-Volunteer Force, we have seen military basic pay rise significantly. As an employer, the military departments are competing with the private sector. This has led to the provision of increased bonuses, special and incentive pays. In analyzing the impact of S. 22 on retention and recruiting costs, the CBO recently estimated that the Department would have to spend $6.7 billion over the next 5 years in additional retention bonuses to maintain retention at current levels, to a large extent offset by a $5.6 billion savings in recruitment bonuses and other recruitment costs.

The challenge then is to provide a comprehensive reform of readjustment educational benefits while ensuring the continued viability of the All-Volunteer Force. These are and must be the twin goals of any legislation. I think this legislation achieves these goals.

This legislation retains and supplements retention incentives. In the first place, S. 22 retains the system of “kickers” in additional incentives that exists under the current GI bill. Under this program, the services may provide an additional $850 per month of educational benefits to personnel with critical military skills or to retain any individual in a critical unit. For someone who qualifies for the full
36 months of educational benefits, that comes out to an additional $34,000, a significant retention incentive. Moreover, under this program, servicemembers who serve for at least 5 consecutive years on Active Duty may receive an additional $900 per month of educational benefit. Over 36 months, that comes to over $10,000. That is also a significant retention incentive.

Our bill goes further in terms of retention. The GI Bill has been amended to add a pilot program to provide transferability of education benefits. The CBO cost estimate I mentioned earlier did not consider this additional retention tool.

I have long been a supporter of the transferability of GI bill benefits. There is an old maxim in the military that while you recruit the servicemember, you retain the family. These transferability provisions provide additional incentive for servicemembers to stay on Active Duty by tying continued service to varying levels of transferability of the benefit to immediate family members with 100 percent transferability coming after the 12th year. The servicemember has served 10 years. Ten years is an important milestone. Once a service member hits midcareer, the military retirement benefit, an extremely generous benefit that is collective immediately upon hitting 20 years of service, becomes the strongest retention incentive. Getting servicemembers to midcareer is critical, and this transferability provision will help do that.

Not only does transferability help to address the retention issue, it is the right thing to do. This war has been fought not just by our brave servicemembers but by their families as well. Children may have missed one or both parents for as much as 4 years out of the past 5 or 6. That is a steep toll to pay. But by providing transferability, we can help ensure a quality education for a spouse or child of a servicemember who has served so bravely since 9/11. This bill amplifies this bill stronger and addresses a concern that has been raised against its provisions.

This legislation should actually incentivize recruiting. What better promise can we make to a recruit or his parents than the promise that we will provide a more fully funded college education after fulfillment of the Active Duty commitment? Many in this body have raised the issue of recruiting—whether the Army in particular is granting too many waivers in order to meet recruiting goals. This legislation will help significantly in this regard. You have to recruit people before you can retain them, and this legislation will help to do that.

Regarding recruiting, I want to make another point that I do not believe has been raised, and that is on the subject of the “influencers.” As many in this body know, support for military service among the influencers, including coaches, teachers, and school counselors, of the 17- and 18-year-olds who are our prime recruiting-age demographic, is critically important. Aside from the immediate benefits of this legislation, my hope is that over time military service becomes in the minds of these influencers synonymous with a quality education. After you serve us, we will serve you. We will pay for your college education.

What better way to influence the influencers than this? As we know, the costs of education continue to soar. In these difficult economic times, paying for a college education is at the top of many parents’ list of worries, a list that is already too long. We have read the stories of returning veterans having to work at night so that they can attend school during the day—even with their current GI bill benefits. I believe this bill will go a long way to increasing the support for military service in the eyes of society, the people who influence our youth’s choice of career.

Finally, this readjustment benefit is an investment in our future as a nation. Indeed, seven members of this body were educated on the post-World War II GI Bill. As an editorial from last week’s LA Times observed:

College is the essential ticket to upward mobility, and who more deserves a chance at that than the young men who volunteered for military service in wartime? The post-World War II experience shows that educating them is good public policy... First, it would boost military morale and the quality of recruits—even though the military worries that it could hurt retention. Second, the investment in education is like a gift to veterans join the workforce at higher pay rates. The brave men and women of our Armed Forces today will produce many future leaders of this Nation, and we must do everything possible to assist our servicemembers, and their families, in the transition back into civilian life, to provide the tools that allow them to thrive and prosper in their postservice lives, and to become the next generation of leaders that this Nation needs them to be.

I thank Senator WEBB for his dogged pursuit of this legislation from his very first days in office. It will help our servicemembers and their families for generations to come.

Mr. AKAKA. Mr. President, the junior Senator from Virginia and I have worked together closely on his proposal for a new GI Bill since he introduced it in January 2007. I was delighted to be able to join him as a sponsor of S. 22. I deeply appreciate his very strong—and very personal—commitment to it.

Now it is time to give those young service members who are stepping forward voluntarily—putting themselves in harm’s way—an opportunity for quality educational assistance. We must make good on our promise of an education in return for serving honorably in our military. Mr. President, the time has come for a new GI bill for the 21st century. I believe that it should be promptly signed into law.

Today, I extend my personal pledge to Senator WEBB and all who support a revitalized GI bill. If bill is vetoed and Congress fails to override the veto, I will bring Senator WEBB’s New GI bill before the Veterans’ Affairs Committee. Every American household—influencers—will go to Medicaid in the coming years. Medicare and Medicaid cost the American taxpayers a combined $770 billion in 2007; Medicare costing $432 billion and Medicaid $338 billion. In 2007, the Federal Government’s share of Medicaid expenditures was $402 billion by 2017. Medicare expenditures alone account for 3.2 percent of GDP. The next 75 years these expenditures are expected to explode to almost 11 percent of GDP. Every service member who is stepping forward voluntarily and putting themselves in harm’s way, an opportunity for quality educational assistance. We must make good on our promise of an education in return for serving honorably in our military. I am committed to seeing this legislation become law.

Mr. COBURN. Mr. President, Medicare and Medicaid cost the American taxpayers a combined $770 billion in 2007; Medicare costing $432 billion and Medicaid $338 billion. In 2007, the Federal Government’s share of Medicaid expenditures was $402 billion by 2017. Medicare expenditures alone account for 3.2 percent of GDP. Over the next 75 years these expenditures are expected to explode to almost 11 percent of GDP. Every service member who is stepping forward voluntarily and putting themselves in harm’s way, an opportunity for quality educational assistance. We must make good on our promise of an education in return for serving honorably in our military. I am committed to seeing this legislation become law.
The Government Accountability Office, GAO, put Medicaid on its “high risk” report a few years back because of questionable financing and the lack of accountability.

According to the Wall Street Journal:

The GAO and other federal inspectors argue that “creative financing schemes” have sprung up in Medicaid, which in 2000, it tried to stop the abuses in upper payment limits, though it failed to close them completely.

These abuses have been going on for a long time. The GAO and the OIG have been issuing audits and reports on the abuses for years.

Problems with the regulations themselves warrant a conversation not a moratorium. There have been very few substantive policy disagreements with the administration’s regulations. The Finance Committee hasn’t engaged the administration on specific problems with the regulations. There have been no hearings over the last 6-month delay. The only “hearing” that has occurred is the parade of Governors and providers pleading to not turn off the funding.

The right word for this is fraud. A corporation caught in this kind of self-dealing—faking payments to extract billions, then laundering the money—would be indicted. In fact, a new industry of contingency-fee consultants has sprung up to help states find abuse estimated that as much as 40 percent $18 billion of New York’s Medicaid budget was inappropriate. New York spent $300 million of its Medicaid money on transportation.

In 1991, Congress cracked down on loopholes in Medicaid payments. Medicaid regulations by CMS are efforts to provide clear guidance in critical areas where there have been well-documented problems and result from years of work on the part of CMS and myriad reports by the GAO and the Office of the Inspector General, OIG, at the Department of Health and Human Services, HHS.

When CMS doesn’t know how a State is billing for a service and States don’t have clear guidance for how they should reimburse Medicaid beneficiaries nor the taxpayers are well served. The Medicaid regulations fix that problem.

According to the Congressional Budget Office, CBO, the regulations would save the Medicaid Program $17.8 billion over 5 years and $42.2 billion over 10 years by eliminating wasteful and fraudulent Federal payments to the program.

The Federal Government will spend $1 trillion over the next 5 years on Medicaid, so the regulations save only about 1 percent of Federal spending on Medicaid. If Congress is afraid of taking on these very modest changes to Medicaid, does it really have the will to take on the special interests that is necessary to truly address entitlement reform?

The very purpose of these regulations is to build accountability into the Medicaid program that is long overdue. The proposed delay is a budgetary gimmick to avoid paying for the real costs of delaying the Medicaid regulations.

CBO estimates that delaying the rules until April 1, 2009 would cost $1.65 billion. However, the rules were withdrawn or permanently delayed—as it is likely they would be under the next administration—the CBO estimates a 5-year year cost of $17.8 billion and a 10-year cost of $42.2 billion. Even if the regulations were delayed, a war supplemental is the wrong place to include Medicaid policy changes. The war supplemental is given expedited consideration procedures because funding our troops is an urgent matter. The Medicaid regulations have been considered for years, and Congress has already put one 6-month delay on them. This isn’t a new or urgent issue that justifies inclusion in a war supplemental.

If Congress wants to truly address entitlement reform, it would be effective and many States would get to keep the money. Instead of blaming the Bush administration Congress needs to decide for itself how it will address waste, fraud, and abuse in the Medicaid Program. Congress has needed to make the decision whether it will đánh with their State Medicaid directors and Governors or whether it will safeguard taxpayer dollars.

States have had their turn and demonstrated that they will take advantage of loopholes, ambiguities, and lack of clarity. Congress is the one ultimately responsible for these programs. Congress is elected to set policy and fund priorities.

By imposing another moratorium, Congress is failing to live up to its responsibilities. Congress is running away from them. Congress has closed its eyes and ears to the abuses that have been going on. By stopping the regulations from going into effect, Congress is simply giving more sugar to a diabetic. It may feel good for a moment, but it is not good in the long run. Congress doesn’t really need another year to deal with these issues.

The rule to impose a cost limit on provider payments—CMS 2258—is commonsense and good government. The cost rule saves $9 billion over five years and $22 billion over 10 years by ending creative State financing schemes. First, it requires that providers, like hospitals and nursing homes and physicians, receive and retain the total computable amount of their Medicaid payments for the services they provided. Why would Congress object to that? It seems simple that if you provided a service, you should get to keep the money.

During the 1980s, States figured out creative ways to pay their obligations to providers. That was wrong and unfair. Each time Congress stopped one financing practice, a new financing scheme popped up. In 1991, Congress cracked down on loopholes in provider taxes. States opened up new loopholes. In 1997, Congress cracked down on abuses in the disproportionate share hospital, DSH, payments program. In 2000, it tried to close the abuses in upper payment limits, though it failed to close them completely.

In 2003, the Bush administration put new emphasis on ending these schemes through the State plan amendment review process. This strategy proved to be effective and many States ended their “recycling” arrangements. But some States complained to Congress.

In July 2004, Senator Baucus wrote the Administrator of Medicaid:

As you know, and as I indicated to you in those conversations, I feel strongly that any new CMS policy on intergovernmental transfers (IGTs) must be implemented in a manner that is transparent, that is applied equally to all states, and that responsibly takes into account the potentially serious financial consequences of eliminating a source of state funding on which some states have a longstanding reliance. Based on my understanding of current law and practice, with respect to IGTs, and in promoting public confidence in government decision-making judgment that a rulemaking or legislative process is warranted in these circumstances. Allow you to develop rules or a legislative proposal as soon as possible on this issue.
The current chairman of the Finance Committee requested Medicaid regulations nearly 4 years ago. The administration has responded to that request by promulgating regulations. As soon as the regulations left the desk of the CMS Administrator, Congress blocked them from taking effect LAST year. What has Congress done since then in the way of hearings or conversations with CMS? Nothing. What is Congress doing now? Trying to delay them again.

Chairman BAUCUS is right about treating States equally; Congress needs to let CMS do so. It is ironic that hospitals are telling Members to stop the Medicaid rules. The policy of the cost rule is that providers should get to keep the full amount of Medicaid reimbursement paid for the services they deliver. Why should hospitals or other types of providers be forced to send part of their payment for services back to the State or local government? It is not their responsibility to fund the State's share of the cost of Medicaid. That is the responsibility of the State and local governments.

Another major part of the cost rule seeks to limit government providers to cost-remunerative services. There is no problem with those types of providers being remunerated—hospital administrators are reimbursed for their work, schools are reimbursed for transportation rather than education, community based service waivers allow for low-income people to receive care, and so on. But they would be limited to cost, they simply could not charge a "profit" to the Federal taxpayers.

A government entity shouldn't bill the taxpayer for more than the cost of delivering a service. That is nothing more than Medicaid subsidizing non-Medicaid activities. If State and local officials decide not to fund a program, that doesn't mean the Federal taxpayer should pick up the tab.

Congress may have heard pressure from their States about how the cost rule would hurt services. But they should also have heard from CMS that the hospitals in New York alone paid $2 billion in provider taxes. The hospitals in Illinois paid $747 million in provider taxes. If Congress really cared about them, what about a little tax relief instead?

The real story is that States are using creative "provider taxes" to forego paying their share of the Medicaid Program. A few years back, Congress gave a special deal to Illinois supposedly to support the Cook County Hospital system worth about $350 million per year. The hospital is forfeiting more than $300 million in order to generate supplemental payments back to the State. If you add provider taxes and what Cook County Hospital is forfeiting, it totals a billion dollars per year impact on Hospitals in Illinois. Instead of addressing that blatant example of taxpayer money abuse, these rules are an easier target.

Senator BAUCUS is right that the States should be treated equally. The Senate should instruct the Finance Committee to identify all of the special treatment situations and report legislation to get rid of them.

The school-based administrative costs and transportation rule—CMS-2287—ensures that Medicaid money goes for transportation rather than education. First, those individuals and groups who have been scaring parents of a child with a disability that this rule will end their child's treatment need to hear the truth about what this rule does. States are not required to provide such services and if a child is on Medicaid, Medicaid will continue to pay for medically necessary services. This rule ensures that Medicaid pays only for medical and medically necessary services. Medicaid administrative claiming among schools varies widely among States. There are many States that do not bill Medicaid for administrative activities at all. Much of the funding is concentrated in a small group of States.

Abuses in administrative claiming have been well documented. Comments on the rule confirm that schools are simply using Medicaid as a source of revenue to support activities that are related to education, not health care.

Medicaid reimbursement has been used for a wide variety of unrelated purposes such as instructional materials and equipment or to fund staff positions. Schools attend workshops and purchase educational technology and materials, even to support after school activities, arts and music programs.

There is no problem with those types of programs, but there is a problem when Medicaid is paying for them. If citizens at the local level decline to raise their property taxes for education, that doesn't mean that Federal taxpayers should pick up the tab. If State legislators increase funding for transportation rather than education, Medicaid shouldn't be the means of easing the impact of their decision.

Allowing schools access to open-ended funding of Medicaid with virtually no accountability will erode the decision making process of every school board, State legislature as well as the Federal Government.

Another rule—CMS-2279—would stop the use of Medicaid dollars—intended for low-income people—going to fund training for doctors.

There is no question that training the next generation of physicians in this country is important. However, it should be paid for out in the open. There needs to be accountability as to where the dollars go and for whom they are used.

Under Medicaid's graduate medical education, GME, funding, there is no obligation on the part of physicians who are trained with Medicaid dollars to serve Medicaid patients once the physicians graduate. In contrast both military and the public health service corps require time commitments as repayments for help with medical school.

There is no authority in the Medicaid statute to pay for GME. It is not there. Congress and CMS don't even know the exact fiscal impact of this rule because states are not required to report expenditures as GME.

If Congress wants to fund a training program for doctors serving poor people, they should do it right and out in the open with real program accountability.

I understand concerns that CMS shouldn't just abruptly end the Medicaid GME program without a transition plan in place, but at the same time we are right in questioning how this money is spent. If we are going to fund residency training, we should do it right and out in the open.

The Targeted Case Management—CMS-2237—rule targets scarce Medicaid dollars. In the Deficit Reduction Act of 2005, Congress appropriately acted to end state abuses. The rule promulgated by CMS is designed to be person-centered, comprehensive, and demand accountability.

CMS has been accused of overstep-ping its authority because it is applying the criteria across the board however case management is delivered. In other words, states cannot get around the rules by hiding behind administrative claiming rather than actual services. And that applies to home and community based service waivers as well as State plan amendments. So the complaint is really this—CMS did not leave any loopholes open.

There are generally three provisions that have drawn the most complaints about this rule. First, there is a complaint about charging Medicaid only for a single case manager. The message of this requirement is simple and sensible—if you are the case manager for a person with mental illness, you should be capable and qualified to deal with all sorts of issues like housing and employment as well as health care needs. Why should Medicaid pay for four or five different case managers? Case management by qualified professionals should lead to better outcomes for the individual and lower costs in the long run. If one case manager is too few, then the Finance Committee figure it out if it should be two or three or four. We don't need a 1-year moratorium to figure that out. This provision does not take effect for another year—without
the moratorium—so there is no immediate impact on states. They have plenty of time to come into compliance.

The second complaint is based on another accountability provision—billing in 15-minute increments. This will help ensure that rates are appropriately set and that there is an audit trail. If 15 minutes isn’t appropriate, then we can change the time allotment. We don’t need an all-out moratorium on the rule to figure those things out.

The third common complaint is about limiting the period of time for which case managers can bill for transitioning an individual from an institution into the community. The rule provides that if a transition period is the last 60 days of an institutional stay that is 180 days or longer. If 60 days is too short, then let us have the Finance Committee tell us what the right number is.

The targeted case management rule was published December 4, 2007, nearly 6 months ago. That certainly is plenty of time for the committee to tell us how the policies in this rule should be different. Delaying and delaying through a series of moratoriums only succeeds in throwing taxpayer dollars out the window.

This rule is intended to fix another example of how States had incentives to transfer their obligations to the Medicaid Program’s funding stream. States used Medicaid case management to fund their foster care systems, juvenile justice programs, and adult protective services.

The State of Washington had used Medicaid to fund non-Medicaid activities. The State legislature has now done the right thing and appropriated $17 million to replace the reduced Medicaid funding after the TCM regulation was published. If the State legislators in Washington can live up to their obligations, why should we not expect that of the other States?

Medicaid has become well known as the budget filler for States. If funding was short, find someway to call it Medicaid and State costs will be cut at least half.

This is a dangerous path. If Medicaid keeps picking up the tab for schools or foster care or the correctional system, then we are simply inviting even larger raids on the Federal Treasury in the future.

A provision that will prevent health coverage for low-income children doesn’t belong in a bill to provide funding for American troops. Hidden in the bill intended to provide funding for American troops at war is an unrelated provision that would have the effect of denying health care to low-income children.

The provision would impose a moratorium on a CMS directive which requires that States cover low-income children before expanding their State Children’s Health Insurance Programs SCHIP to higher income levels. This commonsense initiative, implemented in an August 17 letter from CMS to State health officials, ensures that children’s health resources are targeted towards those children and families who need help the most. The result of the moratorium will be that States will be able to ignore the needs of low-income children and instead direct resources to families with higher incomes who are more likely to have existing health insurance.

SCHIP should focus on low-income children first. SCHIP was designed to cover low-income children between 100-200 percent of FPL. Even though studies have shown that a significant number of children below these income levels remain uninsured, States have tried to expand coverage to higher income levels without first taking steps to make sure that they have covered as many low-income children as possible. Low-income children must remain the number one goal of SCHIP.

The CMS August 17 letter implemented reasonable steps to ensure that States focus on low-income children before expanding their program. The letter explains the steps that States must take to ensure that their SCHIP programs cover low-income children who are underinsured.

The letter only applies to those States that wish to expand their SCHIP programs above 250 percent of the federal poverty level (FPL). CBO reported that fewer than 20 states offer coverage above this income threshold. Additional, on May 7 CMS issued a letter clarifying the August 17 letter and specifying that current enrollees would not be impacted and that the agency would work with States to show they are meeting the requirements.

CBO showed that covering families at higher income levels is an inefficient use of taxpayer dollars. The CBO has repeatedly stated its views that expanding SCHIP to families at higher income levels will result in a “crowd-out” rate of up to 50 percent. That is, for every 100 children who gain coverage as a result of SCHIP, there is a corresponding decrease in private coverage of up to 50 children. The CBO estimates that 77 percent of children living in families with incomes between 200 and 300 percent of the FPL have private coverage, as do 80 percent of children in families with incomes between 300 and 400 percent of FPL.

It is wrong to take away seniors’ choices in hospitals, and it is wrong to do that on a war supplemental so it can open. Americans enjoy the highest per capita GDP among large nations mainly because we have the highest rate of productivity gains. The hospital sector sorely needs productivity-enhancing innovations like specialty hospitals.

U.S. health care costs are the world’s highest at 16 percent of GDP, creating major problems for Americans and their employers. For example, General Motors financial woes were exacerbated by $1.500 of health care costs per car, which exceeds their cost of steel.

Hospitals are the largest component of our health care costs, accounting for a trillion of our health care system. They are also the major reason for the growth in costs. According to a recent article in Forbes Magazine, 1 in 200 patients who spend a night or more in a hospital will die from medical error. The same article continues:

1 in 15 will pick up an infection. Deaths from preventable hospital infections each year exceed 100,000, more than those from AIDS, breast cancer and auto accidents combined.

Specialty hospitals have consistently offered high-quality health care with high-quality outcomes. Risk-adjusted 30-day mortality rates were significantly lower for specialty hospitals than for community hospitals, according to a 2006 Health Affairs article.

There are 200 specialty hospitals in the U.S. out of the 6,000 hospitals overall, often delivering better, safer services at lower costs.

According to a recent University of Iowa study, Medicare patients who receive hip or knee replacement at specialty orthopedic hospitals have a 40 percent lower risk of complications after surgery—bleeding, infections, or death—compared to Medicare patients at general hospitals. A 2006 study funded by CBO showed that patients of all types are four times as likely to die in a full-service hospital after orthopedic surgery as they are in the same procedure in a specialty hospital.

McBride Clinic in Oklahoma City is Oklahoma’s best hospital for overall orthopedic services, according to the Tenth Annual HealthGrades Hospital Quality in America Study released last month. McBride has the best outcomes in joint replacement, total knee replacement, hip fracture repair, spine surgery, and back and neck surgery. The hospital received HealthGrades’ 2008 Orthopedic Surgery Excellence Award, and is the only Oklahoma hospital among the top five percent in the Nation for overall orthopedic services.

When it comes to specialization, the question is not whether to specialize, but rather how to do it. Everyone agrees that the health care system should provide focused, integrated care—especially for the victims of chronic diseases and disability who account for 80 percent of costs. For example, Duke Medical Center tried an integrated, supportive program for congestive heart failure. The approach resulted in better patient outcomes, increased patient compliance with their doctors’ recommendations, and a 32 percent drop in costs. Hospital admissions and lengths of stay dropped and visits to cardiologists increased nearly sixfold.

Some contend that physicians who invest in specialty hospitals have a conflict of interest that may lead to overutilization. But a recent study published in Health Affairs found that most physicians refer patients to specialty hospitals for reasons totally unrelated to profits.

The Medicare Payment Advisory Commission (MedPAC) has also found no evidence that overall utilization rates in communities with specialty hospitals rise more rapidly than the
utilization rates in other communities. MedPAC and the Centers for Medicare and Medicaid Services, CMS, have found no evidence that physicians who have an ownership interest in a specialty hospital appropriately refer patients to that hospital or have increased utilization.

The connection between corporate ownership and performance is a bulwark of our economy. Adam Smith argued in 1776: The directors of . . . [joint-stock] companies, . . . being the managers rather of other people’s money than of their own, it cannot well be that they should watch over it with the same anxious vigilance with which the partners in a private copartnery frequently watch over their own. Negligence and profusion, therefore, must always prevail . . .

One CEO of an orthopedic surgery practice said:

Orthopedists . . . In a hospital . . . work in the same operating room [as] general surgery and obstetrics. Orthopedics is nuts-and-bolts equipment intensive. It drives them crazy to have a staff that’s not familiar with a tray of multi-size screws and nuts and bolts.

Some object to specialty hospitals by arguing that they only select the most profitable cases in their area and leave the other hospitals with less profitable services—burn units, trauma centers, etcetera. MedPAC has recommended changing the payments for all acute-care hospitals to reduce the incentives in the overall inpatient payment system that they believe fueled the growth of specialty hospitals. Based on those MedPAC recommendations, CMS has just implemented major In-patient Prospective Payment System reforms.

‘There is also an abundance of evidence that community hospitals are making record profits. A recent news article reported:

Profits for U.S. general acute-care hospitals increased by $50.2 billion in 2006—a year jump of more than 20%—on net revenue of $587.1 billion for a margin of 6%.

We should resist efforts to bind our health care system in regulatory straightjackets. Both the hospitals’ and economy’s problems could be solved if we allow the market, rather than insurance bureaucrats, to set prices.

If the Members of the Senate really believe that specialty hospitals are harmful, then there shouldn’t be ear-marks protecting the specialty hospitals in home States of certain members of the Appropriations Committee. According to a recent Congressional Quarterly, CQ, article, during the committee process, four Democrats on the Senate Appropriations Committee made language changes to the under-lying ban on new growth of physician-owned hospitals that happen to protect the specialty hospitals that are located in their home States.

A spokesman for [one Appropriations Member] confirmed that [that Member] had sought the changes, to protect a physician-owned hospital in their state: Wenatchee General Hospital. A spokesman for [one Appropriations Member] confirmed that [that Member] had sought the changes, to protect a physician-owned hospital in their state: Wenatchee General Hospital. A spokesman for [one Appropriations Member] confirmed that [that Member] had sought the changes, to protect a physician-owned hospital in their state: Wenatchee General Hospital.

According to CQ, spokesmen for [two other Appropriations members] confirmed their legislation’s roles in getting the language changes.

One Senator’s spokesman claimed: We were concerned that forced divestiture would cripple the clinics, which would be the preferred treatment only to certain safety net clinics. Not convinced by arguments that college campus health clinics are serving “vulnerable populations,” the Bush administration refused to add them and additional Planned Parenthood clinics to the list of providers designated by Congress.

The Deficit Reduction Act didn’t prevent drug manufacturers from selling their products at lower acquisition costs to any health clinic regardless of the DRA. They would not, however, be able to avoid counting those discounts against States or the Federal Government their respective Medicaid rebates. Auditors in California found two Planned Parenthoods had over-billed the Medicaid Program in excess of $5 million based on the difference between their customary fees and acquisition costs. This suggests that restricting these subsidies nationwide is likely worth hundreds of millions of dollars over just a few years.

The current congressional leadership’s usual approach towards drug companies is to get higher rebates from them. However, that’s not the case when it comes to forfeiting rebates for the Medicaid Program in order to make certain frat boys and sorority sisters get cheap drugs—including birth control—and the clinics that provide them get bigger profits.

Instead of debating the merits of such a policy change in the open, the leadership in Congress are using funding for our troops to slip this through.

Mr. LAUTENBERG. Mr. President, I wish to speak in favor of the amendment to the supplemental that focuses on our domestic priorities, which is the first amendment we will be voting on this morning. I encourage my colleagues to vote in support of this important package.

While President Bush is fixated on trying to get his next check for the Iraq war, we on the Senate Appropriations Committee under the leadership...
of Chairman BYRD have brought to the floor important priorities for Americans here at home.

As our economy continues to struggle, more and more Americans find themselves without work and having trouble paying bills. In April of 2007, the unemployment rate in New Jersey was 5 percent. That is up from 4.8 percent in March of this year and 4.3 percent in April of 2007. Not only are there more people out of work, but they are staying unemployed for longer periods of time as they search for new jobs. These unemployed Americans are facing the prospect of losing their homes and fighting to afford the rising costs of food, gasoline, and health care. They need our help, which is why in this amendment we extend unemployment benefits by 13 weeks in all States and an additional 13 weeks in States with the highest unemployment rates. This is the right thing to do, and we must do it now.

The amendment includes a provision that I successfully offered in the Senate Appropriations Committee markup last week to delay a Bush administration policy that threatens the health care of hundreds of thousands of children across the country, including 10,000 in my home State of New Jersey. Last week, the Administration proposed and the Senate passed, an expansion of the Children's Health Insurance Program that would have provided health insurance for an additional 4 million children nationwide. President Bush, and the Administration’s hope that bill twice—and then made matters worse by issuing a new policy that will actually take away health care from children who have it today. This is not only misguided—both the Government Accountability Office and the Congressional Research Service found that it violated Federal law. During these tough economic times, the last thing we should be doing is taking away health care from our children. My provision in this amendment would delay this policy until April 1, 2009.

As our veterans return home from overseas, we must show our gratitude for their service by improving educational benefits to help them afford to go to college. Our veterans are finding that the current G.I. bill has simply not kept up with the rising costs of college, and they are forced to either forego college entirely or face mounting debt to get a degree. The amendment now before the Senate includes a provision based on the Webb-Hagel-Lautenberg-Warner legislation which closes the gap between the current G.I. bill and the costs of college by paying for tuition, books and housing at the most expensive public institution in the veteran’s State. This update of the G.I. bill deserves our strong support.

The domestic package before us also includes $10 million to conduct oversight of American taxpayer dollars spent in Afghanistan. Our work in Afghanistan is critical to our national security and our fight against terrorism. But right now, we know too little about how billions of U.S. dollars in reconstruction and assistance funding are spent in Afghanistan and whether there is any waste, fraud, and abuse of these funds. In January of this year, President Bush signed into law my legislation to establish a Special Inspector General for Afghanistan Reconstruction to address the waste, fraud, and abuse of taxpayer money in Afghanistan. The SIGAR funding we would provide today would bring us one step closer to better oversight and accountability, and to the beginning of a national discussion about any corruption and mismanagement of U.S. assistance to Afghanistan.

Finally, we must help our States and local communities recover from and prepare for natural disasters, including floods. This amendment includes more than $8 billion for the Army Corps of Engineers to address the damage caused by Hurricanes Katrina and Rita and other recent natural disasters. We have had our eyes opened to the massive costs we face when we neglect our Nation’s flood control infrastructure. In addition to gulf coast recovery, I am pleased that this amendment will also provide funding for emergency infrastructure needs in other areas, including my home State of New Jersey.

The Senate has an opportunity with this vote to honor our responsibility to our returning veterans and all those who are struggling in our country today to have their voices heard on the other side of the aisle to join us in supporting this critical amendment.

Mr. HATCH. Mr. President, I rise today to address the impasse—the completely avoidable impasse—that we face with regard to the Emergency Supplemental Appropriations bill, which, if I am not mistaken, is intended to provide much-needed funds and resources for our troops serving in Iraq and Afghanistan. You’ll have to pardon my concern over the fact that the substance of the bill in front of us, it is difficult to determine exactly what purpose it is meant to serve.

There has been in this and in virtually every recent election year a sensitivity among those on the other side of the aisle whenever anyone questions their support for our Nation’s military and their commitment to national security. Indeed, it seems that any time these issues are mentioned, whether it is by the President, those of us in Congress and candidates running for office, Republicans are accused of “questioning their patriotism” or engaging in the “politics of fear.”

Certainly, I don’t believe that we should question the patriotism of those in the Senate majority. I believe that every one of them loves their country and that there is no one in this chamber who does not honor and respect our nation’s military. However, while the majority’s patriotism should not be subject to question, their judgment on these issues is fair game.

Frankly, after the recent FISA debate and now the absurd course being taken on this emergency supplemental, I believe that the Democrats in Congress have given all of us reason to question their judgment.

As I stated, the purpose of this bill is to provide much-needed funding for our troops in the invasion of Iraq. However, it appears that the Democrats see this—not as an opportunity to support our military, but as a vehicle for unrelated, nonemergency funding for a number of their pet programs. In this time when the American people are clamoring for meaningful diplomatic solutions, the majority has decided to tack onto a war supplemental billions of dollars in domestic spending, none of which was requested by the President and all of which is unrelated to supporting the troops.

For example, the bill includes $1.2 billion for a science initiative, $1 billion for government-funded energy assistance, nearly half a billion for transportation projects and wildfires, and $1 billion for the Census Bureau— an event that has taken place every 10 years since 1790. They have also added more than $60 billion in mandatory spending relating to unemployment insurance extensions—in a time of very low unemployment for no less—and veterans education benefits.

Now, I am sure that many of these are worthwhile endeavors deserving of the Senate’s time and attention. However, they can and should all be debated separately and should not be tied to funding for the troops.

Given these efforts to add such a large number of unrelated and nonemergency provisions, is it really unreasonable for the American people to conclude that supporting the troops is not the majority’s highest priority? Certainly, they’ll want all of us to believe otherwise. In fact, I am fairly sure that there is a Democrat somewhere watching me give this speech proposing a response that accuses me of practicing the “politics of fear.”

But when Members of the Senate majority flatly refuse to provide resources for the troops without unrelated spending, what other conclusion is there for the rest of us to draw?

It gets worse. I wish that the added funding was the worst thing about this bill. Unfortunately, it is the least of our worries.

In addition to the nonemergency spending, the Democrats have once again attempted to use a bill that funds our troops as an opportunity to play armchair quarterback with the conduct of the war.

The majority knows that the inclusion of this provision guarantees that the President will veto the bill. One also has to assume that they know that they do not have the votes to override such a veto. Yet, once again, we are about to send to the President a bill that conditions our support for the troops on an approval of the judgment of his military commanders with the political whims of the Senate majority.
This comes at a time when even the most strident opponents of the war have begun to acknowledge our military’s successes on the ground in Iraq. Even worse, it comes at a time when our men and women in uniform are in desperate need of additional funding.

As we have heard, on May 5, Admiral Michael Mullen, Chairman of the Joint Chiefs of Staff, indicated that it was essential that funds be approved before the Memorial Day recess, which begins in less than 2 days. In his words, the military will “stop paying soldiers on June 15” meaning that they have “precious little flexibility” with respect to the future.

The majority leader, in his own words, believes that not finishing the bill before the recess is “no big deal.” Indeed, he admits that sending the bill in its current form to the President guarantees that we will go to recess without having funded the troops. In stead of heeding the warnings of our military leaders, the majority party apparently subject emergency military funds to yet another partisan debate and even more election-year political wrangling.

I understand that many in the majority have come to oppose this war. I, for one, do not oppose an honest, straightforward debate about our policies in Iraq and the war on terror. However, that is simply not what is going on here today. This is not a serious debate about our future in Iraq; it is a needlessly political maneuver aimed at appeasing the more radical elements of the Democrats’ political base.

Once again, I can’t help but wonder about the majority party’s priorities when its members purposefully and dangerously delay funding for our troops in order to make a political statement. As I stated, I will not question their patriotism, but I will continue to question their judgment. Given what has been displayed here, I believe the American people will as well.

Mr. CARPER. Mr. President, I have come to the floor to speak about Senator WEBB and Senator HAGEL’s new GI bill.

Mr. President, one of the smartest things Congress has ever done is pass the GI bill for World War II veterans.

Several of the Members of the Senate—including me—would not be here if it were not for the GI bill.

I went to the Ohio State University on a Navy ROTC scholarship, and when I got out, I went to graduate school at the University of Delaware on the GI bill.

As you know, the authors of this new veterans benefit proposal and two of my fellow Vietnam veterans—Senators WEBB and HAGEL—were also able to use the GI bill to help transition back into society after fighting in the jungles of Vietnam.

I share their belief that we need to reexamine the current GI bill with an eye toward Iraq and Afghanistan veterans.

To that end, Senators WEBB and HAGEL have worked tirelessly to try to provide the men and women of the Armed Forces who have served since 9/11 with the education benefits they deserve.

These two Senators have created a bill that represents no hope of increasing veterans’ education benefits. They should be commended for their hard work and their commitment to our troops.

Let me be clear: I support their proposal, and I would be proud to pass an emergency supplemental with this proposal included.

However, how we pass this bill will be very important. This emergency supplemental provides these veterans education benefits at about $50 billion over the next 10 years.

Like the rest of this bill, there is no offset and no way to pay for these benefits.

Our colleagues in the House, however, did something quite different and, in my view, a lot better.

When the House passed this same veterans education benefit, they also included a way to pay for it.

They created a nominal tax increase of .47 percent on individuals making over $500,000 or couples making over $1 million.

By offsetting this increase in veterans’ benefits, the House sent a clear message to the country and to the troops. That message was that we will honor the members of the Armed Forces by giving them the benefits they rightfully earned, but we are going to do it in a responsible way: we are not going to do this by going deeper into the red; we will exercise a little discipline; we will tighten our belts; and we are going meet our troops’ sacrifice with a sacrifice of our own.

In this time of war and economic hardship, I believe the Senate needs to send a similar message to our troops. We will sacrifice here at home to give you what you deserve, because you sacrificed abroad to protect the United States.

That is why I have offered an amendment to the GI bill that provides the same offset as the House bill.

In order to pay for the new GI bill, my amendment calls for a small sacrifice: a nominal tax increase—less than one-half of 1 percent—on individuals making over $500,000 or couples making over $1 million.

One of the principles that I have always tried to follow is, if it is worth doing, it is worth paying for.

I doubt any of my colleagues would argue that providing veterans with a new GI bill is not worth doing. So then, I ask my colleagues, why is trying to pay for this not worth doing?

I realize my amendment is not the most popular idea. We in the Senate like to talk a good game about the need to rein in Government spending, reduce the deficit, and to adhere to pay-as-you-go principles. But we are not so good at walking the walk.

I also know that several of my colleagues have argued that when this bill passes, we will have spent nearly $600 billion in Iraq and none of that has been paid for. Why shouldn’t we, then, try to find an offset for $50 billion in education benefits for our veterans?

I understand that sentiment. I am a veteran. I benefited from the GI bill.

And I, too, am not happy about our situation in Iraq.

I have complained for years that our spending in Iraq lacks accountability, and that we have done little to nothing to make Iraq pay its fair share.

Again, I want to unequivocally state that I will vote to pass this GI bill—offset or not—because our troops deserve this benefit.

However, I just feel strongly that before we pass a new entitlement, we should at least make an attempt to pay for it, that we in the Senate should be willing, as the House has done, to put our money where our mouth is, to step up to the plate, and say this is worth doing and it is worth paying for.

Mr. KERRY. Mr. President, we are in the sixth year of the war in Iraq, and the costs to our troops, our security, and our country are skyrocketing. With the current course still not working, I have no choice but to vote against amendments 4817 and 4818 to the Military Construction and Veterans Affairs and Related Agencies Appropriations Act of 2008. It is clear that these measures continue to give President Bush a blank check to continue his chosen policy, despite the constant warnings of military experts who tell us that there is no military solution to Iraq’s civil war and that political compromise in Iraq will not occur absent meaningful deadlines for the transition of our mission and the redeployment of U.S. troops.

I believe this was an occasion where Congress had the responsibility to force the President to change a policy that is broken. Not to caution, warn, or cajole—not to give a blank check and hope for the best—but to force a change in a policy that is making us weaker, not stronger.

Make no mistake—on the core issue of changing our deployment in Iraq, these amendments are deficient, and that is why I must oppose them. However, they contain provisions many of which I have supported time and again.

Particularly, the first amendment has many important provisions that I support, including mandating dwell time between deployments for our troops, a prohibition on permanent bases in Iraq, and the requirement that any long-term security agreements with Iraq be subject to approval by the Senate. But because the language with respect to Iraq—setting a nonbinding goal of completing the transition of the mission by June of 2009—is not strong enough, I cannot support the amendment.

I also oppose the second amendment, which provides billions and billions more in funding for the war without
any policy corrections at all. This is tantamount to giving the President another blank check to continue with an Iraq war policy that I strongly believe is making America less safe. There is no requirement to transition the mission and no deadline to leverage political pressure. There is no relief for a military stretched to the breaking point. That approach will not resolve the sectarian divisions that have fed this civil war, it will not bring long-term stability to Iraq, and it will not protect our national security interests around the world.

And we— and I would underscore, all of us—are incredibly grateful for the remarkable sacrifices our troops have made in Iraq. They have done whatever we have asked of them, and they have served brilliantly. The question before us now is whether we have a strategy that is worthy of their sacrifice.

We can all agree that there is no purely military solution to the problems that are facing our military commanders, including General Petraeus, as well as Secretary Gates and Secretary Rice, have told us as much. And when the President announced his escalation to the American public last January, the purpose was to create a "breathing room" for national reconciliation to move forward.

Over a year later, it is clear that this escalation did not accomplish its primary goal of fostering sustainable political reconciliation. As General Petraeus himself recently said that "no one" in the U.S. or Iraqi Governments "feels that there has been sufficient progress by any means in the area of national reconciliation." I don't believe that it is too much to ask of Iraqis to make tough compromises when over 4,000 of our troops have given their lives to provide them that opportunity. In fact, I think the only strategy that honors the tremendous sacrifices our troops are making is one that pushes the Iraqis to solve their own problems. And by General Petraeus's own account, the current strategy is not accomplishing that.

By my count, we are now entering the fifth war in Iraq. The first was against Saddam Hussein and his supposed weapons of mass destruction. Then came the insurgency that Dick Cheney told us nearly 2 years ago was in its last throes. There was the fight against terrorists, who most administration said, it was better to fight over there than here. There was a Sunni-Shia civil war that exploded after the Samara mosque bombing. As we saw in Basra, there may be a nascent intra-Shia civil war in southern Iraq. And nobody should be surprised if we see a sixth war between Iraqi Kurds and Arabs over Kirkuk.

We are also on at least our fifth "strategy" for Iraq. First there was "Shock and Awe," which was supposed to begin a peaceful transition to democracy in Iraq. Then there were "search and destroy" missions designed to fight the growing insurgency. There was the era of "As they stand up, we'll stand down," focused on transitioning responsibility to Iraqi security forces. That was followed by the "National Strategy for Victory" and the introduction of the "Clear, Hold and Build" approach. And last year, we had the "New Way Forward," with the troop escalation that was supposed to provide breathing room for the Iraqis to make political progress.

What we have never had is a strategy that brought about genuine political reconciliation or that made Iraqis stand up for Iraq or that allowed us to meet our strategic objectives and bring our troops home. What we have never seen is an exit strategy. In fact, at the beginning of the war in 2003, we had about 150,000 U.S. troops in Iraq. Today, there are still about 150,000 U.S. troops on the ground. After more than 5 years, after more than $500 billion dollars spent, we are basically right back where we started from—with no end in sight.

And we know that after the escalation ends in July the plan is to keep about 140,000 Iraqis in the military at levels more than the levels of early 2007, when the violence was out of control and political reconciliation was nonexistent.

So it looks like the sixth strategy is basically to repeat what didn't work the first time and hope for a different result. And we keep hearing that approach justified with the twisted logic that because we cannot afford to fail in Iraq, we must continue with a strategy that has failed to achieve our primary goals.

We clearly need a new approach that fundamentally changes the dynamic, and I continue to believe that Iraqis will not make the tough political compromises necessary to stabilize the country while they can depend on the security blanket provided by the indefinite presence of large numbers of U.S. troops.

One thing we know is that the costs of continuing down this path are extraordinary. Over $12 billion per month and over 900 soldiers dead since the surge began. And while we are bogged down in Iraq, we continue to neglect the most pressing threats to our nation's security.

Let's be clear: The war in Iraq is not making us safer—it is making us less safe. Iran has been empowered in the region and to defy the international community in pursuit of its nuclear program. Hezbollah and Hamas are stronger than ever. Our military is stretched to the breaking point. Our intelligence agencies have told us that terrorist incidents outside Iraq and Afghanistan have risen dramatically since the war began and are now at historic highs.

And we know where the real threats lie: Our top national security officials keep warning us that the next attack is likely to come from the Afghanistan-Pakistan border—not Iraq. Meanwhile Afghanistan slides backwards, in part because Admiral Mullen has acknowledged that "anyritisattied down in Iraq, we simply don't have the manpower available to give our military commanders the troops they need. Every day we fail to change course will play further into the hands of our enemies. We need a fundamentally new approach to our Nation's security in the region and around the world—and that starts with a new strategy that in Iraq. The events of the last year have shown once again a basic truth: Iraqis will not resolve their differences and stand up for Iraq while they can depend on the security blanket provided by the indefinite presence of large numbers of U.S. troops.

As we redeploy, we need to engage constructively with Iraq's neighbors in a way that creates a new security structure for the region. And we must responsibly redeploy from Iraq so we can refocus our efforts on fighting al-Qaeda around the world—especially on the front line of the struggle against terrorism in Afghanistan and Pakistan.

Mr. FEINGOLD. Mr. President, I voted for the non-Iraq portion of the supplemental because it included a number of provisions I support, such as Senator Wyden's GI bill, an extension of unemployment insurance, funding for LIHEAP and Byrne grants, and a number of important Africa-related provisions. The Webb GI bill represents one of the best ways that the Federal Government can support members of our Armed Forces who might not otherwise have the opportunity to obtain a higher education. Expanding educational benefits is the least we can do for the men and women in uniform who have been asked to do so much for our country.

However, I am disappointed that the Senate was prevented from voting on the fiscally responsible House version of the GI bill. We should not be piling up more debt for future generations to repay, and I will work to try to make sure that the cost of this benefit is paid for. The Senate should not get into the habit of using nonoffset emergency supplemental bills to bypass the regular appropriations process because the President refuses to pay for the cost of the war in Iraq doesn't mean we should follow his path of fiscal irresponsibility.

I am deeply disappointed that neither the House nor the Senate version of the supplemental contains language that would end the Iraq war. In fact, both bills—particularly the Senate Appropriations Committee bill—are actually weaker in this respect than the first supplemental that we passed just over a year ago. Democrats took a position in Congress last year pledging to work to bring an end to the war. While we have made significant progress in other
areas, we are actually moving backward, not forward, when it comes to Iraq.

What do I mean that the current supplemental is weaker than the one we passed a year ago? The new House supplemental redeployed only 12,000 troops from Iraq to begin in 30 days, with a goal of completion within 18 months, or approximately the end of 2009. The supplemental we sent to the President a year ago set a goal of completing redeployment no later than the end of March 2008, or around 11 months from passage of the bill. So we have gone from an 11-month goal to an 18-month goal.

And the exceptions have become even broader, meaning that even more U.S. troops could be allowed to remain in Iraq. In the new version, the administration is no longer limited to conducting targeted missions against “members of al-Qaeda and other terrorist organizations with global reach,” but instead, it can leave troops in Iraq to go after any “terrorist organizations” in that country. Going after al-Qaeda and its affiliates makes sense because they represent a direct threat to the United States. Leaving U.S. troops to launch missions against any organization that the administration labels “terrorist,” regardless of whether they pose a threat to our country, doesn’t make sense. It is just a continuation of the current administration’s misguided approach, which focuses so much of our resources on one country while largely ignoring the threat posed by al-Qaeda around the world.

In addition, the House language allows U.S. troops to not just conduct training and equipping of Iraqi troops but also to provide “logistical and intelligence support,” which wasn’t in last year’s supplemental. That could mean our troops would still be fighting on the ground, embedded with Iraqi forces, or providing air power, as we saw during the recent clashes in Basra. If you are looking to keep tens of thousands of U.S. troops in Iraq indefinitely, then you won’t have a problem with this new language. If, however, you want to bring our involvement in this war to a close, then you can and should be troubled by these big loopholes in the House bill.

The House bill may be bad in this respect, but the Senate bill that we actually voted on and passed is far worse. It doesn’t have any loopholes—it doesn’t need them because it doesn’t do anything. It simply expresses the sense of Congress that the mission in Iraq should be transitioned to a few limited purposes by June 2009. That is it—non-binding language that may make a few Members feel better about themselves but that won’t do a thing to bring the war to a close.

To make matters worse, the Senate bill includes a provision requiring a report on transitioning the U.S. mission in Iraq but leaving 40,000 troops in Iraq at the end of the transition. Based on existing estimates, it would likely cost $40 billion a year to maintain such a presence in Iraq. We should be promptly redeploying our troops, not studying the option of transitioning to an open-ended, significant military presence in Iraq.

Both the supplemental bills, and the process by which we are considering them, seem devised to maximize our political comfort, rather than put pressure on the White House to end a disastrous war. This shouldn’t be about allowing ourselves to cast votes that make us feel better and look good.

Now I realize, like my colleagues, that we have limited options to try to end the war before the next President and the next Congress take office. But that doesn’t mean we can simply ignore Iraq or write off the next 10 months. More brave Americans will die in Iraq over the next 10 months, and our national security will continue to suffer while we focus on Iraq to the exclusion of other threats, including the global threat posed by al-Qaeda. We have a responsibility to our constituents and to the American people, who have been demanding an end to the war for far, far too long, only to have that call go unheeded.

At a minimum, we should be voting on an amendment I filed to safely redeploy our troops by setting a date after which funding for the war will be ended. The Senate has voted on such an amendment several times, offered by myself and the majority leader. I am under no illusions about whether such an amendment would pass. But Members of Congress should have to put themselves on the record as to whether they are serious about wanting to end the war. That may make some of them, even members of my party, a little uncomfortable. But making tough decisions, casting tough votes, standing on principle—that is what our constituents expect from us.

As all of this weren’t bad enough, this so-called supplemental spending bill doesn’t just include Iraq spending for the current fiscal year. It also includes tens of billions of dollars to keep the war going in the next fiscal year. That means we can spare ourselves the inconvenience of taking up another Iraq spending bill this Congress. That may make us all feel better, but it is another way of showing that we want to sound like we are putting pressure on the President to bring the war to a close.

Instead of negotiating backroom deals, instead of trying to devise procedures and votes that minimize our discomfort, instead of acting like we are against the war without following through, instead of all that pretense and posturing, let’s act like a legislative body and do some actual legislating. Let’s have debates, and amendments, and vote on what’s in the record. Then our constituents will see whether we really are committed to ending the war, to fiscal responsibility, and to the other principles and goals that matter to the folks back home but that seem to have been forgotten here.

Mr. JOHNSON. Mr. President, I wish to point out to my colleagues what we will not be funding if this amendment is adopted, and that is not be funding critical military construction projects for our troops serving in Iraq and Afghanistan. These are emergency infrastructure requirements that our men and women in uniform have repeatedly implored us to contribute to their safety and security and that are crucial for them to be able to perform the mission with which they have been tasked.

We will not be funding construction of critically needed VA polytrauma rehabilitation centers. These are cutting-edge centers for the treatment of Active Duty and separated Iraq and Afghanistan war veterans suffering from the signature injuries of those wars: traumatic brain injury, post-traumatic stress disorder, hearing loss, amputations, fractures, burns, visual impairment, and spinal cord injury. It is hard to think of anything more important than providing the best possible care to our wounded soldiers.

We will also be leaving a $787-million shortfall in the BRAC account, meaning that important construction at our bases here at home will be delayed, and the 2011 deadline for completing BRAC may become impossible to meet.

We will be delaying emergency renovation and replacement of barracks for our soldiers returning from war. Many of them were appalled at the deplorable conditions at Fort Bragg, which is why this bill provides $200 million to rebuild the “worst of the worst” of the Army’s barracks. If we fail to pass this amendment, we will be leaving our soldiers to continue to live in unacceptable conditions.

We will not be funding child care centers for our military families. Childcare is a serious quality of life issue for the families who bear the burden of war, and yet we accelarate funding for 31 of the highest priority child development centers—funding for which the President himself has signaled support.

In short, this bill provides critical funding for some of the highest priorities of our Nation, including our military forces. All of my colleagues should be very aware of what they are voting against if they vote against this amendment. I urge my colleagues to support it.

Mr. GRASSLEY. Mr. President, I come to the floor today to object to the inclusion of provisions that are clearly in the jurisdiction of the Finance Committee. It’s an emergency supplemental appropriations bill to fund the war.

The supplemental appropriations bill seeks to place a moratorium on seven Medicaid regulations until the next administration.

It also prevents implementation of a CMS policy to ensure States cover poor kids before expanding their SCHIP programs.
I know some people have concerns with the CMS policies.

Let me be clear: I am not here to argue the regulations are perfect. I have issues with some of them I would like to see addressed.

However, the regulations do address areas where there are real problems in Medicaid.

Medicaid is a Federal-State partnership that provides a crucial health care safety net for some very vulnerable populations, low-income seniors, the disabled, pregnant women, and children. They depend on Medicaid, and they do generally serve them well.

Medicaid is also a program with a chequered history of financial challenges.

Medicaid has a history of States abusively pushing the limits of what should be allowed to maximize Federal dollars sent to them.

And for years of work by CMS, numerous reports by GAO and the Inspector General at HHS, and frequent Congressional hearings, CMS issued regulations to try to clarify the rules in some very problematic payments areas of Medicaid.

I will start with the public provider regulation.

We know that in the past, many States used to recycle Federal health care dollars they paid to their hospitals to use for any number of purposes beyond health care.

It was an embarrassing scam that several administrations tried to limit.

For years, the Medicaid Program was plagued by financial gamesmanship. States used so-called intergovernmental transfers or IGTs, to create expenditures beyond health care.

What happens to the $25? In the days before Congress and CMS cracked down on the behavior, the money could go to roads or stadium construction.

That is right. Medicaid IGT scams paid for roads and stadiums instead of health care for the poor.

In 1995 and again in 2000, Congress took specific action to limit the States’ ability to use payment schemes to avoid paying the State share of Medicaid.

CMS has continued their work since then.

Over the past 4 years, CMS has been working with States to try to limit these scams.

I will note these efforts have not been without their controversy. States have been very concerned about exactly what the new standards are.

Senator BAUCUS and I wrote the GAO and asked them to look into what CMS has been up to in trying to limit the way States make these payments.

We were concerned that there was not enough transparency in what CMS was doing.

And CMS did publish a rule for all to see. It is out there in the open.

The core goal of the rule is to limit provider reimbursement to actual cost.

I know some people consider this a radical idea, but I just don’t understand why anyone thinks it is a good idea to have hospitals paid more than cost so they can be a part of these scams that rob the taxpayer to fund State pork.

Restricting payments to cost is not exactly a new idea. In 1984, GAO recommended that payments to government providers be limited to cost. This is a fundamental issue for program integrity.

What did GAO find in their 1994 report that led them to this conclusion?

The State of Michigan used these questionable transfers to reduce their share of the Medicaid Program from 68 percent, which is what it should have been, to 56 percent.

The GAO found that in October 1999, the State of Michigan made a $489 million payment to the University of Michigan. Within hours, the entire $489 million was returned to the State.

The report found that in fiscal year 1993, Michigan, Tennessee, and Texas were able to obtain $100 billion in Federal matching funds without putting up the State Share.

Congress and CMS have spent the last 17 years combatting that behavior.

Last year, the emergency supplemental included a provision to delay implementation of the public provider rule for 2 years.

Fortunately, cooler heads prevailed and the delay was reduced to 1 year.

But I wish to read what I said at the time. This is from remarks I made on March 28, 2007:

‘If some people think CMS has gone too far, then we should review their actions in the Finance Committee. We can ask CMS if they make them testify, and ask the tough questions to which we need answers. If we think there are things we should have done differently, then we should legislate. That is the way it ought to be done.

That is the right way to operate. We should have dealt with it in the Finance Committee.

We should have tackled the issues here that are extremely complex. They deserve thorough consideration so we can insure we are taking appropriate action.

But a year has passed with no action and instead we are here with this amendment to the supplemental appropriations bill. No hearings have been held. No testimony submitted. Nothing.

Making the CMS regulation go away opens the door for a return to the wasteful, inappropriate spending of the past.

Intergovernmental transfers can have a legitimate role, but it is critical that States have a clear, correct understanding of what is a legitimate transfer and what is not.

If the regulation goes away, those lines will not still be adequately defined.

Why should we care if the lines are not adequately defined? Let me read from the National Conference of State Legislatures Web site: “IGTs can enhance a State’s Federal match and thus bring additional funds to the State in two main ways. First, States can use county funds instead of State funds to generate a Federal match to support services provided by counties. Second, States can use IGTs to help it claim additional Federal funds based on upper payment limits. Under this model, a State can make payments to eligible public facilities using the rate Medicare pays for the same service, a rate that may exceed the State’s standard Medicaid reimbursement rate. If it chooses to do so, a State then could use a portion of the revenue generated—a share of the portion that remains after the standard Medicaid rate is paid for other goods or services.’”

States speak openly about these payment schemes to maximize Federal dollars flowing to the States.

It is absolutely the worst thing we could do for the Medicaid Program to leave States without clear guidance on these types of payments.

We cannot simply walk away from this subject.

Now I would like to turn to the CMS regulation on graduate medical education. I personally think Medicaid should pay an appropriate share of graduate medical education or GME.

But I would like to see us put that in statute rather than return to the current customary practice because I do not think the taxpayers are well served by the way Medicaid GME operates today.

If we simply make the regulation go away, what are the rules for States to follow?

There are five different methods States use in billing CMS. 11 States don’t separate INE from GME, and CMS cannot say how much they are paying States for GME.

Let me quote from a CRS memo I submitted for the Record during the budget debate a few months ago:

“States are not required to report GME payments separately from other payments made for inpatient and outpatient hospital services when claiming Federal matching payments under Medicaid. For the Medicaid GME proposed rule published in the May 23, 2007 Federal Register, CMS used an earlier version of the AAMC survey data as a base for its savings estimate and made adjustments for inflation and expected State behavioral changes, for example.”

To make their cost estimate for the regulation, CMS relied on a report from the American Association of Medical Colleges to determine how much they are paying for GME in Medicaid.
That is because the States do not provide CMS with data on how much they pay in GME.

That is simply unacceptable.

You can disagree with the decision to cut off GME, but simply leaving the current undetermined structure in place is not good public policy.

Now let me turn to the regulations governing school-based transportation and school-based administration.

Is it legitimate for Medicaid to pay for transportation in certain cases I think the answer to that is yes. I do think it is legitimate for Medicaid to pay for transportation to a school if a child is receiving Medicaid services at school.

That said, we should have rules in place that make it clear that Medicaid does not pay for buses generally.

We should have rules in place that make it clear that schools can only bill Medicaid if a child actually goes to school and receives a service on the day that they bill Medicaid for the service.

You can also argue that the school-based transportation and administrative claiming regulation went too far by completely prohibiting transportation, but if making this regulation go away, would involve the use of Medicaid to pay for transportation to a school and receives a service on the day that a child is not in school, we still have a problem.

It is also critical that Medicaid pay only for Medicaid services.

We also acknowledge the Federal government does not pay its fair share of IDEA.

Quoting from the CRS memo: "States, school districts, interest groups, and parents of children with disabilities often argue that the Federal government is not living up to its share of IDEA.

We all openly acknowledge the Federal government does not pay its fair share of IDEA. We can also acknowledge that just because IDEA funding is inadequate, States will try to take advantage of Medicaid to make ends meet.

Again quoting from the CRS memo: "It is generally assumed that such transportation is predominantly provided to Medicaid/IDEA children.."

If a child is required to be in school under IDEA and receives a Medicaid service while in school, is the transportation of that child 100 percent Medicaid responsibility?

We should draw clear lines so that States know what is and is not Medicaid’s responsibility.

Now I would like to turn to the rehabilitation services regulation.

I certainly would argue that Medicaid paying for rehabilitation services is good for beneficiaries. We want Medicaid to help beneficiaries get better.

But States must have a common understanding of what the word “rehabilitation” means in the Medicaid Program.

Again quoting from the CRS memo: "Rehabilitation services can be difficult to describe because the rehabilitation benefit is so broad that it has been described as a catchall."

Also, States need clear guidance on when they should bill Medicaid or another program.

Again quoting from the CRS memo: "There is limited formal guidance for States in Medicaid statutes and regulations on how to determine when medically necessary services should be billed as rehabilitation services."

You can say the CMS regulation went too far, but that doesn’t mean there isn’t a problem out there.

As CRS notes, billing for rehabilitative services between 1999 and 2005 grew by 77.7 percent. I am far from convinced that all of that growth in spending was absolutely legitimate.

Finally turning to the case management regulation, I first want to point out the issues relating to case management are a little different than issues associated with some of the other Medicaid regulations I have discussed so far.

The provision in the Deficit Reduction Act of 2005—DRA—relating to case management received a full review in the Finance Committee, along with Senate floor consideration and conference agreement in enforcement of the DRA. This regulation relates to a recently enacted statutory provision.

There is reason to believe that States have been using case management to supplement State spending. Some believe that States are shifting some of their child welfare costs to the Medicaid Program through creative uses of case management.

Concern about the inappropriate billing to Medicaid for child welfare services extends back to the Clinton administration.

There are some who would disallow most child welfare case management claims from reimbursement from Medicaid. This goes further than I would argue with the idea of covering poor kids first.

Poorer kids are generally sicker and in need of care. It is reasonable public policy to require States that want to cover higher income children to first demonstrate that they are doing a good job covering poor kids.

It is just common sense.

Earlier this month the administration issued further clarification on the August 17 directive. The purpose of this additional State Health Official letter is to respond to some of the concerns that have been raised by States looking to accommodate the August 17 directive.

Rather than work with the administration to find solutions—even after the administration made an effort to clarify the policy—this bill simply makes the policy go away.

This bill provides for $1.3 billion in savings to address the various policy provisions in the Finance Committee’s jurisdiction.

I actually support the provisions that save money in this bill.

I have been working on the provision related to physician-owned hospitals for years.

But it is wrong to move it in this bill, and as much as I do support that provision, I must object to its inclusion here as well.

The provisions in this bill are scored by CBO as spending $1.7 billion. It is $1.7 billion because the regulations are delayed only until the end of March of next year.

I know supporters hope that the next administration will pull back and undo the regulations completely.

What would it cost if we tried to completely prevent these regulations from ever taking effect? Not $1.7 billion that is for sure.

It would actually cost the taxpayers $17.8 billion over 5 years and $42.2 billion over 10 years.
It is an absolute farce for anyone to argue that all of those dollars are being appropriately spent and that Congress ought to just walk away from these issues.

Instead of just making the regulations go away, the Finance Committee and the Energy and Commerce Committee should sit down with the administration and fix the problems with the regulations and address real problems in Medicaid.

That is what we should be doing for the troops.

Secretary Leavitt states that the most pressing of regulations will not go into effect on May 25 as many have feared. He has offered to sit down with us and work on these issues.

There is no cause for us to act today to block the implementation of these regulations while an offer to talk is on the table.

After the President vetoes this bill, I encouraged my colleagues to drop these provisions and sit down with the administration to find real solutions.

Separately, I want to voice my concern over the inclusion of an authorization relating to imports of uranium from the Russian Federation.

The Finance Committee has not had an opportunity to examine this complex legislation and evaluate how it relates to our bilateral agreement with Russia concerning the disposition of highly enriched uranium extracted from nuclear weapons, and its potential impact on our bilateral agreement to suspend the antitrust investigation on uranium from the Russian Federation.

The Finance Committee is the committee of jurisdiction over international trade in the Senate, and circumvention of that jurisdiction has in the past led to significant trade disputes. I am disappointed that the Finance Committee was not fully engaged on this matter.

We were deprived of an opportunity to contribute expertise and provide input so that any potential consequences under our trade laws could be mitigated.

Perhaps my concern will prove unfounded in this case. But nevertheless, this manner of legislating does not serve our best interests and should be avoided in the future.

In Louisiana, I oppose provisions that are the jurisdiction of the Finance Committee being considered in this bill.

Mr. VITTER. Mr. President, I rise today to talk about a very important provision to New Orleans in the supplemental and to thank the Senate Appropriations Committee members for their strong and continued support for Louisiana during the long and difficult posthurricane recovery process.

Included in the emergency supplemental the Senate is $70 million for emergency funding for 3,000 rental subsidies, which will provide permanent supportive housing in Louisiana for its most at-risk residents. These are the individuals who normal housing assistance programs are most likely to fail or miss, or who are unable to take advantage of available assistance without extra support. They are the homeless, the elderly in need of additional supervision, and individuals with severe disabilities. For them, permanent supportive housing can mean the difference between being exposed to the streets or having a secure, stable home environment.

The permanent supportive housing funding is the final piece of a three-prong initiative in Louisiana to address the post-storm needs of its most at-risk population. Louisiana has already dedicated significant resources toward this project: Louisiana’s Road Home recovery plan will provide the necessary supportive services funding for the first 5 years of the initiative and some capital funding and the State has already dedicated $165 million in permanent supportive housing units through existing affordable housing programs. All that remains before this initiative can become a success is the rental subsidy funding, which would provide Louisiana with the 2,000 project-based voucher and 1,000 shelter plus care units that will finally bring the services and housing to the people that need it most.

However, without the $70 million in rental subsidy funding included in this supplemental, this important initiative will fail. This is an issue that transcends politics and party affiliation. It enjoys the bipartisan support of myself and Senator LANDRIEU, as well as the support of the Appropriations HUD Subcommittee chair and ranking member, Senators MURRAY and BOND, and the committee leadership. The Louisiana House congressional delegation supports the funding and wrote the House appropriators to advocate for it. In fact, Louisiana Governor, Governor Jindal, signed that letter as a Congressman and has since written the House and Senate leadership last month urging its adoption.

As of the latest count last year, the homeless population in New Orleans had almost doubled to approximately 12,000 persons compared to the period prior to the storm. This is an opportunity to bring the most disadvantaged and at-need home. I urge Congress take this critically important step of providing the necessary housing funding for this important Louisiana recovery initiative. And, I strongly urge my colleagues to support this funding in negotiations with the House of Representatives to ensure its inclusion in the final funding package.

Mrs. FEINSTEIN. Mr. President, simply put, I cannot vote for another $165 billion to give President Bush a blank check and fund the continuation of the war in Iraq without condition, for over another year.

This is a difficult decision and not one I take lightly. But I believe that the time has come for Congress to exercise the power of the purse and bring this war to a conclusion.

I am a strong supporter of our troops in the field. They have done a tremendous job under difficult circumstances. They weren’t greeted as liberators as Vice President CHENEY said they would be.

Instead, they found themselves targets in an internecine battle, whose roots go back hundreds of years. They found themselves in the crossfire between Sunni insurgents and Shia extremists. They’ve done everything asked of them, with the courage and dedication that we expect from our service men and women.

But President Bush has never provided an exit strategy for Iraq. He has never laid out a plan for bringing our troops home.

So, here we are more than 5 years after this war began. More than 4,000 troops killed. Tens of thousands injured. $1 trillion spent on the war, $650 billion spent for the war for 1 year and 1 month, or until July 2009. This is all funded on the debt. I simply cannot agree to do it.

And it is time to bring this war to a conclusion after 5 long years.

The $165 billion supplemental funds the war for 1 year and 1 month, or until July 2009. This is all funded on the debt. This means that the next administration essentially need not make any move or change until July 2009. This is simply not acceptable to me.

To me, it is a big mistake to have a supplemental this big because it simply means “business as usual.” And I don’t believe we can be “business as usual.”

On Tuesday, I questioned Secretary of Defense Robert Gates on the funding for this war. I told Secretary Gates that it is unclear to me why the passage of a $165 billion 2009 bridge fund is urgent at this time, particularly given that funding needs for the next year are very much up in the air.

I told him that it is my understanding that if DOD transfers funding to the Army to meet its personnel and operational expenses, the Army could stretch its current funding quite a bit. And I asked how long the Army and Marine Corps could operate without the ’09 bridge fund.
The Secretary said: “The notion of having to borrow from the base budget in `09 to pay war costs . . . we probably could make it work for a number of months. And can we technicly get through fiscal year 2009 without a supplemental? Probably so.”

So the other question that I have been grappling with is why should we provide 13 months of funding now? Where is the urgency to fund this war through July 2009? That is over a year away. It is not even necessary to appropriate $165 billion for the Iraq war in a single day. This is almost twice the size of any previous supplemental the Senate has considered to date.

President Bush won’t listen to the wishes of the majority of Congress and the American people. He has shown a complete unwillingness to evolve in the face of compelling evidence of the need for change.

After the fall elections, a new President will offer new ideas and policies, and at the top of the list should be a new plan for Iraq.

Congress should not, during this time of transition and great opportunity to seize the moment and change our war policy, allow a war to linger unaddressed for up to 7 months of the new administration.

Congress should not relinquish its constitutional right and obligation to use the power of the purse to require the next President to present a plan for Iraq one that includes the funding he or she will need to put that plan in motion.

So now, we are faced with another choice: Do we provide $100 billion through the end of this year and an additional $66 billion to take us through July 2009? Do we give the next President a pass and affirm that he or she does not have to change the mission or plan an exit strategy until the middle of next year? I cannot support this.

Passing a year-long supplemental is an abandonment of the power of the purse, the greatest power that the Congress has. I believe that the time has come for the Senate to assert its will, and another year and a month of funding for this war is not the answer.

Mr. SPECTER. Mr. President, I seek recognition today in support of the domestic spending amendment to the fiscal year 2008 Military Construction, Veterans Affairs and Related Agencies bill, which is the underlying vehicle for fiscal year 2008 supplemental funding.

These appropriations include funding for programs vital for our Nation’s welfare. With my long record of support for these Programs, I could hardly reject supporting them now, especially in the face of supporting significant additional funding for national defense.

There must be some semblance of balance on military and domestic spending.

“This legislation includes emergency unemployment compensation, UC, benefits for individuals who have exhausted all regular unemployment benefits after May 1, 2006. The UC program, funded by both Federal and State payroll taxes, pays benefits to covered workers who become involuntarily unemployed for economic reasons and meet State-established eligibility rules. These emergency UC benefits will provide a 13-week extension of unemployment benefits for those Americans in need of help.

Although America’s economic growth has been positive during each of the past 11 years, between January and March 2008, payroll employment fell by some 160,000 and the unemployment rate rose to 5.1 percent in March of this year. Inflation has accelerated with the consumer price index rising to 3.9 percent for the 12 months ending in April 2008 compared with 2.5 percent during 2006 and 3.4 percent in 2005. With the increased costs of food and energy and loss of jobs in the United States, we need to offer assistance to those employees who have lost their jobs in order to help provide for their families until they can find another job.

I have consistently supported efforts to extend UC benefits to help our fellow Americans through difficult times.

The Senate failed to extend UC benefits during the economic stimulus bill on February 6, 2008, despite my support. Therefore, I support this amendment recognizing the need to capitalize on the opportunity it provides for a much needed economic boost to those hardest hit by recent economic downturn.

Additionally, I support this amendment as it includes a much needed update to the GI bill of rights, which has not been revised for over 20 years.

I joined 57 of my colleagues in sponsoring legislation that would provide a 4-year public university education for anyone who has served on active duty for at least 36 months since Sept. 11, 2001. This amendment would provide for this generation what the post-WWII GI bill provided for veterans of that global conflict. The current proposal is supported by the current chairmen of the Armed Services Committee and Veterans’ Affairs Committee, as well as by a fellow chairman of the Armed Services Committee.

This reform is a real necessity. Regrettably, we do not take care of our veterans as we should. We find that men and women are coming back now from Iraq and Afghanistan and the wonders of modern medicine have been able to keep people alive, but they have very serious disabilities. Many need a lot of counseling, have a lot of psychiatric problems and a lot of brain damage. Some young men and women coming back in their early twenties will require decades of care. General Colin Powell recently said, “For someone coming back after serving in Iraq or Afghanistan for two or three or four tours of duty, they need to catch up quickly, and we need to help them.”

For those veterans ready to return to school, it is vital that they not be hindered with financial impediments to accessing higher education. It is a very sound economic approach to provide this education. The post-WWII program has been paid off many times over by producing men and women who have been very productive and paid more taxes. According to a editorial by Tom Ridge and Bob Kerrey, “for every tax dollar spent on the World War II GI bill, our country received $7 in tax remittances from veterans whose careers benefited from enlightened education.” I agree with General Powell’s statement that, “America got that money back in spades.” I think this is something we ought to do, most fundamentally to treat the veterans properly, but also for the future of the country. We would be well served by another generation of very well educated men and women; they deserve it, and it would help the country a great deal in the long run.

This amendment before the Senate contains $480 million for the National Institutes of Health. Additional funds are critical in catalyzing scientific discoveries that will lead to a better understanding in preventing and treating the disorders that afflict men, women, and children in our society. I was very disappointed in the small increase in NI Health received in fiscal year 2008. In fiscal year 2009, I am asking for an increase of several billion dollars.

This amendment contains an additional $35 million for Centers for Disease Control and Prevention, CDC, to respond to outbreaks of communicable diseases related to the re-use of syringes in outpatient clinics. Funds would be used for research, education and outreach activities.

Further, I have consistently supported efforts to increase funding for the Low Income Home Energy Assistance Program, LIHEAP as the ranking member of the Senate Appropriations Subcommittee on Labor, Health and Human Services and Education. This amendment provides an additional $1 billion for fiscal year 2008 for this critical program. With energy continually increasing, it is essential that those on fixed incomes have assistance in making their home heating and cooling payments. This additional funding will bring the total level for fiscal year 2008 closer to the goal of the fully authorized level of $5 billion.

Paying heating and cooling bills for low-income households throughout this Nation has always been a struggle, but never more so than today with the soaring energy costs. The inability to pay for heating or having to make decisions to forgo other needs such as food and medicine pose health and safety hazards—especially to the elderly, the disabled and children. This winter, Americans, on average, spent $977 to heat their homes which is 10 percent higher than last winter. Nationwide average oil heating bills are expected to be 22 percent higher than in the previous year. I support this amendment.
which will go a long way towards addressing the serious plight of those individuals facing a critical need for assistance during this energy crisis.

This amendment will also provide a moratorium on several Medicaid regulations. Medicaid Programs are critical to providing health services for low-income individuals in Pennsylvania.

The moratorium prevents the elimination of school-based administrative and transportation programs and case management services for individuals with multiple health and social complications. This amendment will provide access for beneficiaries to rehabilitation services. Further, the moratorium would continue the payments to hospitals for graduate medical education funding, allowing Pennsylvania hospitals to train the physicians of tomorrow. These programs provide an important health safety net for disadvantaged children, seniors and parents that must be preserved.

This amendment would also restore access to nominal drug pricing for selected health centers specifically those clinics based at colleges and universities whose primary purpose is to provide family planning services to students and their families.

The domestic amendment also contains provisions that will decrease Federal spending. This includes the expansion of a demonstration project that verifies the assets held by Medicaid applicants. It saves federal dollars by preventing noneligible people from receiving Medicaid benefits inappropriately.

Additionally, this amendment would impose a 1-year moratorium on the August 17, 2007, directive by the Centers for Medicare and Medicaid Services. This directive changed Federal policy by prohibiting coverage of uninsured children under SCHIP if their family income is above 250 percent of the Federal poverty level or $42,400. This is of particular importance in Pennsylvania where the SCHIP program covers children in families up to 300 percent of the poverty level or $63,600.

For these reasons that I have outlined above—an extension of unemployment insurance benefits, enhanced benefits for our nation’s veterans, and additional funding for LIHEAP, FDA, CDC and NIH where insufficient funding has been provided—I support the domestic spending amendment to the supplemental bill.

Mr. BINGAMAN. Mr. President, I rise to speak briefly about a number of important provisions in this domestic funding amendment. I am delighted that this amendment passed the Senate by an overwhelming vote of 75-2, and I hope the House will pass it swiftly and overwhelmingly as well.

There are many provisions in this amendment that will meet many important needs we are facing as a country, but I would like to mention a few that are of particular note. First, the bill contains a total of $15 million to help reduce drug-related violence in the border region by aggressively stepping up efforts to prevent weapons from being smuggled into Mexico to arm drug cartels. Of this money, $5 million would be allocated for ATF to provide assistance to Mexican authorities in investigating weapons trafficking cases and $10 million would be set aside for Project Gunrunner Teams in the southwest border States. This funding is based on S. 2667, the Southwest Border Violence Reduction Act, which I recently introduced with Senator HUTCHISON. This measure is also cosponsored by Senators FEINSTEIN, KYL, DURBIN, and DOMENICI.

According to ATF, about 90 percent of the firearms recovered in Mexico come from the United States. These weapons are used by drug gangs to forcefully maintain control over trafficking routes and greatly undermine the ability of Mexico to fight drug traffickers. These violent groups use smuggled weapons to assassinate military and police officials and members of drug organizations, and kill civilians. In the Mexican state of Chihuahua, which shares a border with New Mexico, there have been over 200 killings since the beginning of 2008, an increase of about 100 percent over the previous year.

Violence perpetrated by international drug trafficking organizations impacts the well-being and safety of communities on both sides of the United States-Mexico border. I am also pleased that additional resources are being allocated to target weapons trafficking networks and enhance international cooperation in investigating these cases.

The second provision I would like to discuss relates to assistance we are providing to local law enforcement situated along the southern border. The bill includes $90 million for a competitive grant program within DOJ to help local law enforcement along the southern border and other agencies located in areas impacted by drug trafficking. As the sponsor of the Border Law Enforcement Relief Act, I have been pressing for Congress to help border law enforcement agencies with the costs they incur in addressing criminal activity in the border region. I strongly believe this funding is greatly needed and I am glad the Congress is giving this issue the attention it deserves.

This bill also represents an important step forward in advancing our economic security by increasing funding for math and science education programs by $50 million. In America Competes, this Congress recognized that in order to ensure an educated and skilled workforce, we needed to strengthen math and science education. Accordingly, we significantly expanded math and science education programs at the National Science Foundation. I am particularly pleased to see an increase of $3 million for the Robert T. Schmitt Scholarship program, which recruits and prepares talented students and professionals to become math and science teachers. The bill also contains an additional $24 million to support graduate study in STEM fields.

Further, earlier this year Senators DOMENICI, ALEXANDER, DORGAN, CORKER, FEINSTEIN, KENNEDY, SCHUMER and I wrote a letter to the Appropriations Committee requesting $250 million for the Department of Energy’s Office of Science. This bill allocates some $900 million for agencies performing science, including $100 million for the DOE’s Office of Science. In addition, it provides $400 million for the National Institutes of Health’s budget to keep pace with inflation and $200 million for NASA and their space flight mission. I am grateful to the committee for recognizing the importance of science and taking it into account in this supplemental appropriations bill.

In light of the “silent tsunami” of subsistence crisis in 82 countries around the world, I am pleased that the Senate version of the supplemental provides for approximately $1.2 billion in funding for food aid through fiscal year 2009. I am also pleased that USAID will reportedly announce a $45 million package in food aid for Haiti, of which $25 million will be distributed via the World Food Programme, at a press conference tomorrow morning.

However, I believe that more needs to be done for Haiti. According to President René Préval, Haiti needs $60 million per month to prevent a silent disaster of famines over the next 6 months. Accordingly, I call upon USAID to allocate at least $60 million of the $1.2 billion food aid appropriation to Haiti.

Haiti is the poorest country in the Western Hemisphere, where approximately 76 percent of Haiti’s population lives on under $1 per day and 55 percent on under $1 per day. One in five Haitian children is malnourished. We must address these challenges, partly for reasons of preserving stability in the Caribbean, and partly to provide an alternative to emigration to the United States, but mostly because it is the right thing to do.

I am also pleased that the supplemental provides for $100 million of assistance for Central America, Haiti, and the Dominican Republic to support the Mérida Initiative in those regions and countries. In a letter, I am pleased that the Senate version of the supplemental set aside $5 million of this money to combat drug trafficking and for anticorruption and rule of law activities in Haiti. This amount doubled the $2.5 million called for in the House version.

Last year, when the Drug Enforcement Agency stationed two helicopters in Haiti on a temporary basis, the level of cocaine shipments transiting the country by air and sea declined significantly. This decline resulted in lower levels of corruption in Haiti and less cocaine reaching the United States. I hope that today’s $5 million in funding for Haiti will replicate these successes,
and I call upon the DEA to use a portion of these funds to increase interdiction capability in Haiti by placing helicopters there on a more sustained basis.

Finally, I would also like to voice my strong support for provisions within this legislation to block attempts by the Bush administration to reduce health care access for low-income children, seniors, and others. In the last year and a half the Bush administration has aggressively attempted to shrink the Federal Medicaid program by reducing the ability of States to provide Medicaid coverage to their most vulnerable populations. These actions have been taken under the ruse of “fraud and abuse” reforms but we should be clear about what they really are, an attempt to reduce Federal expenses on the backs of poor Americans. At a time when we are spending approximately $12 billion a month on the war, that is about $5,000 a second, and at a time when so many Americans are facing economic hardship and will be depending on low-income programs, it is unconscionable that the Bush administration is attacking the poorest among us—all in a weak attempt at appearing fiscally responsible.

These programs are critical to many low-income patients and safety-net providers in my home State of New Mexico and across the Nation. For example, a significant portion of the administration’s proposals would devastate New Mexico’s Sole Community Provider Fund, which plays a critical role in ensuring New Mexicans in rural areas of the State have access to life-saving hospital services and funds programs for uninsured New Mexicans. It also would cause the University of New Mexico Hospital and other New Mexico institutions to lose millions of dollars for the care they provide to our low-income residents. It is important to note this is not a new issue. The administration has worked for the last year and a half to block this specific proposal including introducing legislation with Senator Dole, S. 2460. Seventy-four members of the Senate, Democrats and Republicans alike, have gone on record opposing this Bush proposal. We were successful in blocking it last year and I am very pleased that we are acting to block it for an additional year.

Sadly, the Bush administration’s proposals are there. The House also would undermine the ability of schools to help enroll children in Medicaid and coordinate their health care services. The administration would also cut rehabilitation services provided to people with disabilities, especially those with mental illness and intellectual disabilities; cut case management services for the elderly, children in foster care and people with disabilities; reduce specialized medical transportation services for children; and reduce Medicaid payments for outpatient hospital services. Finally, the administration also is attempting to severely limit States’ abilities to expand enrollment of children in the State Children’s Health Insurance Program or SCHIP.

Taken together the Bush administration’s efforts would cost my State approximately $180 million this year in Medicaid and could result in much more in subsequent years. The Nation’s Governors oppose the Bush administration’s efforts, as do State Medicaid directors, State legislators, and the National Association of Counties. More than one hundred groups, such as the American Hospital Association, the American Federation of Teachers, and the March of Dimes—also oppose these efforts. They know the devastating effect these rules would have on local communities, their hospitals, and vulnerable beneficiaries.

Mr. BIDEN. Mr. President, today we are voting on funding our troops on the front lines. We can disagree about whether we should be in Iraq at all and we can disagree with the President’s failed policies, but as long as Americans are in harm’s way, we need to give them the best possible protection this country has. To me, that is a sacred obligation. In terms of protection, there are a lot of reasons to vote for this bill to fund a fully funded and funded much needed military health care, and it provides $1.7 billion for Mine Resistant Ambush Protected vehicles. That is a good thing.

Now in our fifth year of the Iraq war and the seventh year of the war in Afghanistan, it often seems that good news is hard to come by. But sometimes good things do happen here on the Senate floor. Sometimes we are able to profoundly improve the odds for American men and women fighting in this most dangerous war for our country has. To me, that is a sacred obligation.

For me, this story begins in the summer of 2006 on one of my trips to Iraq. A Marine commander in Fallujah showed me a new vehicle they were using called a Buffalo. He told me that these Buffalos were saving lives and that they needed more of them. I was impressed. This Buffalo was a huge vehicle with a large claw arm, high off the ground, with a V-shaped underbelly. I found out that it was the largest of a group of vehicles called Mine Resistant Ambush Protected vehicles, or MRAPs.

So, when the next wartime funding bill came to the Senate, I looked into what was going on with these MRAPs. The most important thing that I found out was that military experts were starting to say that MRAPs could reduce casualties from improvised explosive devices, those roadside bombs also called IEDs, by two thirds. At that time, approximately $6,000 casualties were caused by IEDs. So even if MRAPs only worked half as well as the military claimed, they would have a tremendous effect reducing deaths and injuries.

In a March 1, 2007, memo to the Chairman of the Joint Chiefs of Staff, General Conway, the Commandant of the Marine Corps, emphasized the importance of the MRAP vehicle. “The MRAP vehicle has a dramatically better record of preventing fatal and serious injuries from attacks by improvised explosive devices. Multi-National Force-West estimates that the use of MRAPs would reduce mine and IED casualties in vehicles due to IED attack by as much as 70 percent.” He ended by saying, “Getting the MRAP into the Al Anbar Province is my number one unfilled warfighting requirement at this time.” Later that month, in testimony to Congress, General Conway told us that the likelihood for survival in Iraq was four to five times greater in an MRAP.

Two weeks after that memo was written, then Chief of Staff of the General Services Administration, the Committee on Appropriations of the funding shortfalls for MRAP procurement. I will be honest here. I was genuinely surprised. It was clear to me that this vehicle was essential and needed to be funded as quickly as possible. I could not understand why funding was not already in the supplemental.

I looked into it and found out that in fiscal year 2006 and in the bridge fund for fiscal year 2007, there was a total of $1.354 million for MRAPs, but much more was needed because this was a new vehicle. Only one company was making MRAPs then, and the military was only ordering small amounts of them.

In February 2007 the military ordered and received 10 MRAPs. That is it. It became clear to me that we needed to do more to push this process.

The Marine Corps was running the program for all of the services. They told me that one issue was requirements in the field had changed dramatically—it started with a request for 185 in May of 2006, then another 1,000 were requested in July, the total went to 4,000 in November and to 6,728 in early February of 2007. By March, the total need was thought to be 7,774 MRAPs for all four services. The plan at the time was to spend $8.4 billion to build those 7,774 MRAPs—$2.3 billion in fiscal year 2007 and $6.1 billion in fiscal year 2008. The administration, however, had not asked for $2.5 billion. Despite this, my colleagues on the Appropriations Committee put $2.5 billion in their bill because they saw the need.

The Marine Corps believed that even that plan was not aggressive enough and that production could be accelerated if more funding was moved to fiscal year 2007. So I asked my colleagues to join me in adding another $1.5 billion to the wartime funding bill to produce and field 2,500 more MRAPs by December 2007. The additional funding would help us achieve the production goals that we had to accelerate things. Some of you may remember that I came to the Senate floor in a tuxedo, to explain
how vital the funding was the night before the vote.

On March 29, 2007, we spoke as one. The vote was 98 to 0 to add the $1.5 billion and give the MRAP program a total of $41 billion. This Senate should be congratulated.

We stood up and said, “We can do better.” We also made clear our agreement with General Conway, who called this effort a “moral imperative.”

I know that some had doubts. They were concerned that the vehicles had not been adequately tested and that producers simply could not expand production lines quickly enough. But in the end we all agreed that we had to take a chance on American industry because our kids’ lives were at stake.

When the bill went into conference, some of our colleagues in the House had not yet realized how critical this was and what a difference early funding could make to the production schedule. In the final bill sent to the President in late May was reduced to $3.055 billion. The additional funds were important, but equally important was the interest that the debate sparked in the press.

Secretary Gates was said that he first heard of the MRAP program after reading a USA Today article. After which, on May 2, he made the MRAP program the Pentagon’s top acquisition priority. On June 1, he gave the program a DX rating, giving it priority for the acquisition of critical items like steel and tires that multiple military programs need. He also established the MRAP Task Force to work on any issues that might delay MRAP production.

Despite Secretary Gates’s clear understanding of the need for MRAPs, the fiscal year 2008 wartime funding request from the administration was only for $411 million. Four point one billion was needed just to produce the 7,774 MRAPs. So, on May 17, I formally asked the Armed Services Committee to ask the Appropriations Committee to try to keep growing the production.

As of this week, just under 8,300 MRAPs have been produced. More important, 4,664 are fielded in Afghanistan. The rest are on the way, and we are producing over 1,000 per month.

It was clear to me, and to many colleagues here, that more needed to be done. Despite Secretary Gates’s commitment to expedite production, there still seemed to be a lack of urgency in the administration and plenty of people were still saying that more MRAPs were simply needed more quickly.

So on May 23 I called on the President to personally engage so that the Nation could meet the needs of our men and women under fire.

I am concerned that we did not see the President engage. To this day, we must wonder how much faster we could have moved if he had.

Instead, in early July, the Army finally said publicly that they needed approximately 17,700 total MRAPs. The Joint Requirement Oversight Council, however, did not immediately approve that change. So, Congress was once again left knowing that the needs in Iraq were growing but not having a clear number or plan to meet the needs.

In speeches I made last year, I talked about some of the tensions within the military that slowed down the MRAP program, so I don’t go into those details today. For now I will only quote from Secretary Gates’s comments on May 13 of this year: “In fact, the expense of the vehicles . . . may have been seen as competing with the funding for future weapons programs with strong constituencies inside and outside the Pentagon.”

Despite the frustration of not having a clear plan, some things were going well. The funding we had added to the supplemental combined with the hard work of the MRAP Task Force and MRAP program management team was making a difference. The Pentagon saw clear increases in production capacity and was ready to try to move faster. I told you that in February 10 MRAPs had been produced. In July, that number of five hundred twenty increased, but clearly nothing close to the level needed to meet the requirement. The Pentagon asked Congress to approve moving $1.165 billion from other military programs to the MRAP program to try to keep growing the production. Congress agreed.

In July, I introduced an amendment to the Defense authorization bill to provide all of the funding that would be needed to get the Army 17,700 MRAPs and to deal with increased costs for the original 7,774 MRAPs that the committee had funded. I was also concerned that we were not moving fast enough to provide protection from explosively formed penetrators, EFPs, so I included funds for that as well. The total amendment was for $25 billion, which included $23.6 billion for 15,200 MRAPs, $1 billion for cost increases, and $400 million for additional EFP protection. My goal at the time was very simple: to make absolutely clear to the MRAP producers that Congress would provide all of the funding needed for MRAPs, up front and without delay, so that we could get these lifesaving vehicles to the front lines as quickly as possible.

That bill got delayed, but in the end, there was unanimous approval on September 27 for my amendment adding $23.6 billion to purchase 15,200 more MRAPs. The final bill, passed by the Senate on October 1, also raised the basic amount from $4.1 billion to $5.783 billion to address the increased costs for the 7,774 MRAPs already planned.

Three weeks later, October 23, the administration finally sent a message to Congress and asked for $11 billion for 7,274 additional MRAPs for the Army. This officially made 15,374 the total request for all services and was approximately 8,000 MRAPs less than the Army appeared to need. However, at that time, Army leaders were telling us that they believed it was important to get MRAPs into the field and see how well they worked before committing to the much larger number. Concerned about this, I went to the floor again when it was time to debate the Defense appropriations bill. Mr. President, $11.6 billion was included for MRAPs, and Senator INOUYE promised on the Senate floor to closely monitor the Army needs and he personally guaranteed that if additional vehicles were needed, they would be funded.

By this time, production was truly ramping up. In October, 453 MRAPs were produced. By November we were up to 842, and by December we were at 1,189 MRAPs. That meant we had a total of 3,355 MRAPs produced in 2007 even though in February, industry could only make 10 per month. In the span of 18 months, this program went from trying to meet a requirement for 185 MRAPs to meeting the requirement for 15,374 MRAPs. This Senate stepped up and said we will meet the need. We provided over $22.4 billion to give industry the ability to ramp up their production ability.

I argued in March that we could deliver close to 8,000 MRAPs to Iraq by February of 2008, some said it was impossible. We came close. Five thousand seven hundred and twelve MRAPs had been produced by the end of February.

Given that MRAPs cost approximately $1 million per vehicle, that also meant that at least $15.2 billion more would be needed. We were now looking at a total request of over $23 billion for MRAPs, making the MRAP program the third most expensive in the entire defense budget.
Abrams tank. These vehicles are saving lives.”

Mr. MCCAIN. Mr. President, before us today is a supplemental appropriations bill that would provide vital funding for the men and women fighting valiantly on our behalf abroad. Yet instead of acting on the needs of our military in an expeditious and efficient manner, we find ourselves considering a bloated bill, loaded down with extraneous measures unrelated to the ongoing conflicts in Iraq and Afghanistan. Sadly, this has become an unfortunate and reoccurring trend in recent years.

Congress has an obligation to provide our servicemen and women with the resources they need to fulfill their mission. Yet we have, once again, chosen to abrogate our duties and use this bill as a vehicle to fund various domestic projects that were not requested by the President, nor are they authorized, and have not been handled through the appropriate legislative process.

The President has already stated his intention to veto this measure if it arrives at his desk in its current form. Rather than demonstrating true bipartisanship and working together to produce a bill that meets the needs of our military and one that has the potential of becoming law, the Senate instead requested additional authorization for the decennial census and $3.6 billion for 15 Air Force C-17 cargo aircraft. We have looked to the administration to inform Congressional budgetary decisions and the Department of Defense has been providing the purchase of more of these cargo aircraft—they do not want them, because there is no military “requirement” for them and buying more C-17s is contrary to the Pentagon’s current budget plan. DOD Secretary Gates, the DOD Deputy Secretary, and the Department’s top acquisition official have all stated that additional C-17s were not necessary. Yet the Air Force continues to appeal to the parochial interests of Members of Congress, and Members of Congress reflected back to themselves on the wrong end of a bad decision. I am troubled by the Air Force’s apparent disregard for proper acquisition policy, practice and procedure and seeming eagerness to further contract with firms and businesses.

I also want to express my concerns about the authorizing legislation included in this emergency supplemental regarding veterans’ education benefits, commonly referred to as the Webb bill. There have been a lot of misrepresentations made about my position on this issue—not only on the Senate floor by the majority leader, who has alleged that I think the Webb bill is “too generous,” which is absolutely false, but in an ad by VoteVets.org, which offers a complete misrepresentation of the facts and is a disservice to our Nation’s veterans. I will once again attempt to set the record straight.

I believe America has an obligation to provide unwavering support to our veterans, active duty servicemembers, Guard and Reserves. Men and women who have served their country deserve the best education benefits we are able to give them, and they deserve to receive them as quickly as possible and in a manner that not only promotes recruitment efforts, but also promotes retention of servicemembers. I would
think we could have near unanimous support for such legislation and I am confident that we will reach that point in the days ahead. But adding a $52 billion mandatory spending program to this war funding bill without any opportunity for amendments to ensure the measure is not the way to move legislation nor will it expedite reaching an agreement in an efficient manner. Our vets deserve better than this.

On reservations I have recommended Senators WEBB, HAGEL and WARNER for their work to bring this issue to the forefront of the Senate’s attention. Their effort has been for a worthy cause, but that does not make it a perfect bill nor should it be considered the only approach that best meets the education needs of veterans and servicemembers. In fact, the Congressional Budget Office estimates that if their bill is passed, it will harm retention rates by nearly 20 percent. That is the last thing we need when our Nation is fighting the war on terror on two fronts.

Senators GRAHAM, PERR and I, along with Senator KENNY, have a different approach, one that builds on the existing Montgomery GI Bill to ensure rapid implementation of increased benefits. And, unlike S. 22, we think a revitalized program should focus on the entire spectrum of military members who make up the All Volunteer Force, from the newest recruit to the career NCOs, officers, reservists and National Guardsmen, to veterans who have completed their service and retirees, as well as the families of all of these individuals.

We need to take action to encourage continued service in the military and we can do that by granting a higher education benefit for longer service. And, we need to provide a meaningful, unquestionable transferability feature to allow the serviceman and woman to have the option of transferring education benefits to their children and spouses. S. 22, unfortunately, does not allow this. As a matter of fact, 2 days ago, Senators WEBB and WARNER agreed that transferability is a serious matter that merited change. What they proposed, however, does not go far enough and would only provide for educational benefits to a spouse or children.

We cannot allow this important issue to be hijacked by the anti-war crusade funded by groups like MoveOn.org and Vets for Peace, running ads saying that I do not “respect their service.” The accusation is wrong, they know that it is, and they should be ashamed of what they are doing to all veterans and servicemembers. I respect every man and woman who have been or are currently in uniform.

It is my hope that the proponents of the pending veteran's education benefits measures can join together to ensure that Congress enacts meaningful legislation that the President will sign and as soon as possible. Such legislation should address the reality of the All Volunteer Force and ensure that we pass a bill that does not induce service members and families to the military; but instead bolsters retention so that the services may retain quality servicemen and women. It must be easily understood and implemented and responsive to the needs not only of veterans, but also of those serving in the active duty forces, the Guard and Reserve, and their families. Their exemplary service to our nation, and the sacrifice of their families, deserves no less.

As we move forward with consideration of this supplemental appropriations legislation, we must remember to whom we owe our allegiance—the soldiers, sailors, airmen and marines fighting bravely on our behalf abroad. Their contribution to this appropriation to carry out their vital work, and we should have provided it to them months ago. The Congress, which authorized the wars in Iraq and Afghanistan, has an obligation to give our troops everything they need to prevail in their missions. Unfortunately, it seems we have failed to live up to this obligation today, instead producing a bill fraught with wasteful spending more attuned to political interests instead of the interests of our military men and women.

Mr. CARDIN. Mr. President, we are here today—after more than 5 years, 4,000 American lives lost, 30,000 wounded, and nearly $600 billion spent—to discuss funding for the wars in Iraq and Afghanistan.

I have always believed invading Iraq was a mistake. I voted against granting our President that authority in 2002. I have opposed, from the beginning, the misbegotten mission carried out that effort once begun. Last year, when the 2007 emergency supplemental appropriations bill came before the Senate, I, along with a majority of my colleagues, passed a bill that would have brought our troops home. The President chose to veto that bill. If he had signed it, most of our troops would be home today.

Instead, we now have more troops in Iraq than we did more than 5 years ago when President Bush declared our mission accomplished. Costs of life and limb, the nearly $600 billion and counting we have spent in Iraq has kept us from rebuilding the gulf coast, improving our infrastructure, fixing our schools, and providing quality health care for all.

Because our troops remain mired in an Iraqi civil war, we as a nation remain distracted from efforts to combat terrorists and extremists in Afghanistan and Pakistan where they pose the greatest threat. We have stretched our military too thin. We have pushed our troops too far. Beyond the priceless lives lost, this costly, aimless strategy continue to plague us both at home and abroad.

Former President John F. Kennedy said, “To govern is to choose.” President Bush has repeatedly chosen to pursue his war in Iraq, despite its costs to our nation. After voters sent an overwhelming message that they wanted a different direction, President Bush announced his decision to place more troops in Iraq.

But even the President recognized, and I quote, “A successful strategy for Iraq goes beyond military operations. Ordinary Iraqi citizens must see that military operations are accompanied by visible improvements in their neighborhoods and communities. So America will hold the Iraqi government to the benchmarks it has announced.”

As General Petraeus stated in a March Washington Post interview, “no one” in the U.S. and Iraqi Governments “feels that there has been sufficient progress by any means in the area of national reconciliation,” or in the provision of basic public services. And, in fact, only 3 of the 18 benchmarks the Iraqi Government and our Government agreed were important have been fully accomplished.

President Bush, however, has not held the Iraqi Government accountable for its failures as he promised. Instead, he has asked for over $170 billion to stay the present course: arming opponents of Al Qaeda, Iraqis, mediating in intra-Shia violence, and tinkering around the edges of the growing refugee crisis. The President wants money for his war, but says he will veto any conditions on those funds or any additional funds the Congress offers for the other urgent needs that face our Nation’s troops, our Nation’s families, and our Nation’s economy.

To govern is to choose. I believe it is past time for a more comprehensive strategy in Iraq. Funds for the war must not induce service members and families to the military too thin. We have pushed our troops too far. Beyond the priceless lives lost, this costly, aimless strategy continue to plague us both at home and abroad.

So I will vote against providing any additional funds for this war until we have a new mission for our Armed Forces. I will also vote against a provision that merely suggests a new mission for United States forces in Iraq. The time for suggestions, pleas, and protests has passed. The President has demonstrated that these fall on deaf ears.

Provided over 2 million people with health care; Put over 9 million homes with energy from renewable sources;
Given over 1 million students scholarships to university; or
Allowed over 1 million children a brighter beginning in Head Start.

To govern is to choose. I am proud to vote for provisions, above and beyond the President's request, that will provide additional funds for barracks improvements, restore $1.2 billion to BRAC military construction funding, and provide nearly $440 million to construct world class VA polytrauma centers.

I am especially pleased to vote to provide veterans returning from Iraq and Afghanistan with a new level of educational benefits that will cover the full costs of an education at a State institution. President Bush and some of my colleagues say the benefit is too generous. But this country provided our troops a similar opportunity after World War II. That investment created a generation of great leaders and an economic boom that transformed our country.

A new GI bill allows a new generation of brave men and women to fulfill their dreams and adjust to civilian life. That is an opportunity we owe veterans who this administration has asked to serve with repeated deployments.

A new GI bill is also a wise investment; it allows our economy to fully benefit from these veterans' talent, leadership, and experience.

I believe that the Iraqi refugee crisis, international disasters in China and Myanmar as well as an international food crisis require bold action by our government. I am proud to support significant additional aid to Jordan who has accepted hundreds of thousands of Iraqi refugees, as well as disaster assistance and global food aid above and beyond the President's request.

We have an obligation to respond to the growing economic crisis and the needs it has created for American families. People are losing their homes and their jobs, and along with those jobs, their health care. Since March 2007, the number of unemployed has increased by 1.1 million workers. I find it unbelievable that the President would threaten to veto emergency assistance for Americans in crisis.

So I am happy that this Senate has ignored the President's veto threats and I support provisions that extend unemployment benefits by 13 weeks for all the workers and by an additional 13 weeks in those States with the highest unemployment rates. Extending unemployment benefits helps families. That is critically important. But it will also help our economy. Economists estimate that every dollar spent in benefits leads to $1.64 in economic growth.

The bill extends a freeze on seven Medicaid rules issued by the administration that would have put a tremendous burden on State and local budgets already under pressure and affected access to services for Marylanders and Americans all around the country. This bill also makes critical investments in our infrastructure including roads, dams, and levees; increases energy assistance by $1 billion to low-income Americans facing skyrocketing fuel prices; and provides commercial fishery disaster assistance that could help Maryland's watermen.

These are just a few of the critical investments this bill makes in our Nation. With this emergency supplemental legislation, we chose to address many of the most pressing issues of our time.

Mr. REID. Mr. President, 64 years ago, President Franklin Roosevelt signed legislation that would change the course of American history and greatly enrich the lives of millions of our country's finest minds and bravest souls. That day, President Roosevelt said that the bill "Gives emphatic notice to the men and women in our Armed Forces that the American people do not intend to let them down."

Since 1941, nearly 8 million veterans have benefited from the GI Bill. Nearly 8 million men and women, home from war, provided with the opportunity to advance their education, get better jobs, and afford a brighter future for themselves and their families.

Among them, seven now serve in the United States Senate: Dan Akaka graduated from the University of Hawaii, Chuck Hagel graduated from the University of Nebraska at Omaha, Dan Inouye graduated from the University of Hawaii Law School, Frank Launtenberg graduated from Columbia University, Ted Stevens graduated from UCLA and Harvard Law School, John Warner graduated from Washington and Lee and the University of Virginia Law School, and Jim Webb, a Naval Academy alumnus, graduated from Georgetown Law School.

There is no doubt that if you ask any of these seven distinguished Americans, they would tell you that along with hard work, the GI Bill was a major reason for their success.

The 8 million veterans on the GI bill became an army of prosperity here at home. They became doctors, teachers, scientists, architects, and, like the seven I mentioned, public servants.

They saved lives, built cities, enriched young minds and expanded the opportunities available to a new generation of Americans.

Every dollar invested in the GI bill by the Government returns $7 to our economy—and the returns on our cultural prosperity are impossible to calculate.

In his time, President Roosevelt promised to never let our troops down. Now it is our time to do the same. The new GI bill, sponsored by Senator Webb and cosponsored by nearly 60 Senators, Democrats and Republicans alike, does just that. It increases educational benefits to all members of the military who have served on active duty since September 11, including reservists and National Guard and it covers college expenses to match the full cost of an in-state public school, plus books and a monthly stipend for housing. This is a bipartisan accomplishment we can all be proud to support.

A small minority of voices in the Bush administration oppose it on the faulty logic that it would decrease recruitment rates. On the contrary, there is every reason to believe that it would increase recruitment rates.

I urge all of my colleagues to support this crucial bipartisan bill—supported by those among us who have served and understand the military best.

Democrats are committed to honoring our troops in deeds and not just words. This call should be a cause for all of us. Passing this new GI bill will send that message loud and clear.

Once this GI bill reaches the President's desk, I urge him to do the right thing for our troops and veterans by quickly signing it into law.

Mrs. MURRAY. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER (Mr. Brown). The Democratic side has 8 minutes 45 seconds remaining; the Republican side has 27 1/2 minutes.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, we had understood that there was a Senator or two on our side who wanted to be recognized before we go to a vote on this issue. But pending their arrival, I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Mississippi is recognized.

Mr. GREGG. 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. GREGG. Mr. President, I ask unanimous consent that the Senator from Mississippi yield me 4 minutes off the bill.

Mr. COCHRAN. I am happy to yield the distinguished Senator 4 minutes off the time allotted to the Republicans.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I rise to speak about one specific element of the next four votes which has been come to be known as the Webb GI bill; a sincere attempt and a positive effort to try address to the issue of updating the GI benefits. I regret that that bill is being brought up in isolation and is not being juxtaposed with the Graham-Burris-McCain bill which also does the same thing, only does it in a much better way. I strongly support the Graham-Burris approach, which does not underwrite any significant benefits, the GI benefits to veterans.

The problem with the Webb bill, as the Secretary of Defense has said, and
Senior leadership in the military have said, is the bill will undermine our ability to retain personnel in the military. That has also been the conclusion of CRS. The reason is because it has such a high incentive for people to leave the military after their first tour of duty. As a result, in order to take advantage of the educational benefits.

The Graham bill, on the other hand, takes a different approach. It gives even more generous benefits, in many ways, especially to the families of GI’s. People in the military take pride in their military service, and the same time it increases those benefits with the more years you serve.

So the benefits go from $1,500 after 3 years of service, up to $2,000 after 12 years of service, and the ability to take those benefits and give them to your children or to your spouse is also authorized in the Graham bill, which does not occur in the Webb bill.

That seems to me to be proper approach as we do not want to undermine retention as we address the issue of improving benefits for people who serve in the military for us. This does not seem to me to be rocket science. It seems to me we could be able to get these two bills together, merge them in a way that it is just this sort of positive response where we significantly expand the benefit to people who have served us, for the ability to get educational benefits after they leave the service but at the same time do it in a way that it doesn’t undermine the capacity of the military to retain quality people.

When the Secretary of Defense says this is going to cost us quality people, he is talking about national defense. These are the folks who have been trained to have the skills, who are extraordinary professionals whom we want to encourage to stay in the military. We do not want to create a system where we actually encourage them to leave the military.

The Graham-Burr bill takes the approach of encouraging these folks to stay in the military and allow the benefits to accrue and grow so they can use them or their family members can use them. Thus, I think that is a much more positive and appropriate approach. So setting up the Webb bill as a freestanding vote without any amendments—that is the structure we have got here on the floor, no amendments to the Webb bill; it hasn’t gone through committee, it has not gone through regular order, it is being brought to the floor to make a political statement—basically is not constructive to getting the best product and the best benefits for our GI’s, and also the best bill to make sure we have the strong and vibrant military in order to defend ourselves and have a strong national defense.

Regrettably I have to vote against the Webb bill, which is our last tour of duty is in a posture where it addresses the issue of retention, where it addresses the issues raised by the Secretary of Defense, raised by the military leaders who work for the Defense Department, and raised by our own congressional study groups. Hopefully we can step back from this issue and do it right and do it in a cooperative way that will actually accomplish the goals which we all want, which is to significantly extend and improve retention for people who serve in the military, and at the same time encourage retention, at the same time allow these benefits to be passed down to the children of the persons serving us if that is their choice.

I wanted to make that point clear prior to this vote. I appreciate the courtesy of the Senator from Mississippi.

I yield back to the Senator from Mississippi any time I have. I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. I ask unanimous consent that the time be added to the Chairman of the Appropriations Committee, Senator Byrd, and that the time be added to the base time on our side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The President pro tempore is recognized.

Mr. BYRD. Mr. President, last week the Senate Appropriations Committee met for 3 ½ hours and reported responsibility legislatively to the troops, sets a goal for reducing the scope of the mission in Iraq, honors our veterans, and helps Americans to cope with a sagging economy.

The bill includes $10 billion of domestic funding not requested by the President, less than what the President spends in Iraq in 1 month. Yet the President has threatened to veto the bill if it is one thin dime—one thin dime—over his, the President’s, your President, my President, our President. He wants this Congress to approve another $5.6 billion—that is $5.60 for every minute since Jesus Christ was born—to rebuild Iraq. Yes, he wants this Congress to approve another $5.6 billion to rebuild Iraq, despite the fact that Iraq has huge—huge—surpluses from excess oil revenues. He wants funding for Mexico. He wants funding for Central America. But the President says he will veto the bill if we add funding for bridges in Birmingham, that is 15 minutes of energy bills in Maine or to fight crime in U.S. towns and cities or to aid Katrina victims.

Just yesterday the Director of the Office of Management and Budget repeated the silly assertion that by talking care of America, we hold funding for the troops hostage. This is pure—I am sorry to say, something like horse manure—nonsense. Our legislation includes funds that the President did not request for health care for our troops, legal counsel for the servicemen, for building and repairing barracks, and for training the Afghans to fight for their own security.

In the amendment on which we are about to vote, we honor those who have served America by increasing educational benefits for our veterans. We extend unemployment benefits by another 13 weeks. We honor promises made to the victims of Hurricane Katrina. We roll back excessive regulations that our Nation’s Governors believe disrupt health care coverage for our most vulnerable citizens. We respond to dramatic increases in food prices by increasing funding for the Global Food Assistance Program. We also provide humanitarian relief to disaster victims in China, Bangladesh, and in Burma.

This amendment includes provisions that have broad bipartisan support, such as funding for Byrne grants and the Rural Schools Program, which runs out of money on June 30, 2008. In the last 18 months, the President has designated 62 disaster grants for floods in 32 States. Yet the President has not requested funding to repair levees, levees that prevent citizens in Arkansas, Louisiana, and other States vulnerable to more flooding. We fund those repairs.

This is responsible legislation that supports our troops, honors our veterans, and helps our citizens cope with a troubled economy. I urge adoption of the pending amendment.

Mrs. MURRAY. Mr. President, on behalf of all of our colleagues, I thank the distinguished Senator from West Virginia, his long-standing support of the Appropriations bill and for taking into account all of the important needs across this country in presenting this amendment. I thank him for his words today as well.

How much time remains on our side?

The PRESIDING OFFICER. The Senator from Washington has 6 ½ minutes, and the Senator from Mississippi has 19 minutes 50 seconds.

Who yields time?

Mrs. MURRAY. Mr. President, I yield 5 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 5 minutes.

Mr. OBAMA. Mr. President, at the end of the Second World War, this country thanked a generation of returning heroes for their service by giving them the chance to attend college on the GI bill. Stanley Dunham, my grandfather, was one of the young men who utilized the GI bill. Half a century later, we face the largest homecoming since then, at a time when the costs of college have never been higher.

Senator Webb, a former marine himself, along with the leadership of both parties, have introduced a 21st century GI bill that would give this generation of returning heroes the same chance at an affordable college education that we gave the “greatest generation.”

We have asked so much of our brave young men and women. We have sent them on tour after tour of duty to Iraq and Afghanistan. They have risked their lives and left their families and
served this country brilliantly. It is our moral duty as Americans to serve them as well as they have served us. This GI bill is an important way to do that.

I know there are some who have argued that this bill will have an impact on interest rates. I firmly believe, and I think it has been argued eloquently on this side—that in the long term, this will strengthen our military and improve the morale of the people who are interested in volunteering to serve.

I commend Senator McCaskill’s service to our country. He is one of those heroes of which I speak. But I cannot understand why he would line up behind the President in his opposition to this GI bill. I can’t believe why he believes it is too generous to our veterans. I cannot disagree with him and the President more on this issue.

There are many issues that lend themselves to partisan posturing, but giving our veterans the chance to go to college should not be one of them. I am proud that so many Democrats and Republicans have come together to support this bill. I would also note that the first GI bill was not just good for those veterans and their families, but it was good for the entire country. It helped to build our middle class. Whenever we invest in the best and the brightest, all of us end up benefiting, all of us end up prospering.

I urge my Senate colleagues to give those members of our armed forces the chance to achieve their dream. I commend Senator Webb and the many veteran service organizations that have worked so tirelessly on this issue.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mrs. MURRAY. Mr. President, I yield the remaining time to the Senator from Vermont.

Mr. LEAHY. Mr. President, I commend the Senator from Illinois for his statement. I appreciate that he mentioned his grandfather and others who were helped by the GI bill of rights. There are so many people I know in Vermont who were able to get an education because of that bill.

Mr. KYL. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. COBURN) and the Senator from Arizona (Mr. MCCAIN).

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. CARDIN) is necessarily absent.

The PRESIDING OFFICER (Mr. TESTER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 75, nays 22, as follows:

(Rollcall Vote No. 137 Leg.)

**YEAS—75**

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The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this motion, the motion to concur with an amendment is agreed to.

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.

**AMENDMENT NO. 4816**

**Mr. REID.** Mr. President, I move to concur in House amendment No. 1, with an amendment, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada (Mr. REID) moves to concur in the amendment of the House No. 1 to the amendment of the Senate to H.R. 2642, with an amendment numbered 4816.

(‘The amendment is printed in today’s RECORD under “Text of Amendments.”’)

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. SANDERS. Mr. President, I raise a point of order that chapter 3, section...
Mr. REID. Mr. President, I move to concur in House amendment No. 1, with an amendment, which is at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk reads as follows:

The Senate from Nevada (Mr. REID) moves to concur in the amendment of the House No. 1 to the amendment of the Senate to H.R. 2642, with an amendment numbered 4817.

Mr. REID. 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 printed in today’s RECORD under “Text of Amendments.”

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion to concur in House amendment No. 1 to the Senate amendment to H.R. 2642 with an amendment numbered 4817.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Michigan (Mr. DURBIN) and the Senator from Indiana (Mr. BURTON) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Ohio (Mr. COBURN) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 34, nays 63, as follows:

YEAS

Akaka
Baucus
Bayh
Biden
Bingaman
Byrd
Cantwell
Carper
Casey
Collins
Conrad
Dole
Nelson (ND)

YEAS—34

Nelson (NE)
Pryor
Rockefeller
Salazar
Smith
Snowe
Stabenow

NAYS

Akaka
Baucus
Bayh
Biden
Bingaman
Byrd
Cantwell
Carper
Casey
Collins
Conrad
Dole
Nelson (FL)

NAYS—63

Harkin
Hatch
Hutchison
Inhofe
Isakson
Johnson
Kerry
Klobuchar
Kohl
Kyl

ORDER OF PROCEDURE

Mr. REID. Mr. President, I am going to ask for consent, in a few minutes, to have the override of the farm bill occur at 2 o’clock today. Senator GREGG will have 15 minutes, Senator CHAMBLISS and Senator HARKIN will have 15 minutes divided between them for 10 minutes. That debate will take place before 2 o’clock, and at 2 o’clock we will vote.
I also inform all Members we still don’t have particulars resolved on the budget. There are a number of alternatives. We can’t do anything on it until we get the legislation from the House. They are going to take that sometime this afternoon. As I said, the alternatives are when it gets here, we run out—I think there was at least a gentleman’s agreement, although not on the record, that the 4 hours we used yesterday would run against the 10 hours we used yesterday to complete that today. We would vote sometime this evening on that. That is one alternative.

The other alternative is to consider all talking over with. I am sure we need to hear more on the budget, but that would be one alternative. We could come back after the recess at a time—when a vote is this close I think I need authority to determine when the vote would take place, but we would have to finish the debate on that and then we would vote on the budget. So that is what we are working on. We do not have it done yet.

Mr. MCCONNELL. If the majority leader would yield for a question. Mr. REID. I will be happy to.

Mr. MCCONNELL. Is the Senator suggesting we do the farm bill around 2? Mr. REID. Yes. I say to my distinguished counterpart, we would complete the debate on that and that debate would be 15 minutes with Senator GREGG, 15 minutes divided between Senators HARKIN and CHAMBLISS and HARKIN or their designees, 15 minutes under the control of Senator Greggs. The remaining 30 minutes to be divided between the leaders or their designees; that upon the yielding back or use of that time, the message be set aside until 2 o’clock; that at 2 o’clock the Senate proceed to vote on passage of the bill, the objections of the President to the contrary notwithstanding, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. CON. RES. 70

Mr. REID. Mr. President, I now ask unanimous consent that when the Senate considers the conference report to accompany S. Con. Res. 70, the concurrent budget resolution, all statutory time be yielded back except for 15 minutes to be equally divided and controlled between the chair and ranking member; that upon the use or yielding back of that time, the vote on the adoption of the conference report occur at a time to be determined by the majority leader, following consultation with the Republican leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I would say one thing. It appears we do much better when we don’t have debate between votes. See how fast it went today. I think all the talking does is confuse us. 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. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOOD, CONSERVATION, AND ENERGY ACT OF 2008—VETO—Continued

The PRESIDING OFFICER. Under the previous order, the clerk will report the veto message on H.R. 2419.

The legislative clerk read as follows:

Veto message to accompany H.R. 2419, entitled an Act to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

Mr. HARKIN. Parliamentary inquiry: I understand under the agreement, we each have 7½ minutes; that Senator GREGG has 15 minutes; and the two leaders have reserved 15 minutes each?

The PRESIDING OFFICER. Mr. President is correct.

Mr. HARKIN. Mr. President, again for all advisers and those staff who are watching, now we are on the override of the veto of the farm bill conference report we passed here last week.

To remind everyone, that bill, as you know, passed here overwhelmingly 81 to 1, a remarkable margin for a farm bill. It was widely supported on both sides of the aisle and by regions of the country, so we were very pleased with that outcome and that vote.

Of course it had passed the House with 318 votes; so again a very strong vote on the bill. It went to the President. We were hoping that maybe he would not veto it, but the President did exercise his constitutional right and he vetoed the bill.

The farm bill came back to the House yesterday and the House overrode the veto 316 to 108. So basically what we have before us is exactly what we voted on last week and approved with 81 votes but for one thing: The farm bill is missing a title.

Let me try to be as succinct as I can in this. What happened is when the enrolling clerk on the House side enrolled the bill and sent it to the President, the clerk did not put in title III, which included the several of Agriculture trade programs and food assistance programs for foreign countries, mainly the P.L. 480, Food for Peace Program, the delivery of which goes through USAID, and other programs. So the President vetoed the enrolled bill which is missing that title.

Well, I know Senator CHAMBLISS and I and others have had numerous phone calls and conversations with Parliamentarians and others to figure this out. The enrolled bill is properly attested and fully executed and valid as to all of the provisions it contains. We will have to enact title III in another legislative measure. Again, I remind everyone, its omission was inadvertent. It was an innocent mistake; maybe excusable, but nevertheless an innocent mistake that title III was dropped out.

But for that title III, everything else in this bill is exactly what we approved with 81 votes. So I am here to ask Members to vote to override the President’s veto and to make this bill the law of the land in accordance with the overwhelming wishes of both the Senate and the House.

This bill is a good bill, as I said earlier. It responds to needs all over this country, from farmers and small towns and rural areas to Americans in urban areas. The largest part of the bill is nutrition and food assistance. Over two-thirds of the total spending in this bill goes to nutrition. The bill is more innovative than any bill we have passed since George Herbert Walker Bush was the President.
This bill does a lot for food assistance for low-income people. Basically all the added money above the budget baseline that we put into this bill goes for nutrition. We increase the food supplies to food banks. Our Nation’s food banks are getting hit pretty hard. We put $1.2 billion to supply them with more food. I might add, one of the reasons we must enact this bill in a hurry is because food banks are hurting. As soon as this bill becomes law with this override, $50 million will get out to our food pantries and food banks across the country.

We also in this bill, as you know, provided more money to help growers of specialty crops, fruits and vegetables, than we ever have before. We include in this legislation a higher level of funding than in any previous farm bill for helping farmers and ranchers in conserving our natural resources, saving soil, cleaning up our water and our streams, protecting wildlife habitat.

Look at it this way: Of the combined total spending in this bill on commodity and conservation programs, 41 percent of that total is devoted to conservation. That is slightly more than double the highest percentage share for conservation in any previous farm bill.

The rural development title helps rural communities through a number of new initiatives, including a stronger broadband program, and by devoting mandatory funding for water and wastewater systems to fund some of the tremendous backlog of qualified applications that are on hold.

We have in this bill several important initiatives and improvements in programs to help beginning farmers. We improve the farm income protection system in various ways, including for dairy farmers, yet attain budget savings in the title of the bill covering commodity programs. We have a new option in here, a new reform, called the Average Revenue Election, or ACRE, Program. This is going to be very significant for farmers to be able to choose whether to stay under the current farm program or do they go to the new program of income protection based on revenue.

I read the editorial in the Washington Post this morning and, of course, they have never editorially, as far as I know, ever supported a farm bill, at least in my time here. I have to go back and find some of the reasoning behind that this bill has been said. We were on the floor off and on for a couple of weeks, and we, at the end of the day, after a lot of controversy and whatnot, achieved a milestone in the Senate for farm bills; that is, we had 81 Members of the Senate who voted in favor of this bill. It is not a perfect bill, but it is a very good bill for any number of reasons.

In the commodity title, we are spending significantly less money on our so-called direct payments. I refer to it as an investment by the Government in agriculture, because that is exactly what it is. We are not guaranteeing farmers any kind of income. In fact, under the way this bill is written, the prices being what they are at the farm gate today, very little, if any, in the way of payments is going to be going from Washington to farmers. That is the way it ought to be. That is the way farmers want it. They would rather get the stream of income from the market than we do, as policymakers, want to see it happen. That is what will happen.

We have made significant changes in the payment limit provision. We have AGIs in this bill now that have never been thought of before. Nobody ever thought we would achieve the number we did from an AGI standpoint. But it is real reform. It is going to work.

We are also eliminating the three-entity rule. Again, if you had told anybody in the district that I represent 3 years ago that we would be eliminating the three-entity rule in the farm bill, you would have gotten blank stares.

Nobody ever thought that would happen, but we were willing to make those kinds of reforms.

In the conservation title, we have expanded a number of programs, but we have done something significant in the conservation title. Nobody ever thought we would ever apply payment limits to the conservation title. So the so-called millionaires that have been beneficiaries of the conservation title in years past are no longer going to be able to participate in that program, and they shouldn’t be.

I am pretty excited about the energy title. In my part of the world, we do not grow corn with the abundance that the Midwest part of the country does. Therefore, we are a little bit handicapped when it comes to the construction and manufacturing facilities to produce ethanol. Because out of the 201 ethanol-producing facilities that are in place or will be in place over the next 18 months, all but 2 of them are relocated with corn. The two that are not resourced with corn happen to be the first ones to reach commercial scale. One of them is in my State.

I am very proud of the fact that we are going to have a facility in Soperton, GA, that is under construction right now by Range Fuels that is going to produce ethanol from pine trees, because I will match our ability to grow a pine tree with anybody else in the country. It is a resource that is not going to increase the cost of food, which is an unintended consequence of the use of corn for the production of ethanol.

The title I am just as excited about is the nutrition title. We are seeing an expansion of the nutrition title again like none of us ever imagined we would see in this farm bill. Most people across America think because of what they read in the Washington Post and the Wall Street Journal and the Atlanta Journal and the Atlanta Constitution that farm bills are strictly payments to farmers when, in fact, about 11 percent of the outlays in this bill go to the commodity title which goes to farmers.

About 73 percent of the outlays in this bill go to the nutrition title to provide for the food stamp program, to provide for the school lunch program, to provide for payments to our food banks. All of those programs are designed to feed people who are hungry and they are going to increase the cost of food. Nobody ever thought that would happen. And, again, it is not a perfect bill. There are some provisions in it that I wish were not in it. But it is a massive piece of legislation, as is every farm bill, and we have to reach compromise to be able to get a bill of that massive size passed by the House and by the Senate.
We did accommodate the White House. We negotiated very diligently with the White House. We moved a long way in the direction of the White House. They did not get everything they wanted, and we did not get everything we wanted. At the end of the day, we were going to vote on the House side to fail the White House, unfortunately, decided we did not move far enough for them. Obviously that caused the President’s veto to the bill. At the end of the day, here today, we are going to have at least 14 of the 15 titles hopefully passed into law.

I do not know what happened to the one title. They tell us that a clerk on the House side failed to include 33 pages of title III in the bill that was transmitted from the House to the White House.

Those things happen. Now it is up to us to figure out the best way to efficiently and in an expeditious manner fix the problem and move ahead to allow farmers and ranchers to have some certainty as they move into the planting season of 2008. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from New Hampshire?

Mr. GREGG. Mr. President, I understand I have 15 minutes under the prior order.

Mr. GREGG. Mr. President, we are here to vote on the override of some portion of the farm bill which the President has vetoed. First, there is the great irony that the bill we are voting on isn’t the bill that passed the Senate or the House. It is some element of that bill, other parts of the bill having not made it to the President. That sort of becomes an allegory for this entire exercise. This is a bill that really doesn’t do the job it should, is inconsistent in the sense that it fails the American taxpayer and consumer, and is misguided in that it spends a great deal of money, perverting the marketplace relative to the production of agricultural products. But we are here because of what was a bureaucratic snafu, I presume.

We all know the President’s veto is going to be overridden, but the President was right to veto this bill. He was absolutely right. I say earlier—I know my colleagues this in the sense of irony with which I make it, not in any personal way—this bill truly is a product of commissar politics, of the old approach that we saw years ago in countries that thought that they could have a top-down management of their farm production system. I said in my earlier talk, where did all the economists who worked in the Soviet Union go, all those folks who sat behind desks and thought about 5-year plans and how to disconnect supply from demand and how to set the tertiary prices which caused the Soviet Union, a nation which was one of the great producers of agricultural products, to become basically a net importer of product? Where did all those economists go when the Soviet Union failed? It appears they moved to the Midwest and the South and developed our farm programs.

These programs have no relationship to the goal of setting prices for commodities, which are basically totally out of tune with the market. They have no relationship to market forces. As a result, the American consumer ends up with a much higher bill and does not benefit. Take sugar alone. Sugar prices in this bill are at least twice the world price for sugar. So the American consumer ends up getting hit for a much higher cost for any product that uses sugar. And just about any food commodity of any complexity uses sugar.

In addition, you have the huge effort to subsidize ethanol, which has driven up dramatically the price of corn and has the effect of basically creating an absurdity of putting a new premium on corn and providing a stress management for farmers. Then, according to the Agromarketing Service of USDA, $16 billion more in crop subsidies than previously projected, according to the Agriculture Department.

The culprit is a new program called Average Crop Revenue Election, or ACRE for short. ACRE gives farmers an alternative to direct payments, which come regardless of how much money they make, and other subsidies in which farmers choose to trade in some of their traditional subsidies in return for a government promise to make up 90 percent of the difference between what they actually made from farming and their usual income. In principle, this provides farmers a federal safety net only in those years when prices or yields fail dramatically—that is, when they really need one. Congress added the optional ACRE program to the bill as a sop to reformers who, sensibly, wanted to replace the current subsidy system with a new market-oriented program. Such a wholesale change would, indeed, have been a real reform. But since the farm bill continued direct payments and other-style subsidies to protect huge numbers of farmers to vote for the new ACRE deal.

Then farmers get a look at the bill’s formula for determining benefits under ACRE. It pegs the subsidies to current, record-high prices for grain, meaning farmers would get paid if prices fall back to their historical average, and for farmers, perfectly profitable margins. A program that started out as streamlined insurance policy against extraordinary hardship has mutated into a possible guarantee of extraordinary profits. I wonder that, as The Post’s Dan Morgan reports, a farming blog is urging farmers to sign up for ACRE, which it describes as “lucrative beyond expectations.”

The farm bill’s defenders insist that a budgetary disaster will not come to pass, because grain prices will not come down much during the five years the bill will be in effect. “The program does not look excessively expensive for the lifetime of the farm bill,” said Robert W. Goodlatte, the ranking Republican on the House Agriculture Committee. In other words, even if they don’t have to pay extra for ACRE, American consumers will have to pay food prices—so they may as well get used to it. None of the legislators who rushed to override President Bush’s veto of the bill yesterday will have the decency to blush the next time they pontificate about fiscal responsibility. But we can only wonder what other expensive surprise still lurk within this profoundly wasteful legislation.

Mr. GREGG. This bill has a lot of substantive problems. It probably will aggravate food consumption for nations around the world, their ability to produce product, and certainly dramatically increase the cost of product in the United States. We see that the marketplace so a product that might be produced more efficiently would not be produced more efficiently. It spends a heck of a lot of money, $289 billion. As we have seen, once again, it uses all sorts of budget gimmicks—when it was originally written they will have to be replaced, or parts of it will because of the bureaucratic snafu—to get around the rules of the Senate and the
House, for that matter, in the area of trying to discipline spending. There is $18 billion worth of budget gimmicks in this bill.

Then we just had a new budget avoidance exercise when the chairman of the Budget Committee declared that the new baseline under a new budget—this bill would have violated the original baseline, as was in that new budget—will now be adjusted so this bill would not violate that baseline—another exercise in gaming the pay-go rules. The budget chairman has a right to do that, but it cannot be denied that it is an effort to try to get around pay-go rules, as they should be applied under the budget we will be passing the week after next. So there is 18 billion dollars' worth of budget gimmicks in this bill; the worst, of course, the changing of years and the assumption that some program, which we know is going to continue, will terminate at an arbitrary date so that you can shift the money up to that date and claim there is no budget failure and, then, later on, adjust it, put the program back in place, and avoid the budget pay-go rules—really inappropriate, to say the least, in the way this has been handled.

It is, of course, a bill that comes to the floor every 4 or 5 years. But the problem is, every 4 or 5 years the American consumer gets basically hit beside the head by this bill. Last time I spoke, I said, get the hit beside the head with a lamb chop and they end up with a black eye the next day. As a result, I thought I would just stay away from that statement. But the fact is, the American consumer isn't doing very well under this bill. The American taxpayer is doing worse.

There is a claim that there is reform in this bill which is fairly specious on its face, considering all the new programs added to the bill, such as asparagus. One farm program after another adds to the bill, but it is not a healthy way to legislate. It certainly takes the concept of using the market—that's the historical term that comes out of the 1800s. But it is not the way to legislate. Certainly, it isn't a healthy way to legislate. It certainly takes the concept of using the market completely out of the exercise of developing a farm bill.

This farm bill runs counter to all the concepts of a free market society from which this country has benefited so dramatically and which we believe is the true and effective way to produce product and control costs and to make product more cost-effective for the people who use it. Adam Smith was right; Karl Marx was wrong. Under this bill, one would think Karl Marx was right and Adam Smith was wrong. This is a top-down, let's manage the economy, let's set arbitrary priorities that have no relationship to production, supply, or demand in place of going to a market where you use supply and demand to determine what will be produced.

I suppose if Patrick Henry were around today, his famous statement would have to be modified. He would have to say: Give me asparagus or give me death. That is what this bill has come down to.

We either get these farm subsidies and get the consumer rolled and the taxpayer rolled or we don't get anything around here.

As a practical matter, I, obviously, know I will lose this vote. The President knew he was going to lose this vote when he vetoed the bill. But he was absolutely right in doing so. It was the appropriate decision. It was the fiscally responsible decision. It was also a good decision from the standpoint of not only domestic policy but international policy, where we are seeing strains on production of commodities for the purposes of feeding people.

I regret we are going down this path one more time. We have been down it a few times in the past. But the simple fact is, the forces that support, for example, the sugar subsidy are too strong to be able to get the taxpayers a break.

I reserve the remainder of my time and yield the floor.

( Disturbance in the Visitors' Gallery)

The PRESIDING OFFICER. Displays of approval or disapproval are not appropriate from the galleries.

The Senator from Iowa.

Mr. HARKIN. Mr. President, I understand the legislative time this side has 15 minutes reserved; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HARKIN. I yield whatever time the Senator from North Dakota desires from the leader's time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota.

Mr. CONRAD. Mr. President, we ought to get straight world agriculture terminology. The Senator from New Hampshire, for whom I have high regard, has been a consistent opponent of a national agriculture policy, one that has produced for our country the lowest priced food in world history, measured by a share of our national income. Not only do we have the lowest cost food in the history of the world as a share of our income, we also have the safest supply, the most stable supply, the most abundant supply. Something which this administration does is to try to get true top-down, let's manage the economy priorities that have no relationship to production, supply, or demand in place of going to a market where you use supply and demand to determine what will be produced.

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sion for off-farm income. There is no tax increase.

The administration argues the farm bill contains timing shifts. That is true. But that is also true of almost all major legislation dealing with revenues. Nonfarm spending is what we do to true the numbers between the timeframes where various budget requirements are imposed. The simple fact is, when you do major reform such as we are doing in this bill, you change programs. You change payment amounts, and what one would expect. These changes have real-world consequences for farmers. They are making crop insurance payments earlier, for example, under this bill, and getting farm program payments later. That has a real-world cost.

The administration has repeatedly used timing shifts, itself, in legislation it has proposed. In fact, the timing shifts in this bill pale in comparison to the way the administration used the tax shifts which the President had in his tax packages repeatedly.

Now, in terms of where the money goes, 66 percent of the money in this bill goes for nutrition—two-thirds. Nine percent goes for conservation. The remainder pays for disaster losses on your whole farm operation, under this new law, if you have not had gains on the rest of it, and still get a disaster payment. Under this proposal, under this new law, if you have not had losses on your whole farm operation—disaster losses on your whole farm operation—you are not going to get a disaster payment.

I wish the Washington Post, when they write their editorials, would bother to read the legislation they are critiquing because clearly they do not know what the law is about. The final point I want to make: The Senator from New Hampshire, the ranking member of the Budget Committee, who is my friend, somebody for whom I have respect and affection, suggests over and over that somehow this is not paid for, that it is going to add to the deficit. No. The Congressional Budget Office, who are the official scorekeepers, and the Joint Committee on Taxation on this bill, that is what they say. We reduce the deficit in this bill by $17 billion and save $677 million; over 10 years, by $110 million. This bill is fully pay-go compliant. This is paid for. It is paid for without a tax increase.

One final point: The Washington Post wrote another egregious story the other day saying: Oh, there is this $16 billion additional cost that might be out there. Yes, and elephants fly. Look, when are they going to get objective in their reporting at the Washington Post? They have suggested there might be this $16 billion cost. Really? There also might be $16 billion of savings. A lot of things could happen. You know, lightning strikes. A lot of things could happen.

Look at the last farm bill. We brought that in $17 billion in the commodity provisions below what was forecast at the time. Did the Washington Post ever write a story about that? Did they ever? No. This bill is paid for. It is paid for without a tax increase. The professional scoring of this legislation is that it is $10 billion over baseline, essentially completely paid for, without a tax increase.

Mr. DURBIN. Mr. President, I rise to address the importance of the nutrition assistance title of the farm bill. The bill, in the other case, specifically reinforce Congress’s long-standing intention that the Food Stamp Act’s provisions and its regulations are fully enforceable and should be enforced. The courts have historically and correctly understood Congress’s intent that low-income households have the right to enforce these provisions.

The language of the Food Stamp Act and its implementing regulations—parts 271, 272, 273, and so on—have the kind of clear language required for judicial enforcement. We made sure that they are mandatory, not aspirational, and that they set out requirements for how each individual is to be treated, not general program-wide goals. They clearly define the benefits class as low-income people receiving or seeking food assistance. Nothing in the act or regulations suggests that substantial monetary payments are being made without any individual the benefit of these rules.

Along with oversight by the Department of Agriculture, lawsuits by families participating in food stamps are one of the ways we can ensure the Food Stamp Program fulfills its purpose. Indeed, it is partly because applicants and recipients can and do bring lawsuits to enforce program rules that the Department has not been required to maintain these funds for service standards in the program.

This legislation also makes explicit that various civil rights laws are binding in the Food Stamp Program. This is not a change—these laws and their regulations have always been part of the law. What we are doing is writing these laws and their regulations into the Food Stamp Act and its implementing regulations. This legislation also makes explicit that various civil rights laws are binding in the Food Stamp Program. This is not a change—these laws and their regulations have always been part of the law. What we are doing is writing these laws and their regulations into the Food Stamp Act and its implementing regulations.

The act is and has been clear that States are responsible for full compliance with all applicable civil rights laws. States’ responsibility is no less because they have chosen to have counties or other local agencies operate the program for them. The option of local administration exists only as a courtesy or convenience to the States, not to reduce their accountability. The States is just as responsible for what the local agency does as if the State agency performed those acts itself. This legislation emphasizes that point.

The other case. In the other case, Almendarez, a Federal district court refused to consider a suit brought by low-income people who need assistance in a language other than English to apply for food stamps. The Department’s regulations clearly provide rights for families that need language assistance. Now the act explicitly confirms that those regulations are enforceable. Future cases can be decided on the merits, as they should be.

This bipartisan legislation goes a long way toward providing food for working families, and providing the security of knowing that help is enforceable by law. I thank the chairman and
the committee for their tremendous work.

I thank the Chair and yield the floor. The PRESIDING OFFICER. Who yields time?

Mr. CONRAD. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally charged.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. President. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Parliamentary inquiry. Mr. President: How much time remains on both sides?

The PRESIDING OFFICER. If the Senator from Iowa will hold for a second—the Republican leader has 14 minutes, the Senator from New Hampshire has 2½ minutes, the majority side has 11 minutes.

Mr. HARKIN. Eleven minutes.

Mr. President, I understand that, obviously, when I call the nation’s taken evenly off of both sides. Since we have 11 minutes left, I yield myself 4 minutes of that time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HARKIN. Mr. President, would the Chair please remind this Senator when his 4 minutes have elapsed?

The PRESIDING OFFICER. The Senator will be so notified.

Mr. HARKIN. Mr. President, I want to respond to a couple things my friend from New Hampshire said. He talked about the sugar provisions in the bill and the support price of sugar, that it is over world prices. I always point out to people that when you go in a restaurant, or anywhere you go to eat, the sugar is free. You get these little packs of sugar wherever you go. You go to Starbucks, you get free sugar. You go to the airport, and you go down and get a cup of coffee, or something like that, there is free sugar. It cannot get much cheaper than that.

Does anyone believe if we were to drop these sugar support prices down about 50 percent—which is what would happen with what the Senator from New Hampshire wishes to have happen—do you believe candy prices are going to go down? Do you believe food prices are going to go down? Come on. It just means that the manufacturers, the processors will just make more profits, that is all, and our nation’s sugar farmers won’t. So you can’t get much cheaper than free when it comes to sugar when you go into your restaurants and coffee shops and places such as that.

The last thing the Senator said was something about logging, where some members will help other commodities or regions and then in return members who helped will support policy for other commodities in a different area. That is a total distortion of how this process works. The fact is, in my area in Iowa, we don’t grow cotton and peanuts, let’s face it. We just don’t. I don’t have much expertise in that area, to be honest about it, so I rely upon Senator CHAMBLISS or Senator COCHRAN or those Members from other parts of the country who know their agriculture. They know these commodities very well based upon their expertise. You bet we do. I hope they rely a little bit on our expertise when it comes to crops such as wheat and corn and soybeans and other crops. The same goes for ranches. The distinguished Presiding Officer comes from an area of the country where they have ranches. We don’t have ranches in Iowa, so I rely upon the Presiding Officer, who is on the Agriculture Committee and who knows a lot about ranching and what it means in his part of the country, and what it means to have livestock and livestock producers who run ranches. The Presiding Officer also knows what it means for this nation to shift to new and renewable forms of energy, including cellulosic energy, which he has been a leader on. So we rely upon each other for this kind of expertise. That is not logging; that is just recognizing that different Senators who come from different parts of the country have different expertise and they can bring that expertise to the Agriculture Committee. That is exactly how we develop these farm bills. It is not logging, it is simply recognizing that we want this legislation to work effectively everywhere across the nation, regardless of the commodities grown or region involved, and to cover the whole broad range of issues and challenges encompassed in this bill.

He doesn’t think we have a very good bill here. As my friend Senator CHAMBLISS said, of course we don’t agree with every single thing in it, but that is the art of legislation, which is to compromise and to work things out so that we can get good bipartisan support for multiregional interests. We did that in this farm bill. You can’t get much more bipartisan than 81 votes in the Senate or 318 votes in the House. When you have that kind of overwhelming support, then you know you probably have a good bill.

So, again, I urge Senators to vote to override the President’s veto.

Mr. President, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. 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. HARKIN. Mr. President, I yield 2 minutes to the distinguished Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. CONRAD. 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. HARKIN. Mr. President, I yield 2 minutes to the distinguished Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, Senator BINGAMAN and I will be introducing in the Senate today a resolution to express the sense of the Senate regarding the use of gasoline and other fuels by the departments and agencies of the Federal Government. We simply refer to all of the problems we see every morning, as we get up, in the papers and on the television about how families are coping with this gas problem. We simply say in a respectful way in the last paragraph—I will read it:

It is the sense of the Senate that the President should require all Federal departments and agencies to take initiatives to reduce daily consumption of gasoline and other fuels by departments and agencies.

I thank my colleagues. The full text will be available to all Members this afternoon. It is not as if we will be able to vote on this, but it will be some message to take back home that you are in support of it.

Mr. CHAMBLISS. Mr. President, I request to be added as an original co-sponsor.

Mr. GREGG. Mr. President, I also request to be added as a co-sponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. HARKIN. Mr. President, I ask unanimous consent that all time be yield back.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I ask for the yeas and nays.
The PRESIDING OFFICER. The yeas and nays are automatic under the Constitution.

All time having been yielded back, the question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

The yeas and nays are required.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DEMINT (when his name was called). Present.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. COBURN) and the Senator from Arizona (Mr. MCCAIN).

The yeas and nays resulted—yeas 82, nays 13, as follows:

[Rollcall Vote No. 140 Leg.]

YEAS—82
Akaka  Dodd  Menendez
Alexander  Dole  Mikulski
Allard  Dorgan  Murray
Baucus  Enzi  Nelson (FL)
Baucus  Enzi  Nelson (NE)
Bayh  Feingold  Pryor
Biden  Feinstein  Reid
Bingaman  Graham  Roberts
Bond  Grassley  Rockefeller
Boxer  Harkin  Brown
Brown  Hatch  Salazar
Brownback  Hutchison  Schumer
Bunning  Inouye  Sessions
Byrd  Isakson  Shelby
Cantwell  Johnson  Smith
Cardin  Kerry  Snowe
Capito  Klobuchar  Specter
Case  Kobliashvili  Stabenow
Chambliss  Landrieu  Stevens
Clinton  Lautenberg  Tester
Cooper  Leahy  Thune
Cochran  Levin  Vitter
Conrad  Lieberman  Warner
Corker  Lincoln  Webb
Cory  Martinez  Wicker
Craig  McCaskill  Wyden
Crapo  McConnell

NOT VOTING—4

Coburn  McCain  Obama
Kennedy

The PRESIDING OFFICER. On this vote, the yeas are 82, the nays are 13, one Senator responding present. Two-thirds of the Senators voting, a quorum being present, having voted in the affirmative, the bill on reconsideration is passed, the objections of the President of the United States to the contrary notwithstanding.

The Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, now that we have had this vote on the veto of the conference report, none of us had wanted to have the override of a veto. As we move ahead now, because of the technicality and the little glitch that we have had, we are not sure where we are going to be when we come back, but there is going to be, possibly, the chance that we are going to have to take up the full bill again as the House did and pass it with a big vote. Over the next several days, I hope maybe these water bills have been put out, we can move ahead with the concurrence of the White House so farmers and ranchers will have some dependability on what type of programs we are going to have out there for them.

Let me say again to my chairman, Senator HARKIN, we have had a pleasure to work with him and Senator CONRAD, who has been such a great ally in this process. It was great leadership to get us to where we are now. Thank you on behalf of all farmers across America. Senator Baucus and Senator Grassley have been so valuable in our process. We named all the staff the other day, but we wouldn’t be where we are without them.

Mr. President, I thank you and everybody have a safe holiday.

The PRESIDING OFFICER (Mr. NEL-SON of Nebraska). The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I associate myself with the remarks made by my good friend from Georgia, Senator CHAMBLISS. This has been a long effort. We worked very hard on this bill. I wish to reassure Senators, this is a good bill. I know there are some editorialists out there written about it in the Washington Post and other publications. That is all part of the process of debating and enacting legislation. But you have to think, a lot of those editorialists are written by those who likely have never supported a farm bill anyway, so there you go. It is like anything else, is this bill exactly what I would have wanted or Senator CONRAD would have wanted or anybody else? No. But that is the art of legislation. It requires cooperation, bipartisanship, compromise, and getting legislation through that benefits all of our country.

As we have said many times, this farm bill benefits everyone from farmers and ranchers, people in small towns such as my hometown of Cumming, population of 162, to people who live in New York City.

The fact that we had 82 votes now on the override—81 before on the conference report—well, it is the overwhelming votes in the House, I believe indicates people understand this is a broad bill that covers every American—not just farmers, not just ranchers but everyone. It is good for our country, good for our future. It is a bill that will make sure we will continue to have an abundant, safe, affordable supply of food for our people in this country, that we help low-income families put food on their tables and that we help farmers and ranchers conserve and protect our nation’s priceless resources for present and future generations.

This bill helps us move ahead to producing energy from cellulosic mater-
of the Food, Conservation, and Energy Act of 2008 so that I may provide my colleagues with more information about the very important changes made in the nutrition title, particularly to the Food Stamp Program. The Food Stamp Program is the single most important anti-hunger program in our Nation, helping millions of families, seniors, and people with disabilities afford an adequate diet. It is our country’s largest child nutrition program and serves as a critical work support to enabling low-income working families to make ends meet and put food on the table every month.

I know that many Senators have not had the opportunity to pore over the details of the legislative language and conference report for the nutrition title. So let me take this opportunity to provide some background on what has been accomplished in the nutrition area of this bill.

The conference report makes major investments and improvements in the Food Stamp Program in this bill—starting with changing the name of the program to the “Supplemental Nutrition Assistance Program” or “SNAP.” The change reflects the reality that food stamps and benefits are no longer “stamps” but have been updated and modernized and are now provided on special cards, like the debit or credit cards that most Americans carry in their wallets. For the purposes of my remarks today I will use the term “Food Stamp Program” throughout my comments one last time before this historic change is made.

One of the primary goals for the Food Stamp Program was to end the decades of erosion in the purchasing power of food stamp benefits. Because of harmful cuts to the program enacted in the midnineties, with each passing year the purchasing power of most households’ benefits has actually decreased. The cut, which has so far cumulated in about $25 less in food assistance each month for the typical working family, was from a freeze to the program’s standard deduction. This cut has affected about 10 million people a year, including many low-income working families with children, senior citizens living on a fixed income, and persons with disabilities.

The largest benefit improvement in this bill is an increase in the standard deduction for nearly two decades the $2,000 and $3,000 asset limits will be adjusted for inflation each year.

It is also important to note what the Congress did not do in the asset area. The administration proposed eliminating a State option called expanded categorical eligibility, which allows States to conform the food stamp asset rules to those used in a TANF-funded benefit, and proposed using those savings to finance the exclusion of retirement accounts from eligibility determinations. Both the House and Senate rejected that approach because of a belief that some assets, such as retirement funds, should be excluded from the program on a national basis.

In addition, by leaving the existing State option on categorical eligibility in place, States have the full flexibility to set their own asset policy. I strongly encourage USDA to work with States to expand the use of this State option beyond the 15 States that thus far have expanded categorical eligibility. States should receive the full food stamp caseeload do not currently use the national asset policy. I hope that in the coming months and years we will see more and more States take the option.

Another major improvement in this bill supports working families by allowing them to deduct the full amount of their childcare expenses from their income for purposes of food assistance eligibility and benefit determinations. The current child care deduction has not been raised in 15 years, but child care costs have continued to grow. Even when a low-income working family gets help paying for child care, the family’s share, or copayment, can be substantial. Now, because of changes in this bill, the amount of food assistance that a family receives will reflect the actual child care costs families pay to be able to hold down their jobs. By lifting the cap, families will be able to deduct the full value of their childcare costs, rather than just a portion of the costs. The change would provide an average of almost $500 a year—more than $40 a month—to approximately 100,000 households that pay high childcare costs.

This change was made cognizant of current USDA policy on the childcare deduction, which takes a broad view of what constitutes a dependent care cost and defines the amount families may deduct or the amount families may deduct.

For households that apply or recertify their eligibility after October 1, 2008, the dependent care cap will no longer be in effect. We expect that States will notify households already participating in the program with dependent care expenses at or above the $40 a month.
current cap about the policy change. These households should be given the opportunity to receive the higher dependent care deduction that corresponds to their full costs as soon as the provision takes effect. A benefit increase for these households, however, is their option. In two areas, this bill builds upon the very successful State options provided in the 2002 farm bill. These simplifications have made the program less burdensome on States agencies and families alike, have helped to keep low-income households connected to the Food Stamp Program, and have been a major factor in the sustained drop in State food assistance error rates.

The 2002 farm bill allowed States to extend "simplified" reporting rules to most households. Some 48 States and the District of Columbia have adopted this popular State option, which dramatically simplifies the rules for how many food stamp participants inform the State about changes in their income and circumstances.

Unfortunately, due to an oversight in the 2002 bill, States are not allowed to apply simplified reporting to several categories of households, such as households with elderly or disabled members. USDA wisely, through guidance and in its proposed regulation, allowed States to extend the option to some households that might be excluded, such as homeless households and migrant and seasonal farmworkers. This bill specifically allows these households to be included in simplified reporting and extends the State option to households with only elderly and disabled members, so long as States extend the simplified option for 1 year rather than 6 months for such households to reflect the fact that many of them live on fixed incomes and have stable living situations and thus do not have many changes to report. In fact imposing 6 months reports on these households would make them worse off by putting their food assistance at risk more often than is now the case.

This change will allow States to simplify their operations and reduce confusion, by having just one reporting system for all reportable forms, staff training, and other rules. I urge USDA to implement this provision and the underlying simplified reporting option in a way that allows it to achieve its full intent of minimizing the number of changes that households need to report and that States need to respond to, whether those changes are for food stamps or for another program that the State administers along with the Food Stamp Program. Simplified reporting cannot be simple if USDA allows exceptions. Technical changes should only be made to the case if a household reports that their income exceeds the gross income limit.

Another popular and successful provision from the 2002 farm bill gave States the option to provide 5 months of transitional food assistance to families that leave welfare. We did this not only because we wanted to reduce the paperwork burden but also to keep eligible families at a distance when they left welfare for work. This is important because we know that, for families who are leaving welfare for employment, the first couple of months are particularly vulnerable. Having work supports such as food assistance help them to weather this period and actually decreases the likelihood that they will return to cash assistance.

The 2002 farm bill made this State option available to families that leave Federal TANF-funded cash assistance programs. Since then, some states have adopted separate State-funded cash assistance programs for certain groups of poor families with children. These programs give States greater flexibility to develop services and supports that can serve these families appropriately.

This bill extends to States the option to provide transitional food assistance to families leaving these State-funded public assistance programs. Several States have specifically indicated that this change will be beneficial to them and the families with children that they serve.

For all of these benefit improvements, I expect USDA to implement the provisions in a way that is sensitive to the needs of the State agencies that administer the program. It is with some disappointment and disbelief that I note that the administration still has not yet issued final regulations for the 2002 farm bill's food stamp provisions. In implementing this bill I urge USDA to provide sufficient, flexible guidance to States in a timely manner to implement policies USDA allowed in 2002 was to extend the 120-day quality control hold harmless protections to provisions that are State options, such as simplified reporting and transitional food stamps. I expect USDA to allow that policy for this farm bill as well.

In addition to major improvements in the benefit levels and rules, the nutrition title contains numerous program oversight and integrity provisions, as well as provisions that address basic program operations.

As I mentioned at the outset of my remarks, this bill finalizes the replacement of paper coupons in favor of the electronic benefits on plastic cards that are now the way people access their food assistance across the country. The bill prohibits States from issuing any new coupons and provides that existing coupons shall be redeemable for only 1 year from the date this bill is enacted. This is a minor change to the current program, since no State currently issues coupons and fewer are redeemed each month. Nonetheless, the change required numerous technical and conforming revisions in the statute to purge the act of "coupons" and other trappings of the old system. No policy changes are intended in making these revisions other than to reflect the existing reality. For example, in replacing the word "coupons" with EBT, but does not intend to change policy beyond simply recognizing that coupons do not exist anymore. The term "benefits" refers to the food voucher-like benefits that households receive on electronic benefit transfer cards, EBT, but does not include auxiliary activities under the act, such as nutrition education or food stamp employment and training services.

Despite the overwhelming success of electronic benefits in modernizing benefit delivery, reducing retailer fraud, and removing a large source of stigma for recipients, there is one area where there remain concerns about EBT benefits, and this bill has tried to address them. Under the current paper coupon system, some households, especially seniors who qualify for small benefits, could store up those smaller amounts and use several months' worth in one shopping trip or for a special occasion such as a holiday gathering. With food stamp coupons there was no deadline for how long they were good for.

Under EBT systems, however, some States have moved households' benefits "offline" after as few as 3 months if there is no activity in the account. This can be a problem for households that receive small benefits and want to store them up for a special supermarket trip.

So this bill strikes a balance. It allows States to move a household's benefits offline if the household has not accessed the EBT account for 6 months. But the State will be required to notify the household of this step and reinstate its benefits within 48 hours if the household makes a request. I expect States to make the process for recovering benefits after they have been moved offline easy for households. Any inquiry about food assistance, or general request for assistance from a household that has had benefits moved offline, should be considered a request for reinstatement of lost benefits. In other words, households should not have to contact a particular phone number or ask for some complicated requirement to get benefits restored to their accounts. Rather, eligibility workers and local office or call center employees should assist households and should help them to initiate the process of reinstating their benefits.

I recognize that some States may need to renegotiate the terms of their EBT contracts, and I urge USDA to work with States to implement the provision as quickly as possible given the time constraints set by the effective date constraints.

This bill also responds to another benefit issuance matter that has come
up recently in Michigan and in other places over the years. States currently issue food stamps in one monthly installment for each household. They may, and usually do, “stagger” food stamps by issuing the month’s food stamps to households on different days of the month, for example, based on the last digit of the household head’s Social Security number. This practice spreads out the demand for food.

Some States—most recently Michigan—have faced pressure from retailers and others to divide each individual household’s monthly allotment into two or more issuances over the month. I do not support such a change and was surprised to learn that the law permitted it. Dividing households’ monthly food stamp allotments could prevent some households from making large buying trips or from purchasing large, economy-size containers of staple foods. It also would be burdensome for households with small benefit amounts—such as seniors—because they would have to use their food assistance EBT card at multiple shopping trips during the month instead of only one. In fact, the Michigan Department of Human Services polled current food assistance recipients about such a potential change and learned that recipients strongly opposed splitting food assistance benefits into a twice-monthly allotment.

The bill includes a provision that would prevent States from dividing monthly allotments. No other policy changes are envisioned. The bill does not intend to change the rules with respect to the issuance of expedited benefits, the proration of benefits for partial months, the issuance of supplemental benefits in the event a benefit correction is needed, the way that people who reside, or formerly resided, in drug or alcohol addiction treatment facilities receive food assistance, or any other area.

The nutrition title also clarifies a provision that has inadvertently denied food assistance benefits to innocent people. Individuals who are being actively pursued by law enforcement for outstanding felony charges or for violations of probation or parole are not eligible for food assistance benefits. This rule appropriately ensures that fugitives do not receive public support. However, in practice, this rule occasionally denies food assistance to the wrong people—inocent people whose identities may have been stolen by criminals or those whose offenses were so minor or so long ago that law enforcement has no interest in pursuing them. If the issuing authority does not care to apprehend the applicant when notified of his or her whereabouts, there is no public purpose served by denying food assistance benefits.

Inadequate guidance to States has resulted in exactly that. This provision would correct this by requiring USDA to clarify the terms used and make sure that States are not incorrectly disqualifying needy people who are not being actively pursued by law enforcement authorities.

One important area of the bill has not gotten a lot of attention. It has to do with our own, as well as USDA’s over-sight of State administration of the program. Several provisions in the nutrition title are included to improve oversight of States with respect to computer access and security processes, and access to benefits.

For example, the bill requires States to adequately test and pilot new computer systems. I do not wish to see another instance of a State implementing a multimillion dollar computer system in that does not work, and which USDA knew would not work. Time and time again, I have read about computer systems that do not work and either cause undue suffering or result in misissuance of food stamps or that issue benefits inaccurately. That is unacceptable management of the program. USDA must demand adequate testing and hold States, not clients, accountable for any mistakes in benefits when there is a major systems failure.

The bill also includes a provision that was proposed by USDA to increase the penalties on States if, despite these measures, a “major systems failure” occurs. If the Secretary determines that overissuances have occurred because of a “major systems failure,” the States, rather than households, as is usually the case, are to be liable to repay the Federal Government for the cost of the overissuance. This is entirely appropriate because the mistake is clearly not the household’s fault, and their ability to purchase food should not be compromised because of the State’s egregious mistakes. When major State problems occur, the State’s energy and resources should be focused on fixing the problem, not on collecting from low-income households that had no role in the mistake.

New automated systems are not the only program area that requires more oversight, monitoring, and enforcement of standards. States are now using online applications, conducting business with clients over the phone, and in some cases closing local offices and reducing staff as a result of these changes. New technologies present enormous opportunities to improve customer service, but they also carry risks. If technology does not work or the State agency lacks sufficient oversight, the bill is, in part, responding to a recent GAO report that found that USDA has not collected sufficient information on the effects of alternative methods of benefit delivery on program access, payment accuracy, and administrative costs. The bill requires USDA to set standards for identifying when States are making major changes in their operations and for requiring States to certify that changes in program design that allows for comparison of substate areas that are being tested and which allows for the timely use of the State-reported data in evaluation prior to moving ahead with later phases of a project. Another provision of the bill creates an explicit State option for accepting food assistance applications over the
telephone. As I previously mentioned, innovative States have experimented with online applications and telephone interviews as a way of streamlining the process for people who have difficulty coming to welfare offices, such as working families with busy schedules and small children.

The nutrition title would allow households to apply for food assistance over the telephone and have their benefits date back to the date of the telephone application. This is important to ensure that households that apply over the telephone do not have a delay in their benefits and receive smaller benefits for the first month. We have provided that a telephone signature should be accepted as adequate for all purposes. No subsequent mail-in application should be required in order for the application to be considered filed by the State agency.

Throughout the history of the Food Stamp Program, the courts have played a constructive role in ensuring that congressional intent is carried out. The program has not been overrun with litigation because both Congress, in writing statutes, and USDA, in writing regulations, have taken great pains to be clear and specific. On those rare occasions when courts have misunderstood our intent on an important matter, Congress has amended that statute accordingly. Because USDA keeps the Agriculture Committee informed of its regulatory actions, Congress also has been comfortable with—indeed supportive of—litigation to enforce the Department's regulations. On numerous occasions when we leave a matter open in the statute, it is because USDA has told us exactly how it plans to address the matter in regulations. Congress has always operated on the assumption that the program's regulations would be fully enforceable and fully complied with to the same extent as the statute.

I was disturbed to learn of two recent cases in which courts disregarded the longstanding history of judicial enforcement of the act and regulations. A district court in Ohio refused to enforce the Department's regulations for serving people whose primary language is not English, and an appellate court in New York held that States are less responsible for compliance with the act and regulations when the program is administered by local governments than when the State administers the program itself.

Accordingly, this legislation clarifies that States must comply with the Department's rules in service to non-English-speaking households as well as with the statute. The regulations, no less than the statute, create rights for households to ensure that they can receive benefits.

Regarding cut to the New York case, the legislation clarifies that States' responsibility is no less in locally administered systems. Congress has granted States the option for local administration as a convenience; nothing in the law reduces States' responsibility if they take this option. If the State could not be held fully accountable for strict compliance with the act and regulations, local administration would not be permitted. These amendments correct that problem.

I have been a member of the Senate Agriculture Committee or the House Agriculture Committee for over 30 years. I have always operated on the assumption that the act and regulations create enforceable rights for actual and prospective participants and that litigation may properly arise under provisions of either. When I have heard of examples where applicants or clients were not provided with the service that the act and rules provide, such as timely and fair service, assistance for those who need it by the State agency or 10 days to turn in requested paperwork, I have supported the right of an individual to file a claim against the State to enforce the rules established by Congress and the regulations stemming from the statute.

With very few exceptions, the old Food Stamp law and the Food and Nutrition Act are based on the principle of individual rights. Much of that stems from a history in the 1960s and 1970s of clients not being able to gain access to the program. To be sure, section 2 of the old law states that subsections (a) through (g) of section 7 do not affect individual households, and sections 9, 10, 12, and 15 focus on retailers and wholesalers. Within section 11, paragraphs (e)(19), (e)(20), (e)(22), and (e)(23), as well as subsections (f) through (h), (k), (l), (m) through (r), and (t), regulate state agencies rather than households. The same is true in section 16 of the beginning of subsection (a) as well as of subsections (c), (d), and (f) through (k). Sections 11(a), 18(e) and 19(a), 19(c) are not meant to convey rights to households. A few other provisions by their terms no longer apply to anyone. But by and large, the Agriculture Committees, and Congress as a whole, have consistently intended that the Food Stamp Program be administered in strict conformity with the Food Stamp Act and with regulations the Secretary has duly promulgated under this act and that prospective and actual participants be entitled to enforce these provisions legally.

The legislation also clarifies the act's privacy protections to ensure that those receiving confidential information for legitimate reasons are not free to make other uses of that information or to retransmit it to third parties. Any decisions about releasing or using information should be made in advance by the Department or State food stamp agencies. The focus was on retransmission of information. Other than allowing for electronic school bake sale or they may shop for one another and reimburse each other for food. Two families who share an

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apartment may sometimes share or swap food, even though they generally purchase and prepare their meals separately. These are not fundamental affronts to the integrity of the program. In fact, these are facts of life for honest low-income families. USDA and States should only treat the egregious cases—where recipients intentionally sell food that was clearly purchased with food assistance benefits for a cash profit—as fraud. Innocent, well-intentioned low-income individuals should not be disqualified under this new provision.

The bill also includes $20 million in the nutrition title for pilot projects to test innovative ways of using the Supplemental Nutrition Assistance Program to improve the diets and overall health of recipients and to especially reduce the problems of obesity and the related bad health outcomes. Particularly, this funding is provided for USDA to carry out a pilot program that would test whether certain incentives can be effective in helping food stamp households to purchase healthier foods. The funding is intended to be used for a pilot program using the existing EBT infrastructure. For participants to benefit, the household would have to purchase fruits and vegetables with their food stamp benefits. The food stamp benefits would receive a discount on the portion of their purchase that is deemed healthful. Alternatively, the household would be able to use their EBT card for the component of their grocery store purchases that are healthful.

This provision is an investment in a very important area. But I must be clear that it is very important for these pilot projects to be rigorously evaluated and that the evaluations be independent, so the Agriculture Committee can have reliable information on what works and what does not work to help people’s food purchasing behavior, diets, and health status. To provide USDA with maximum flexibility in implementing this provision, the statute does not go into great detail about the structure of the pilot program. However, I have every expectation that USDA will consult closely with the Agriculture Committee as it works to implement this provision.

The bill also requires USDA to study the cost and feasibility of reinstating the Concentration of Puerto Rico Child, a participating household, to the national Food Stamp Program. Since 1982 Puerto Rico has received a fixed block grant amount for food assistance, rather than be a part of the U.S. program like the 50 States, District of Columbia, Guam, and the Virgin Islands. This block grant does not take into account changes in economic or demographic conditions, such as unemployment or the number of people who are in need of food assistance. Puerto Rico operates their Nutrition Assistance Programs with rules very similar to the Food Stamp Program, except that it has been forced to impose much lower eligibility criteria as a result of capped funding. For example, a Puerto Rican household has a maximum net income limit of only 23 percent to 34 percent of the poverty level, instead of the 100 percent cut off used in the Food Stamp Program. It is critical that Congress gain a better understanding of whether we are meeting the food needs of U.S. citizens living in Puerto Rico and whether inclusion in the Food Stamp Program would be appropriate in the Commonwealth. With this in mind, I hope that Congress gain a better understanding of what the local conditions are in Puerto Rico and how to address the issues in the next farm bill.

Another provision of the bill seeks to ensure that all children who live in households receiving food stamps are getting the free school meals to which they are entitled. Forty percent of all food assistance recipients are school-age children and about 45 percent of food assistance benefits go to families with school-age children. Food assistance benefits are a critical factor in reducing food insecurity among families with children. All children in families receiving food assistance get an automatic enrollment for free school meals provided the National School Lunch and School Breakfast Programs. Such children have been eligible for free school meals for some time, but the requirement that they be automatically enrolled when completing vouchers or food stamp applications was enacted in 2004 and will be effective nationwide for the first time in the 2008-2009 school year.

The goal of the direct certification requirement is to move to a system that seamlessly enrolls 100 percent of school-age children in households receiving food assistance benefits for free school meals without imposing any additional paperwork on already stressed families. Unfortunately, it appears that USDA is not adequately implementing this provision effectively. As a result, families and schools must fill out and process needless paperwork that was already processed by the food stamp agency. I strongly encourage USDA to work with States to ensure better implementation of direct certification. Government need not and should not be unnecessarily redundant and wasteful. This legislation requires USDA to report to Congress annually on each State’s participation in the pilot and to identify best practices. The report can thus be used to help States assess their own progress and expand the reach of direct certification.

The farm bill nutrition title makes a significant new investment in food purchases for emergency food organizations, increasing the Federal mandatory funding that is available from $130 million per year to $250 million, adjusted for annual food inflation. Because the amount has been flat since 2002 it has not kept pace with inflation, while food prices have climbed by more than 15 percent. TEFAP also will receive $50 million in additional funding for the remainder of fiscal year 2008 to deal with the short-term immediate needs of food banks in light of the recent economic downturn and high food price inflation.

I would also like to highlight some of the changes we made to the Food Distribution Program on Indian reservations. As my colleagues may know, under the Food Stamp Act, tribal governments have the authority to run a commodity program for their tribal members who would purchase commodity foods. The program helps ensure that low-income Native Americans who live in very remote areas and for whom food stamps are not an option have access to nutritious foods. Currently, there are approximately 243 tribes receiving benefits under the FDPIR through 98 Indian tribal organizations and five State agencies.

The bill makes a number of changes to the program. First, the statute is clarified to ensure that individuals disqualified from the Food Stamp Program are also disqualified from FDPIR. Second, the bill provides more authority to ensure that traditional and local foods are included in the food package based on input from participants. Finally, and perhaps most important, Congress is requiring USDA to submit a report on the FDPIR food package and its ability to meet the food and health needs of low-income Native Americans. I am concerned that FDPIR may be falling as a substitute for the Food Stamp Program. Unlike food stamps, it does not differentiate between the food needs of the poorest versus those with more income. Moreover, I am concerned that the quality of the food provided in the food package is not as healthy and nutritious as it ought to be, nor does it respond to the diet and health challenges of Native Americans. The Secretary has open-ended authority to implement and expand FDPIR, which is an entitlement to Native Americans in lieu of the Food Stamp Program. I look forward to hearing from USDA about if or how FDPIR needs to be modified to respond to the food security needs of its participants.

The nutrition title also makes a very significant investment in the health of our Nation’s children by expanding the Fresh Fruit and Vegetable Program, which will receive $150 million annually, indexed to inflation. Several important policy changes are also made to the program. First, because eating habits are established early in life, we limit the program to just elementary schools, with an appropriate transition period for currently participating secondary schools. The bill also includes significantly strengthened targeting of program funds to low-income children by specifying that priority be given to applicants that have the highest number of children eligible for free or reduced-price meals. I expect USDA and states to take this increasing very seriously. The
statute is very clear. It does not suggest that the prioritization of low-income schools is optional but clearly indicates that first priority be given to the schools with the greatest proportion of low-income children. The statute also removes any reference to dried fruits that were formerly specified. The program is intended to provide fresh fruits and vegetables only.

As my colleagues may gather from my remarks, I am extremely proud of what we have accomplished in the nutrition title of this farm bill. We have made the title a top priority within the bill and taken pains to ensure that we strengthen our Federal nutrition programs for the tens of millions of children, seniors and families they serve. Of course, we still have a long way to go before we end hunger in this country. But with this legislation we will be moving in a direction of reducing hunger, strengthening our people and building healthier, stronger communities.

Mr. President, in addition to the more than 1,000 farm, conservation, nutrition, consumer and religious organizations who urged us to override this veto, more than 2,700 Americans signed an online petition, which said the following:

We urge Congress to override President Bush’s veto of the 2008 farm bill. . . . It protects the safety net for all of America’s food producers, increases funding to feed our nation’s poor, enhances support for important conservation initiatives, and helps make America more energy independent . . . Please vote to override President Bush’s veto and enact the 2008 Farm Bill into law.

I will not enter all the names into the RECORD because there are e-mail addresses listed here, and I don’t want to make all those public. I ask consent to have the petition printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

We urge Congress to override President Bush’s expected veto of the 2008 Farm Bill which is predicted to go into law in a bold new direction. It protects the safety net for all of America’s food producers, increases funding to feed our nation’s poor, enhances support for important conservation initiatives, and helps make America more energy independent.

The House and the Senate passed the Farm Bill on May 14-15 with enough bipartisan support to override a possible veto by President Bush.

We urge members of Congress to continue to vote for the interests of Americans in stead of caving to President Bush who is out of touch with the everyday needs of middle America.

Please vote to override President Bush’s veto and enact the 2008 Farm Bill into law.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I have been asked to make a request that we go into morning business, with Senators permitted to speak for up to 10 minutes; that upon my conclusion, Senator DORGAN be recognized for up to 5 minutes, Senator CASEY for up to 5 minutes, Senator VITTER for 15 minutes, followed by Senator STEVENS for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota.

UNANIMOUS-CONSENT REQUEST—H.R. 980

Mr. DORGAN. Mr. President, on behalf of the leader, I ask unanimous consent—and I ask it not be taken out of my time—that H.R. 980 remain the pending business.

The PRESIDING OFFICER. Is there an objection?

Mr. VITTER. Yes, Mr. President, on behalf of Senator Enzi, the ranking member of the committee of jurisdiction, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from North Dakota is recognized.

THE FARM BILL

Mr. DORGAN. Mr. President, I want to start by acknowledging the tremendous work of Senators CONRAD, HARKIN, and CHAMBLISS. This farm bill has taken countless hours of patience and perseverance. Thank goodness they have all that in abundance, along with great skill, wisdom and vision.

I especially want to recognize Senator CONRAD’s work here in the Senate and Congressman Pomroy’s work in the House. We wouldn’t be where we are today without their efforts and I wanted to publicly thank them.

Mr. President, the Congress has made a major decision today. That decision is to say to this President: It is time to start taking care of things here at home. It is a pretty substantial message—notwithstanding the objections of the President, this Congress said we need to stand for family farmers and have voted overwhelmingly to decide that we will override the President’s veto and voted overwhelmingly to decide that we will override the President’s veto. Sometimes there is not much distance between the right track and the wrong track. But with respect to the farm bill, the distance here between the right track and the wrong track, between the President and the Congress, is a country mile. It surprises me, in fact.

This Congress has said: Let’s start taking care of things here at home for a change. Now, family farmers have always been the bedrock of this country’s family values. They, in many cases, work alone. They raise a family out under yard lights, out in the country. They take big risks every year.
They live on hope. They do not come to work in blue suit. They put on work shoes and work clothes and work hard, and all they ask for is a decent return on their investment, despite the substantial risks they take. Because of that fear, for a long period of time, over many decades, has decided to create a safety net so that when family farmers run into a patch of trouble, this Congress and this country say: You are not alone. We want to help you through these price valleys and through these tough times.

So that safety net was significantly what we voted on today. The President began last year threatening to veto a farm bill, and consistently threatened that veto, and finally decided to exercise that veto, and the Congress said: You are wrong, Mr. President.

The President came to my State of North Dakota. He said to farmers: When you need me, I will be there. But when farmers needed him, he was not there. That is a matter of fact. This Congress has used awfully good judgment in overriding the President’s veto.

About a year ago, a little over a year ago, I introduced an agriculture disaster bill here in the Congress. For 3 years in a row I have added an agriculture disaster piece to the supplemental appropriations bill because we did not have a disaster title in the farm bill. For 3 years as an appropriator I put disaster money in the Appropriations bill. Finally, the third opportunity, we got it in a bill the President had to sign. But we had to go on bended knee when they had disasters over much of farm country to get disaster help. Now we have a farm bill that has a disaster title. That is a significant step forward.

A lot of folks do not understand much about farming. They think that Corn Flakes, oatmeal, and puffed rice come out of the ground and the plants die. But the people who put it in the boxes make much more money than those who plow the ground and plant the seeds that produce the corn and the oats and the wheat.

Now, this is a pretty substantial day for those of us who care about family farmers and want good farm policy. This veto override is good public policy.

Rodney Nelson, a cowboy poet from North Dakota, who is a rancher and a farmer out near Almont and Judd, ND, wrote a piece. I have mentioned it before to my colleagues. But he asks this question rhetorically in his piece: What is it worth? What is it worth for a farm to know how to weld a tractor, to make a combine, to fix a tractor? What is it worth for a kid to know how to work livestock, work in the hot summer sun and the cold winter day? He asks: What is it worth for a kid to know how to teach a calf to drink milk out of a pail? What is it worth for a kid to know how to build a lean-to? What is it worth for a kid to know how to fix a tractor that won’t run?

There is only one place in this country where all of those skills are taught, and that is on America’s family farms. That is the university where all of those courses exist, and we lose it at our peril. That is why we write farm legislation. That is why it is worth plenty to this country to say to family farmers during tough times: You are not alone, because we have created a farm bill to say here is a helping hand during tough times. That is why this bill is about our energy. I think the action today is something we ought to be proud of.

Is this bill everything I would have liked? No. My colleague and I, Senator Granholm, worked on an amendment on the floor of the Senate that was critical in terms of policy dealing with payment limits. We lost. We got 56 votes, we needed 60.

The fact is, this bill remains a good bill. It is late. It should have been done months ago. We fought through 9 or 10 months of Presidential veto threats. But it is done and finally I think farmers who are working their fields now in the spring are aware if how they are going to do this year. I think farmers are going to be able to look at this bill and say: Congress cared. Congress cared enough to override the President’s veto and put in place a farm bill that once again says: America cares about family farming and its future.

I yield the floor to the PRESIDENT OFFICER. The Senator from Pennsylvania is recognized.

THINKING OF SENATOR KENNEDY

Mr. CASEY. Mr. President, I wanted to say first I commend the remarks of the Senator from North Dakota who again reminds us of the importance of this legislation that we have been working on for many months now, and now having to spend a few minutes talking about our veterans.

We also had an opportunity today at lunch to listen to three individuals whose stories, among others, are portrayed in a book about the Freedom Riders in the early 1960s and the impact they had on civil rights, and the courageous witness they provided is an understatement. People literally risked their lives for freedom in the South.

When I think about our veterans today, the GI bill that Senator Webb brought to this body, and so many of us cosponsored, when I think about the GI bill, the work today on agriculture and nutrition and also the witness provided by these speakers today at lunch who were Freedom Riders, I am, of course, thinking about Senator Ken-

GI BILL OF RIGHTS

Mr. CASEY. Mr. President, I wanted to make a couple of remarks about the GI bill of rights. We had an opportunity today to vote on a piece of legislation which included that. That legislation is so necessary for our veterans.

In Pennsylvania, we have over a million veterans, and so many of them served our country in war after war. And in this war, the war anywhere in the world where they serve, all they are asking us to do is to help them in a couple of very basic ways: They want our respect, which we should always provide, and I think most Americans do over and over again. But they also should have the right to an education after they have served their country. It is that simple.

We all know education is often referred to as the great equalizer. Sometimes when someone comes from a disadvantaged background, they are able to lift their sights and take part in the American dream because they have an education.

If soldiers are serving in combat, men and women in uniform for America, the least we should do is provide them with an education when they come home so they can have the chance at the American dream here at home.

I think the last thing, certainly not in that order, they have a right to expect is quality health care. We have a long way to go. Despite great work by people who work in the VA, there is a long way to go to provide the kind of quality health care our veterans have a right to expect.

So when we remember on this floor the words of Abraham Lincoln a long time ago when he talked, about people who served in combat and war, he talked about caring for him who has borne the battle and his widow and his orphan. When we think about that today, caring for him or her who has borne the battle, it must mean at least those three things: our respect, quality health care, and a quality education.

That is why this bill is so important. I am grateful so many of our colleagues agree with that. But we have got a long way to go to make sure the GI bill is the law of the land, not just something to debate but the law of the land.
I hope the President, I hope people on both sides of the aisle here join us in that, in making sure the GI bill of rights at long last is the law of the land.

I yield the floor.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from Louisiana.

HEALTH CARE

Mr. VITTER. Madam President, I rise to talk about the need for dramatic, bold health care reform in this country, so every American has real access to good, affordable health care. In doing so, I wrap up a project I began 8 weeks ago with six of my Senate colleagues to highlight our proposed solutions to reforming health care in America.

I start by thanking those colleagues, Senators COBURN, DEMINT, THUNE, ISAKSON, MARTINEZ, and BURR for joining me here on the Senate floor and in other venues to talk about this enormously important challenge for all of us.

We have reaffirmed what I think virtually every American knows, that we are in a health care crisis in this country, and there are some fundamental things broken, some fundamental things wrong. But we have reaffirmed our present health care delivery system.

I want to reaffirm what was said: We need not just tinkering at the edges but some bold, dramatic reform to fix that system and give every American access to good quality and affordable health care.

But I also want to reaffirm there are clear choices to be made, dramatically different alternatives. We have laid out our positive choices in contrast to the other large alternatives, the single payer socialized solution that several of our colleagues here in this body have long advocated.

Our choice, my colleagues and mine, Senators COBURN and DEMINT, THUNE, ISAKSON, MARTINEZ, and BURR, has been simple at its core: The health care system must be centered on the doctor-patient relationship. Health care plans must be flexible and there must be real choice. Americans must be able to own and control their own plans and decisions and choose how those plans work for them, and Washington should not control or run or mandate anything.

We believe individuals and families should own their own health insurance, and we oppose the government managing or rationing people’s health care. We believe individuals are capable and are better than bureaucrats at choosing that coverage which is best suited for their own needs.

We are opposed to forcing people to enroll in a plan versus providing incentives to encourage individuals and families to choose to enroll. We believe existing government programs can be improved and modernized so they provide more efficient quality care to serve the purpose of their enactment.

In contrast to that, we oppose attempts to expand these specifically targeted programs and make them a Trojan horse for broader overreaching socialized medicine and sickness management by the Federal Government.

In contrast, for instance, for more people on Government health care, we should assure that the truly indigent have health coverage. My friends and colleagues who tried to rationalize a dramatically expanding SCHIP, for example, the ability to offer Government health care to uninsured children, argued we have to put children first. But last year this Senate unfortunately and overwhelmingly rejected an amendment by Senator COBURN that would have assured that all children in the United States would have health care coverage before funding special interest pork projects.

We believe we should open and expand the health insurance marketplace to Americans so they can shop for health care, in the right health care plan, and let what is best suited for them work for them, and let what is best suited for them work for them.

We oppose increasing the number of costly mandates that price individuals in so many cases out of the market and restrict consumer choice and access.

As my friend from South Carolina stated, there are almost 2,000 individual mandates in health care, covering in some cases acupuncturists and hair professionals. These mandates obviously drive up the cost of health care. In fact, according to the CBO, for every 1 percent increase in the cost of health care, 300,000 people lose their insurance. So there is a real human cost to so many of these mandates. This is supposed to be a free market society. I am perplexed as to why a consumer in South Carolina should not be able to shop for cheaper health insurance if that product is offered and sold in Louisiana.

This is why we have proposed to drive down mandates to a reasonable level. It would force insurance companies to compete with each other across State lines to offer cheaper quality plans. Americans are able to purchase or invest in almost anything in any State of the Union. This does promote competition. It encourages companies to offer better prices and better quality and more attractive interest rates for savings and better service. Why can’t we bring that positive aspect to the market of health insurance?

My colleagues and I who join together in this discussion recognize that seniors have increasingly turned to Medicare Advantage plans because they offer better value, more choice, a higher quality of care than traditional fee-for-service Medicare. We oppose attempts to cut Medicare Advantage and reduce health care choices for seniors. Again, unfortunately, too many folks in this body are moving in the other direction.

Chairman Baucus of the Finance Committee has indicated that the majority side of the aisle will offer a Medicare package that will likely significantly cut funding for the popular Advantage plan.

I have heard from thousands of Louisianans who are overwhelmingly pleased with their Medicare Advantage plans. I hope we can preserve this option for seniors for the Medicare compromise so we don’t cut Medicare Part C and negatively affect those seniors.

We believe we should dramatically reform the tax treatment of health care, by providing powerful incentives that will increase access by allowing Americans to keep more of their hard-earned money to pay for health care. We oppose tax increases that do the opposite, that seize American money from American families to pay for government-run and government-dominated health care. That limits access to doctors. It lowers the quality of health services. Addressing health care through our Tax Code would fundamentally change the health care market, if Americans keep more of their money for health care through refundable tax credits, we can empower Americans with more resources to obtain and access care.

We have seen the results of increased utilization of health savings accounts. We want to see that when given the freedom to keep their tax-free money for health care, Americans will make sound decisions to stay healthier, make better health care decisions, and shop for more cost-effective care and services. HSAs, health savings accounts, are a newly implemented concept and one that is working. Americans want choice, and tax advantage options such as HSAs allow for more choice in health care. We know our proposals would reform a broken system into one that is patient centered, high quality, lower cost, and where families choose and own their own health care plan. Government-run health care does not work and limits access and choice for families.

If you do not believe that, look to our neighbors. To the north we see Canada, which has a weekly lottery to see which of their citizens, in essence, get to go to the doctor. Look to our friends across the Atlantic, to the British. The British National Health Service recently promised to reduce the wait time for hospital care to 4 months. That is supposed to be a dramatic improvement under that model, under Great Britain’s national health care system.

Is that the kind of health care we want Americans to have? I sincerely hope our proposals over the last 8 weeks will be some part of promoting this badly needed debate. I sincerely hope that important debate leads to action, to results in the Senate and the Congress, results for the American people. Health care is one of the most important issues facing families today. It is time we actually do something instead of sitting on our hands in Washington. We need to go back to the
States to talk about how we need to reform the American health care system. It is time to embrace the challenge of health care reform and do something now, not just punt to future Congresses, future Washington politicians, future Presidents.

I hope our discussion over the last 8 weeks helps promote that, not just debate but debate leading to action to improve the lives of all Americans with regard to health care.

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. STEVENS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY SUPPLY

Mr. STEVENS. Madam President, this morning when I read the Wall Street Journal, I was interested in this article: "Energy Watchdog Warns of Oil Production Crunch." This is the IEA, the International Energy Agency, that makes estimates and keeps the world abreast of the status of energy supplies. The conclusion in this article is that the demand for energy throughout the world continues to rise, but the supply is flat.

If there is no question that this is a problem this country faces, the problem of supply. Too often people in the Senate are unwilling to talk about the problem of supply. As a matter of fact, in 1995, President Clinton vetoed a bill that would have opened a very small portion, about 2,000 acres, of the ANWR coastal plain, which is a million and a half acres set aside for oil exploration. It would have opened it to oil and gas development. That was shortsighted, it was naive, and it has had a devastating effect on Americans.

As this article in the Wall Street Journal points out, it predicts global demand for oil of 116 million barrels a day by 2030. Today the world’s demand is only 87 million barrels a day, and we are paying $135 for each of those barrels. As the demand continues to rise—and we know it will—so will the cost. It will become higher and higher.

barrels. As the demand continues to rise, we are paying $135 for each of those barrels. As the demand continues to rise—and we know it will—so will the cost. It will become higher and higher.

barrels a day would reduce gas prices "only a penny a gallon." Then, do you remember the Senator from New York, Mr. SCHUMER, said: "There is one way to get the price of oil down and it’s two words—Saudi Arabia. If they were to increase 800,000 barrels per day, the price would come down probably 35 to 50 cents a gallon. That’s a lot."

Now, why would 800,000 barrels of Saudi oil reduce gas prices 50 cents a gallon and 1 million barrels of American-produced oil from our State reduce the price at the pump only a penny?

As a matter of fact, the Senator from New York said this extra supply from Saudi Arabia would probably reduce the price of oil by 62 cents before it was all over. Imagine that: 800,000 barrels of oil from Saudi Arabia could bring down the price of a gallon of gasoline by 62 cents. There is an absolute inconsistency with what the former Senator from New York has told the Senate. I find that appalling on a thing such as the oil supply now, in view of the price of gasoline for Americans at the pump. They are paying the price because of President Clinton. They are paying the price because of stubborn opposition to develops the resources in my State.

Now, they tell us that drilling in the arctic could harm the Arctic Wildlife Refuge. It will not. As a matter of fact, the area we are going to develop was set aside in the act of 1980, a million and a half acres in the Arctic Plain, so it could be explored. It will not be part of the Arctic Wildlife Refuge until the exploration and development of that area is over.

I think there is no question we have to find a way to have the Members of this body make up their minds: What is the problem America faces today? It is supply. Our demand is increasing, like the rest of the world, but we do not have an American supply of oil. Off our shores, and in the deep water off Alaska, there is a bountiful supply of oil. We have two-thirds of the Continental Shelf of the United States, and there is only one well on that two-thirds of the Continental Shelf.

If you look over to the other side of the Bering Straits in Russia—Russia, which was a net importer of oil just a few years ago, now a exporter of oil. Why? Because they developed the OCS off their shores. They now have a strong economy in Russia. Why? Because they do not export petrodollars anymore. They use money in their own country to fund the development in their own country.

We have to make up our minds whether we are going to face blind opposition, incorrect, and uninformed opposition, or whether we are going to take the actions needed to develop American oil to meet American demand, and whether we are going to use the deep water off our shores to produce oil as does the rest of the world.

Norway produces oil off their shores. Britain produces oil off their shores. As a matter of fact, we produce oil off our southern shore, but we are prevented from producing oil off our northern shore. It is absolutely inconsistent and irrational what we are facing.

Our pipeline, at its peak, was transporting 2.1 million barrels of oil to the west coast of the United States. Today, it is producing about 700,000 barrels a day. It is two-thirds empty, in effect. It would not need a new pipeline to carry the oil that would be produced in ANWR. It is there. It could carry more than 1 million barrels a day easily. Yet it has been opposed. It has been opposed for over 20 years by the same irrational people who come to the floor and say: Oh, oh, Saudi Arabia, produce more oil. Produce 800,000 barrels of oil a day, and we can probably expect gas prices at the pump to come down 62 cents. But if you bring 1 million barrels of oil down from Alaska, it is only going to affect the price by a penny.

I have to tell you, we have to have smarter energy solutions. I hope the time will come when we have a rational debate on this floor. I am reminded of that rational debate when we finally approved the legislation that brought about the construction of the Alaska oil pipeline in the 1970s. We waited 4 years for that pipeline to start because of stubborn opposition from the extreme environmentalists. It was finally overcome. That opposition was overcome by an act that was started right here on the floor of the Senate, which closed the courts of the United States to any further litigation over building the pipeline.

We were just following the oil embargo. America realized we had to have more American oil. There was no filibuster on this floor. The vote was 49 to 49, and that tie was broken by the then-Vice President.

Now, what has happened? Why should every time we bring up ANWR we have a filibuster? Why can’t we bring to the American continent the resources of the continent that happen to be in our State?

Mr. INHOFFE. Madam President, will the Senator yield for a question?

Mr. STEVENS. Madam President, I am happy to yield to my friend.

Mr. INHOFFE. Madam President, I am happy to yield to the Senator or the floor. I should be allowed to ask a question.

Mr. STEVENS. I do not want to disrupt your line of thinking because I agree so much with you. But every time I hear people talking about ANWR, and I hear people talking about stopping any drilling or exploration in ANWR, it occurs to me, here we are the senior Senator from Alaska. You have been here for a long time, and I have gone with you up to the area in which you
are talking about drilling. I have heard people compare that to a postage stamp in a football field or something like that. It is a tiny area up there.

The question I have is twofold. First of all, why is it that as near as I can determine, people who live there all want to explore and resolve this problem we have in this country by drilling and exploring in ANWR? Who are we down here to tell them up in Alaska what is best for them? That would be the No. 1 question.

The second question is, what I have observed, I say to the senior Senator from Alaska, who has been here longer than I have, is that every time the No. 1 question.

I remember the argument against the Alaska pipeline. They said: Oh, it is going to destroy the caribou. What it has done, if you go up there, as I have been with you at any time during the summer, for the last few months, the only shade the caribou can find is the pipeline. You see them all out there. It has actually had the effect of increasing the breed. But are we talking about the caribou now?

I keep thinking, if we had followed through with what we are talking about doing back in the middle 1990s, we would now be producing our own energy, producing our own oil, and we would not have these high prices at the pumps.

Mr. STEVENS, I thank the Senator very much.

I will close on this statement.

Madam President, I ask unanimous consent that the Wall Street Journal be printed in the RECORD. I would hope that the Senate would pay attention to it.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

(From The Wall Street Journal, May 22, 2008)

ENERGY WATCHDOG WARNS OF OIL-PRODUCTION CRUNCH

(By Neil King Jr. and Peter Fritsch)

The world's premier energy monitor is predicting a sharp revision of its oil-supply forecast, a shift that reflects deepening pessimism over whether oil companies can keep abreast of booming demand.

The Paris-based International Energy Agency is in the middle of its first attempt to comprehensively assess the condition of the world's top 400 oil fields. Its findings won't be released until November, but the bottom line is already clear: Future crude supplies could be far tighter than previously thought.

A pessimistic supply outlook from the IEA could further rattle an oil market that already has tripled the price of a barrel, double what they were a year ago. U.S. benchmark crude broke a record for the fourth day in a row, rising 3.3% Wednesday to close at $133.17 a barrel on the New York Mercantile Exchange.

For several years, the IEA has predicted that supplies of crude and other liquid fuels will arc gently upward to keep pace with rising demand, topping 116 million barrels a day by 2030, up from around 87 million barrels a day currently. Now, the agency is worried that oil-producing investment means that companies could struggle to surpass 100 million barrels a day over the next two decades.

The decision to rigorously survey supply—instead of just demand, as in the past—reflects an increasing fear within the agency and elsewhere that oil-producing regions are on track to meet future needs.

"The oil investments required may be much, much higher than what people assumed," says a chief economist and the leader of the study, in an interview with The Wall Street Journal.

"This is a dangerous situation.

The agency's findings are widely followed by the industry, Wall Street and the big oil-consuming countries that fund its work.

The IEA monitors energy markets for the world's 26 most-advanced economies, including the U.S., Japan and all of Europe. It acts as a counterweight in the market to the Organization of the Petroleum Exporting Countries. The IEA's endorsement of a crimped supply scenario likely will be interpreted by the cartel as yet another call to hold high oil—a call that will<br>time answering. Last week, the Saudis gave President Bush a lukewarm response to his pleas for more oil, saying they were already near the 10 million barrels a day, an announcement that did nothing to cool prices.

At the same time, the IEA's conclusions likely will be seized on by advocates of expanded drilling in prohibited areas like the U.S. outer continental shelf or the Alaska National Wildlife Refuge.

The IEA, employing a team of 25 analysts, is trying to shed light on some of the industry's best-kept secrets, assessing the health of major fields scattered from Venezuela and Mexico to Saudi Arabia, Kuwait and Iraq. The fields supply over two-thirds of the world's crude.

The findings won't be definitive. Big producers including Venezuela, Iran and China aren't cooperating, and others like Saudi Arabia typically treat the detailed production data of individual fields as closely guarded state secrets, so it's not clear how specific their contributions will be. To try to compensate, the IEA will then model to make estimates. It will also collect information gathered by IHS Inc., a major data and analysis provider based in Colorado, as well as the U.S. Geological Survey, smattering of oil and oil-service companies, and national petroleum councils.

SUPPLY-SIDE GLOOM

But the direction of the network echoes the gathering supply-side gloom articulated by some Big Oil executives in recent months. A growing number of people in the industry are endorsing a version of the "peak-oil" theory—that oil production will peak in coming years, as suppliers fail to replace depleted fields with enough fresh ones to boost overall output. All of that has prompted numerous upward revisions to long-term oil-price forecasts on Wall Street.

Goldman Sachs grabbed headlines recently with a forecast saying the price of $140 a barrel this summer and could average $200 a barrel next year. Prices that high would add to the inflationary pressures weighing on world economies or fuel-sensitive industries such as airlines and autos.

The IEA's study marks a big change in the agency's efforts to peer into the future. In the past, the IEA focused mainly on assessing future demand, and then looked at how much non-OPEC countries were likely to produce to meet that demand. And gap, it was assumed, would then be met by big OPEC producers such as Saudi Arabia, Iran or Kuwait.

But with the IEA's pessimism about future supplies has been building for some time. Last summer, the agency warned that OPEC's "security could stabilise levels by 2012." In November, it said its analysis of projects known to be in the works suggests that the world could face a shortfall as much as 7 million barrels a day, unless there was a sharp drop in expected demand. The current IEA work aims to tally the range of investments and production projects under way, then look at the fields in question to get a clearer sense of what to expect in production flows.

"This is very important, because the IEA is the agency as the world's only serious independent guardian of energy data and forecasts," says Edward Morse, chief energy
economist at Lehman Brothers. Examining the state of the world’s big oil fields could prod their owners into unaccustomed transparency, he says.

Some critics of the IEA, while praising its new study, say a revision in the agency’s long-term forecasting is long overdue. The agency has failed to anticipate many of the big energy developments in recent years, such as the surge in Chinese demand in 2004 and this year’s skyrocketing prices. “The IEA is always conflicted by political pressures, he says. “The IEA may be about the data it has, they know nothing about the resources we’ve yet to discover in the deep waters or in the arctic,” he says.

MR. STEVENS. Madam President, I do thank the Chair for her patience. Let me do one last thing.

(The remarks of Mr. STEVENS pertaining to the submission of S. Res. 575 are printed in today’s Record under “Submitted Resolutions.”)

Mr. STEVENS. I thank the Chair for her patience and yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. INHOFE. Madam President, first of all, let me thank the Senator from Alaska. This is a frustration I have felt for so long: that it is not just that right down party lines we are not able to produce oil here, it goes offshore. We have tried, on the Republican side, to do something about increasing the supply—by drilling in Alaska, by going at the tar sands, and I am sure the Senator from Colorado will talk a little bit more about shale out in the western part of his State and in my State of Oklahoma, trying to give tax incentives for the production at marginal wells, which are wells that produce under 15 barrels of oil a day.

I can give a statistic that I do not have to back up because it has never been refuted. If we had all the marginal wells flowing today that have been shut down in the last 10 years, it would amount to more than we are currently importing from Mexico.

So I think it is very arrogant, when you have two hard-working Senators and one Member of the House from Alaska who want very much to do what 100 percent of the people want to do in Alaska; that is, to improve their economy by producing cheap oil for us domestically so we can bring down the price of gas, when they will not allow us to do it.

Let me make one comment. I am going to be joined by the Senator from Colorado, I want to touch upon one other area.

If we had been and would be successful in being able to drill more oil domestically so we can bring down the price of gas, no matter how much we produced, it cannot go into the gas tank until it has been refined. So refining capacity is something that is very critical in this country. Again, right down party lines, they have prevented us from having that refinery capacity.

I want to touch upon one other area. On the floor a bill called the Gas Price Act. All it was was a bill to start building refineries in America. It has been 30 years; 1976 was the last refinery we had in America. What we need to do is start building refineries. Well, with the BRAC process—and for those of you who come from States that don’t have any military operations, you may not know this—but this process is the Base Realignment and Closure Commission. That is where you go through an independent entity to determine which of the military installations should be shut down. Of course, with all these shut down installations, it is economically devastating to the adjoining communities.

With the Gas Price Act, what we have done is provide that if you have shut down as a military installation, we could provide assistance through the Economic Development Administration for cities—if they are so inclined—to make applications so that they can turn these closed bases into a military base in opposition to it.

I thought when we developed this thing that it wouldn’t be a problem at all because no one should be against it. Everyone knows we have to increase our refining capacity. We offered amendments on this bill to streamline the process.

Also, if people changed their minds in communities, they would be able to stop this from taking place. States have a significant, if not dominant, role in permitting existing or new refineries. Yet States face particularly technical and financial constraints when faced with these extremely complex facilities. So my Gas Price Act requires the Department of Defense to do an Environmental Impact Statement, and concurrently review all permits with the relevant State agencies to permit refineries. This program does not waive or modify any environmental law and consequently should not have had anyone in opposition.

Now, we brought it twice to the floor—three times to the floor and twice we had votes—and right down party lines, every Democrat voted against the Gas Price Act. All we wanted was to bring a little bit of flexibility, and one Member from Colorado was the only Democrat, along with the local governments, was to build refineries so that we could refine what will hopefully be someday an increase in capacity so we will not be reliant upon foreign countries for our ability to run this machine called America, but we would be able to produce our own energy.

I think it is important that every time we talk about increasing production, which we just did, we also have to talk about the refining capacity. We are all ready to go, I say to my good friend from Colorado, with the Gas Price Act if we are able to move in that direction.

We have that over the Memorial Day recess, when everybody is out there driving and people are much more sensitive to the price of gas, they are going to look back and say: You know, maybe the Republicans were right all of those years; maybe we should be increasing our supply, as the Senator from Alaska put it, of gasoline and oil produced in America.
I yield the floor.

The PRESIDENT OF THE SENATE. The Senator from Colorado is recognized.

Mr. ALLARD. Madam President, I wish to thank the Senator from Alaska, for his leadership in making sure we have adequate energy for the American people. Right now, we are falling short. The reason for that is this Congress. It is not business where we should assert blame; it is not the stock markets we have heard blamed on this floor, or the futures market. It is simply because Congress has been tying up these reserves and not providing the incentives we need to move ahead with oil refiners and to make supplies available on the market.

This is a supply-and-demand issue. The demand in this country is exceeding the supply. If we want to become less dependent on foreign oil, we need to do more than what we have done historically.

(The remarks of Mr. ALLARD pertaining to the introduction of S. 3062 are printed in today’s Record under “Statements on Introduced Bills and Joint Resolutions.”)

Mr. ALLARD. Madam President, I yield the floor.

The PRESIDENT OF THE SENATE. The Senator from Oklahoma is recognized.

Mr. INHOFE. Madam President, first of all, I agree wholeheartedly with the comments and the legislative agenda our friend from Colorado has. Again, it is a great frustration that we have tried so hard for so many years to expand our supply here in this country. Hopefully, now, one of the benefits we will get from the high price of fuel is the recognition that we have to start producing our own energy in this country.

That is what we should be doing.

Hopefully, after this holiday, when we get back, enough people will have spent enough money driving around and there will be more political pressure that we can get people to agree to start drilling in ANWR, drilling offshore, drilling in the shale area, and experimenting in some of these areas where we could become totally self-sufficient in America.

IRAQ WAR

Mr. INHOFE. Madam President, I wish to address a little-known secret, a secret to the media and therefore a secret to the American people; that is, we are winning the war in Iraq.

Yesterday, I read an article—I think it was maybe the day before yesterday—in the New York Post by Ralph Peters. It was called “Success in Iraq: A Media Blackout.” In it, he writes:

As Iraqi and coalition forces pile up one success after another, Iraq has magically vanished from the headlines. Want a real "inconceivable" truth? Progress in Iraq is powerful and accelerating.

I think he hit the nail on the head. When this war got tough, the cut-and-run defeatist provisions started making their way into bills and amendments. Those provisions send a powerful message to our troops and to our enemies: America is not committed to this fight.

But America has remained committed through that commitment we continue to attain success. I have been to Iraq, and I have watched the tide turn. I believe I have been there many more times than any other Member. I am on the Senate Armed Services Committee, and I spend time there. If I see, month after month, the changes in what has happened since the acceleration.

My visit in June 2006 was in the wake of Zarqawi’s death. Iraqis were operating under a 6-month-old parliament. Al-Qaeda continued to challenge coalition forces throughout Iraq. In response, coalition forces launched 200 raids against al-Qaeda, clearing out the strongholds. The newly appointed Defence Minister and I discussed the current situation in Iraq, the violence brought to that country by al-Qaida, and the transformation beginning in Iraq. I saw the emergence of a sense of what Iraq could be.

Fast forward to May 2007. I returned to Iraq and visited Ramadi, Fallujah, Baghdad, and several other areas. Ramadi went from being controlled by al-Qaeda and haled as a capital under control of the Iraqi troops—by the way, this was at the time al-Qaeda was being declared as the potential terrorist capital of the world. We saw neighborhood security watch groups identifying the IEDs with orange spray paint. We saw joint security stations. Things started accelerating and improving over there. Increased burden-sharing was taken on by the Iraqis. Fallujah came under the control of the Iraqi brigade. We had our marines there going door to door World War II style. At that time, I observed—in May 2007—that it was the sudden it was under their own security. Al Anbar changed from a center of violence to a success story. In Baghdad, sectarian murders decreased 30 percent, and joint security stations stood up, forming deep relationships between coalition and Iraqi forces and civilians—"brotherhood of the close fight," as General Petraeus put it. You have to be there to see it and witness personally the excitement that is demonstrated by the Iraqis and the Americans, that they are now in a position to do things for themselves that they were depending on us for before.

On July 30, 2007, 2 months after I returned from Iraq, Michael O’Hanlon and Kenneth Pomeck wrote an op-ed piece in the New York Times. It was interesting because we had never seen anything positive about our troops or about the war effort in the New York Times. This one talked about troop morale, which was high, with confidence in General Petraeus’s strategy; civilian fatality rates were down roughly a third since the surge began; the streets in Baghdad were coming back to life with stores and shoppers. I can remember that. When I am over there, I will go into a shopping area and go up to someone carrying a baby and talk to them through an interpreter. That is where you get to people who are more interested in the future of their country, the future of their children. They are now in a position to do things on their own.

When this war got tough, the cut-and-run defeatist provisions started making their way into bills and amendments. Those provisions send a powerful message to our troops and to our enemies: America is not committed to this fight.

I returned to Iraq on August 30, and the surge continued its success. I traveled to the contingency operating base in Tikrit, Patrol Base Murray, south of Tikrit. I went to the ambassador Crocker and General Petraeus, who gave his wonderful testimony this morning to the Senate Armed Services Committee.

I saw again on July 30 a significantly changed Iraq, less than half of the al-Qaida leaders were in Baghdad. When the surge began we were still in the city. They either fled, have been killed, or have been captured. The U.S. troop surge in Iraq threw al-Qaeda off balance and produced dramatic results. There was a 75-percent reduction in religious/ethnic killings in the capital. They doubled the seizures of insurgents’ weapons caches. There was a rise in the number of al-Qaida kills and captures. There was the destruction of six media cells—degrading al-Qaeda’s ability to spread propaganda. Anbar incidents and attacks dropped from 40 per day to less than 10 a day. This is between the two times I had been there. The economy grew and markets were open, crowded, stocked, selling fresh fruit, and running as you would what they to. A large hospital project in the Sunni Triangle was back on track. The Iraqi Army performed because there was significantly improved. Iraqi citizens formed a grassroots movement called Concerned Citizens League. Most of the cities in America, including my cities in Oklahoma, have neighborhood watch programs, where the neighborhoods and people who live there are watching to prevent crimes. That is what is happening in Baghdad and throughout Iraq.

I now see Baghdad returning to normalcy. You see kiddie pools, lawns cared for, amusement parks, and markets. The surge provided security, and security allowed local populations and governments to stand up. Basic economic growth took root, and Iraqis began spending money on their future.

In September, a month later, Katie Couric was there. If there is one who has been a critic of anything in this administration, our troops, or anything happening in Iraq, it is Katie Couric. She said:

Well, I was surprised, you know, after I went to eastern Baghdad. I was taken to the
Al-Qaida is a spent force in Iraq, Syria has ceased supporting foreign fighters in Iraq. The Saudis are cracking down on supporters of Islamic terrorists in their own country. Iran is becoming isolated.

To remain focused and realize that these successes will not continue until we, the people, become so informed that we recognize the successes.

The first thing I hear from the Iraq focus on the many trips I have made there is that: The people of America don’t appreciate what we are doing. Now they know more than before how much we do appreciate it, how critical it is that we stay with it.

I think—and I will wind up with this—Ahmadinejad made a statement, and inadvertently he was a great help to us because when all the surrender resolutions were entered in this body, the President of Iran assumed one was going to pass and America was going to leave Iraq—he made the statement that when America leaves Iraq, it is going to create a vacuum, and we are going to fill that vacuum.

Anyone who knows history in the Middle East knows there are two groups who dislike each other more than the Iranians and Iraqis. That got the attention of the Iraqis. That is one of the many reasons, with the supernatural powers in intelligence and war capabilities of General Petraeus and General Oldendorf... Iran is going to pass and America was going to create a vacuum.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUCCESS IN IRAQ: A MEDIA BLACKOUT

May 22, 2008

BY RALPH PETERS

May 20, 2008—Do we still have troops in Iraq? Is there still a conflict over there? If you rely on the so-called mainstream media, you may have difficulty answering this question. As I read, the Coalition forces pile up one success after another, Iraq has magically vanished from the headlines.

Want a real “inconvenient truth”? Progress in Iraq is powerful and accelerating. But that fact isn’t helpful to elite media commissioners and cadres determined to decide the presidential race over our heads. How dare our troops win? Even worse, Iraqi troops are doing the job. You won’t see that above the fold in The New York Times. And forget the Obama-intoxicated news networks—they’ve adopted his story line that the clock stopped back in 2003.

To be fair to the quixotic-and-save-the-terrorists media, they have covered a few recent stories from Iraq.

When a rogue U.S. soldier used a Koran for target practice, journalists pulled out all the stops to turn it into “Abu Ghraib, The Sequel.”

Unforgivably, the Army handled the situation with the usual hallmarks of the media’s “inconvenient truth.” The Army didn’t even brief the lawmakers on the incident. That kind of tells us the success story. These people are integrating in and working on our side, working in neighborhood groups.

We are now seeing the lowest violence index indicators since April 2004. The Iraqi people are turning away from violence. The Government of Iraq is asserting more control, searching out militants and insurgent strongholds.

Operations in Basra and, more recently, in Sadr City have shown the capabilities of the Iraqi security forces and the will of Iraqi leadership. I wish you could have been at the hearing this morning. You could have seen and listened to the progress made in Sadr City. The Iraqi people are just taking back their streets.

As Ralph Peters said in his article, instead of the media even mentioning the positive role the Iraqis are taking in fighting terrorism, they focus on a small fraction of Iraqi soldiers choosing not to fight. Mr. Peters, I agree with you that “our troops deserve better, the Iraqis deserve better, and you, the American people, deserve better. The forces of freedom are winning.” That is what he said, and I agree.

Iraq is at a decisive turning point in its journey toward democracy. The surge created opportunities that the Iraqi people have not taken for granted. Before the surge, Baghdad was in the grips of a vicious cycle of violence. In September 2007, there were 178 in the month of September, down to 109 in October, down to 58 in November, and it shows the media bias that is out there.

As Ralph Peters put it in the article I quoted a minute ago:

The basic mission of the American media between now and November is to convince you, the voter, that Iraq’s still a hopeless mess.

I returned to Iraq on March 30 of this year, just about the same time Prime Minister Maliki kicked off his Basra campaign. I was at Camp Bucca, right next to Basra, when they took it.

I was there working with Major General Stone and saw what his task force is doing now for detainees.

Before I talk about detainees, let me say how proud their troops were that, for the first time in a major surge, they came into Basra to take care of their own province. We were there.

I have been disturbed about the representation as to how our detainees have been treated. I stopped down at Camp Bucca, the largest detainee camp anywhere in all of Iraq. They separated the extremists and were arming the moderates with education and job skills. We found out that most of them—the vast majority of those who were detainees were actually working before they became detainees, and they were fighting because there is total unemployment there. The only place they could get a job was with the military.

What General Stone has done such a great job training these people, training them to be carpenters and ma
sons. It is very successful, truly turning bомbers and criminals into productive Iraqi citizens and sending them back into the population. Out of 6,000 released, only 12 were rearrested. That kind of tells us the success story. These people are integrating in and working on our side, working in neighborhood groups.

We are now seeing the lowest violence index indicators since April 2004. The Iraqi people are turning away from violence. The Government of Iraq is asserting more control, searching out militants and insurgent strongholds.

The forces of freedom are winning. The Government of Iraq is as-senting not to fight. Mr. Peters, I agree with you that “our troops deserve better, the Iraqis deserve better, and you, the American people, deserve better. The forces of freedom are winning.” That is what he said, and I agree.

Iraq is at a decisive turning point in its journey toward democracy. The surge created opportunities that the Iraqi people have not taken for granted. Before the surge, Baghdad was in the grips of a vicious cycle of violence. In September 2007, there were 178 in the month of September, down to 109 in October, down to 58 in November, and it shows the media bias that is out there.

As Ralph Peters put it in the article I quoted a minute ago:

The basic mission of the American media between now and November is to convince you, the voter, that Iraq’s still a hopeless mess.

I returned to Iraq on March 30 of this year, just about the same time Prime Minister Maliki kicked off his Basra campaign. I was at Camp Bucca, right next to Basra, when they took it.

I was there working with Major General Stone and saw what his task force is doing now for detainees.

Before I talk about detainees, let me say how proud their troops were that, for the first time in a major surge, they came into Basra to take care of their own province. We were there.

I have been disturbed about the representation as to how our detainees have been treated. I stopped down at Camp Bucca, the largest detainee camp anywhere in all of Iraq. They separated the extremists and were arming the moderates with education and job skills. We found out that most of them—the vast majority of those who were detainees were actually working before they became detainees, and they were fighting because there is total unemployment there. The only place they could get a job was with the military.

What General Stone has done such a great job training these people, training them to be carpenters and ma
s...
Arabs who’d turned against terror, that, too, received delighted media play.

As long as Baghdad-based journalists could hope that the joint U.S.-Iraqi move into Sadr City would finally, naturally, we were treated to a brief flurry of headlines. A few weeks back, we heard about another Iraqi company—100 or so men—who declined to fight. The story was just delicious, as far as the media were concerned.

Then tragedy struck. As in Basra the month before, a leave-poutleave (and hid-in-iran) Muqtada al Sadr quietly went unnoticed by, for the moment, the Green Zone. It’s operation in the streets.

Today, Iraqi soldiers, not militia thugs, patrol the lanes of Sadr City, where waste has replaced garbage for the first time as the greatest danger to the feet steps of U.S. advisers and troops support the effort, but Iraq’s government has taken another giant step forward in establishing law and order.

My fellow Americans, have you read or seen a single interview with any of the millions of Iraqis in Sadr City or Basra who are thrilled that the gangster militias are gone? The media focused on a few interviews with officers and men, the media focused on a few interviews with officers and men said that, no, that was not right. It was not the story.

The basic mission of the American new and Norman Fenton is to convince you, the voter, that Iraq’s still a hopeless mess.

Meanwhile, they’ve performed yet another amazing magic trick—making Kurdistan disappear.

Remember the Kurds? Our allies in northern Iraq, who were living in peace and building a robust economy with regular elections, burgeoning universities and municipal services that worked.

After Israel, the most livable, decent place in the greater Middle East is Iraqi Kurdistan. Wouldn’t that news get our attention? If the Kurds would only start slaughtering their neighbors and bombing Coalition troops, they might get some attention. Unfortunately, there are no U.S. or allied combat units in Kurdistan for Kurds to bomb. They weren’t needed. And (benighted people that they are) the Kurds are pro-American—despite the virulent anti-Kurdish prejudices prevalent in our Saudi-smooching State Department.

Developments just keep getting grimmer for the MoveOn.org fan base in the media. Iraq’s Sunni Arabs, who had supported al Qaeda and homegrown insurgents, now support the government and welcome U.S. troops. And, in southern Iraq, the Iranians lost their bid for control to Iraq’s government.

Bury those stories on Page 96. Our troops deserve better. The Iraqis deserve better. You deserve better. The forces of freedom are winning.

Is Jane Fonda on her way to the earthquake zone yet?

Mr. INHOFE. I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

ENERGY PRICES

Ms. CANTWELL. Madam President, I rise, similar to many of my colleagues this afternoon, to talk about the high price of gasoline and what we need to do as we are leaving Washington and going home for Memorial Day recess to hear, I am sure, from many constituents that they are very concerned about this crisis of paying an ever-increasing amount for gasoline.

Today, I am sure, the market is going to set another record for the number of days gas prices continue to go up, and our constituents want to see relief. I know many of my colleagues have come out here and talked about what’s going to happen. I certainly feel one of the biggest priorities the Senate has is to pass a tax credit bill for renewable energy so we can get predictability in the market and continue to get new energy incentives in place. That will take pressure off some of the oil supply issues. But clearly, if my colleagues keep talking about the United States looking for more oil or things the United States can do to get into the oil game in a more robust way.

This chart is not pretty clearly. The United States has 2 percent of the world’s oil reserves—2 percent. These are all the other countries with which my colleagues are familiar: Saudi Arabia at 20 percent of the world’s oil reserves; Iraq and Iran, another 18 percent. These are the big players.

The point is, the United States is not going to dramatically impact the price of oil by what we do with only 2 percent of the world’s oil reserve. So if we want a solution, we are not going to get a solution here. United States can do can continue to be addicted to oil.

It is very important to also note that in the past, we had had many a conversation about this problem and what is the high price of gasoline. We had the same debate when it was the high price of electricity. No one wanted to hear about any other issue than the fact that it was just a supply-and-demand problem. In fact, the Vice President himself was talking about the electricity crisis, when prices were going through the roof.

They have got a whole complex set of problems out there that are caused by relying only on conservation and not doing anything about the supply side of the equation. That was in 2002. In 2002, we had gone through much of the Enron debacle, and we had seen prices in the State of Washington for electricity rise almost 3,000 times what they had been. Yet people were still saying:

Most of the price spike in 2000-2001 is explained by drought, increased natural gas prices, the escalating cost of nitrogen oxide emissions... and retail price controls.

We all know the history, now that we have had a few years to look back on it. It wasn’t those supply and demand factors but the fact that we actually had unbelievable manipulation of the electricity market.

The reason why I am bringing that up is because I wish to make sure we are policing the oil markets. I wish to make sure we in the United States are doing everything we can to burst this oil price bubble we are seeing. We want to pop this price bubble and give consumers a more reliable number about supply and demand that even the oil company executives are saying. They have testified before Senate committees saying oil should be anywhere from $50 to $60 a barrel; that what we are seeing in the marketplace is not about the normal supply-and-demand features, but it is actually about the fact that something else is going on in the marketplace. That is what is happening from ExxonMobil recently. I’m in early April, who testified:

The price of oil should be about $50-$55 per barrel.

I am not against discussions about future oil exploration. That is not the point. The point is that we are involving to do to solve this problem and burst this price bubble that while we are going out for the Memorial Day recess is going to continue to plague the economy, continue to plague our consumers, and continue to cause major havoc to our economy.

I think one of the solutions is to ensure effective oversight in the oil market as it relates to oil futures. I know people say they might not wish to talk about oil futures, but I am going to talk about oil futures because of the effect of substantial deregulation has had on these markets. On December 15 of 2000, at 7 p.m. on a Friday night as Congress was adjourning a lame-duck session, the last day of the 106th Congress, on an 11,000-page appropriations bill came to the floor of the Senate, we added a 262 page amendment—the Commodities Futures Modernization Act—that basically deregulated the energy futures market and said it didn’t have to have the oversight of other products.

While the Commodities Exchange Act Reauthorization that recently passed as part of the Farm bill gives the CPTC more teeth to police these U.S. futures markets, under an administrative loophole speculators are still free to trade U.S. based energy commodities on U.S. trading engines free from full U.S. oversight meant to prevent fraud, manipulation, and excess speculation. That’s why the letter and informal CFTC staff “no-action” letter, which essentially means that the CFTC will not take action against...
a foreign exchange to prevent fraud, manipulation, and excessive speculation. That means, at least on ICE Futures Europe, trading of U.S. crude oil futures, particularly the West Texas Intermediate oil contract, and U.S. homegrown commodities futures and U.S.-style line-products that are produced in the United States, delivered in the United States, consumed in the United States, and traded in the United States by escaping U.S. oversight. I think that is a great concern to the American consumer who wants to make sure we have transparency in energy markets.

If we think about other trading, stocks for example, we have the Securities and Exchange Commission. They look at the stock market, and they have oversight to make sure there is nothing untoward happening in the market, like manipulation. We also have NYMEX, another exchange in the United States. The Commodity Futures Trading Commission oversees that futures exchange and has oversight. Also the Chicago Mercantile Exchange, the CFTC has oversight of that futures exchange. The CFTC implements market rules. But as for trading U.S. energy futures on ICE Futures Europe, the CFTC has said: No, we don’t have to have oversight of that exchange.

As I mentioned, the Congress has charged the CFTC with protecting consumers by policing futures markets for fraud, manipulation, and excessive speculation. It does this by requiring certain market rules like position limits, large trader reporting, record keeping, and trader licensing and registration. These are tried-and-true tools that Government has used to protect consumers, to protect investors, to protect business, to protect our economy, to make sure manipulation is not happening.

I often think these are great programs but wonder why we allow certain trading of critical energy commodities to escape such oversight requirements. I always like to give the example of cattle futures because some are saying we are more willing to regulate hamburger in America than we are oil.

Here are two examples of U.S. commodities: cattle futures trading and oil futures trading. When we look at the rules, cattle futures are not an exempt commodity; but when you consider the ICE Futures Europe, oil certainly is. For cattle futures, the exchange trading U.S. cattle futures has to register with the CFTC, whereas oil trading on the ICE Futures Europe does not. And daily reporting requirements: more for hamburger and less for oil on ICE Futures Europe. What about speculative limits? more for hamburger and less for oil on ICE Futures Europe.

Why am I so concerned about this significant change that transpired? The significant change that transpired is since ICE Futures Europe—which again is not U.S. oversight; it clearly is to prevent fraud, manipulation, and excessive speculation—began trading West Texas Intermediate oil in February 2006, oil has gone from $60 a barrel in 2006 now to over $134 a barrel. You bet I want to get down to the brass tacks about exactly how this exchange is working, to have the oversight and to see what large trading positions are being taken in the market.

Many people have a concern about this. One report in the Asia Times was quoted as saying:

Where is the CFTC now that we need [speculations]? It seems they deliberately walked away from its mandated oversight responsibilities in the world’s most important traded commodity, oil.

This is by William Engdahl, who said this in early May of this year.

People are observing and wanting to know what we are going to do about this situation. That is why I think it is incredibly important to take action. What am I talking about, taking action? First of all, today Senator Snowe and myself and several of our colleagues are sending a letter to the CFTC insisting that they reverse their no action in oversight of this foreign exchange.

The CFTC, the Commodity Futures Trading Commission in the United States, and regulated by the CFTC, is the major exchange where oil futures are traded. We are saying bring the bright light of day into this exchange and protect consumers by ensuring that market manipulation of oil prices is not happening.

As I said, the CFTC basically gave up this oversight under an informal staff no action letter process. How did this happen? Well, the London-based International Petroleum Exchange, the IPE, which was a much smaller and foreign owned exchange, asked the CFTC for a no action letter, and received it. The IPE wanted to locate trading terminals in the U.S. but did not want to be subject to direct CFTC oversight. The CFTC decided that the IPE did not have to have subject to direct CFTC oversight because the CFTC agreed that the United Kingdom was adequate oversight.

In 2001, the CFTC, the CFTC realized it had to have subject to direct CFTC oversight because the CFTC agreed that the United Kingdom was adequate oversight. In 2003, the U.S. owned, Atlanta based, Intercontinental Exchange, or ICE, came along and bought the IPE. After that, the now-U.S. owned IPE continued to make the same request although it received the foreign exchange no action letter based on it being a foreign based exchange.

So, in 2001, we can see a U.S. based entity basically purchased this foreign exchange, and the CFTC did not take action. In 2006, now named ICE Futures Europe, it starts trading what is a U.S. oil product, trading on U.S. desks in the United States and the CFTC continues to basically take no action to review that.

Our letter says the CFTC should start reviewing these trades immediately and reverse their no action decision. We hope that while we are at recess the CFTC will take this action.

Why is this so important? Because many are concerned that U.K. oversight over U.S. energy trading is not sufficient to protect our consumers from manipulation and excessive speculation. In fact, CFTC Commissioner Bart Chilton, on April 22 of this year, said:

I am generally concerned about a lack of transparency and the need for greater oversight and enforcement of the derivatives industry by the [United Kingdom’s Financial Services Authority].

He is basically saying he has great concerns about the oversight by the government in the United Kingdom. He should have great concerns about that because the oversight in the United Kingdom is not comparable to the oversight we have in the United States.

The problems at the FSA led to the collapse of England’s Northern Rock Bank. There was much written about this issue. They had high turnover in the staff, inadequate numbers to carry the load of what they were responsible for, very limited direct contact with the bank, incomplete paperwork, and limited understanding of their duties.

All this led to major problems, and it led the CEO of the Financial Services Authority to say:

It is clear from the thorough review carried out by the internal audit team that our supervision of Northern Rock in the period leading up to the market instability of late last summer was not carried out to a standard that was acceptable.

There are those in the United Kingdom who are criticizing the oversight and enforcement of their Financial Services Authority to handle this area.

The CFTC could act today in helping the United States bust this price bubble by doing their job and step in to provide needed oversight of this market.

One energy trader analyst from Oppenheimer said in April:

Unless the U.S. Government steps in to rein in speculators’ power in the market, prices will just keep going up.

This is what energy analysts are saying. So we have a great deal of continuity in the marketplace of people telling us it is time for us to act. In fact, we are going to hear from many people, but one of them will be Professor Gerhard Berger of the Maryland Law School, a former CFTC department head, who testified before one of our joint Democratic Policy Committee hearings. He says:

The ICE [oil trading] loophole could be ended immediately by the CFTC without any legislation.

I want to make sure the CFTC knows we will continue to pursue this. We hope they take action. We hope they will address this issue. But if they do not, we stand ready to make sure oversight in this financial market, that is a dark market on the ICE Futures Europe exchange, has the bright light of day and that they take immediate action to start investigating what is happening in our U.S. commodities markets so we can give consumers better protection. It is time to burst the oil price bubble. I think people everywhere across this country, and analysts on Wall Street, are saying: This is
not supply and demand. So it is up to us to make sure we have the enforcement in place to protect consumers, and that is what we hope the CFTC will realize their role and responsibility is. I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Madam President, I was very interested in the distinguished Senator’s remarks and her analysis. What I do want to make sure is that number of years ago Boone Pickens came to me and when oil was down around $40 a barrel, he said: Orrin, oil is going to go to 60 bucks a barrel, and it is going to go from there to $100 a barrel. This was years ago. And I said: That is not true. He said: It is true. Well, he told me a couple of weeks ago, and this is phatic, and said we are sending $600 billion of our money to purchase non-American oil when we have it within our grasp to create enormous oil the United States of America needs from our own American oil sources.

I will cite with particularity the oil shale and tar sands in Colorado, Wyoming, and Utah. It is well established that we have potentially third trillion barrels of oil there, and it is pretty much taken for granted that we can get at least 800 billion to almost 2 trillion barrels of oil out of that at somewhere between $40 and $60 a barrel. But because of legislative maneuvering by my friends across the aisle, we can’t get regulations established to do the work that has to be done.

Now, I am for every form of alternative oil. And, frankly, nobody has a right to say I am not because I am the one who passed, with some very important colleagues, the CLEAR Act. The CLEAR Act created the incentives for alternative fuels, alternative fuel vehicles and alternative fuel infrastructure that is taking place right now.

Ms. CANTWELL. Will the Senator yield for a question?

Mr. HATCH. Yes.

Ms. CANTWELL. I certainly want to say that I know of the work of the Senator from Utah, because we worked together on plug-in hybrids and other incentives, and he clearly does support renewable fuels and changing our tax credit policies, so I applaud that.

I am glad you brought up Boone Pickens. I heard him on the TV the other day. I thought it was 2 days ago, and he said that while he thought the United States had great opportunity in natural gas, he thought the way to get off our dependence on foreign oil, besides that, was to make investment in wind and solar. So I will look forward to working with the Senator when we return on trying to push those tax policies to make sure we continue to incent those good renewable energy policies.

Mr. HATCH. Well, I thank the Senator from Washington for her comments, because she has been central to this effort, especially with regard to plug-in hybrid vehicles. Now, those are still a distance away yet, but, nevertheless, we can do it. That effort may not completely solve our energy problem, but it certainly would alleviate some of it.

In addition, a number of other measures I put through are the investment tax credits to spur the development of solar, geothermal, wind, and other renewable forms of electricity. No question about it. But that alone still not going to solve our problem, especially, especially not with liquid fuels.

We had testimony yesterday from oil company executives who said if we do everything in our power on alternative fuels by 2025, or around that time, we might be able to get 20 percent of our energy needs. But in the meantime, what are our cars, trucks, trains, and planes going to run on? They have to run on oil. And we have the oil within the confines of the United States, on land and offshore, a lot of these difficulties. But it will take years even to do that, if we can get past the environmental extremists to be able to do this. In the meantime, we are losing jobs, we are losing our economy, and we are losing with respect to a lot of that. So I think we are going to have to resolve it by drilling for American oil, both conventional and unconventional oil, and we have the ability to do it, and to do it in ways that make sense, that are environmentally economical.

Some of my colleagues on the other side object to Canadian oil because Canada is putting up a million barrels a day out of their tar sands, and they do not like the fact the tar sands have some carbon in them. But the fact is, Canada is going to go to 3 million barrels a day. So what do we do if we don’t take Canadian oil when they are happy to sell it to us? We are going to have to go to Venezuela, Russia, the Middle East, and buy our oil, and many of those are anti-theoretical to what we believe in and are not particularly happy about United States power in this world.

Now, Mr. Pickens also predicted it is only going to be a matter of time until we are going to be called in and these oil barons from these other foreign lands, who aren’t particularly enamored of the United States—in fact, if anything, they are jealous of the United States—when we don’t have been consuming 25 percent of the world’s oil, but you only have 6 percent of the world’s population. We are going to have to cut you back, especially now that they can sell all they want to China, India, and other countries that are voracious in their demands for oil.

We have to wake up and realize we can’t sit back and hope ethanol is going to solve this problem. We can produce about 5 billion barrels of ethanol, which is the equivalent to about 3% of barrels of oil, and we consume 3% billion gallons of gas. If we do everything in our power to do ethanol, we are not going to be able to resolve our energy problem without increasing our oil supply, too.

I might add that I see some very important work being done on renewables. I talked to my friend Vinod Khosla. Vinod is building a solar thermal, 200 megawatts in California that should be finished by 2010. He believes we can do that all over the place. Boone Pickens has decided that in the wind corridor from Canada right down through Texas, he could build windmills all the way up to Canada that would provide over one thousand megawatts of power, which would be very beneficial to our country, but that’s electricity, not liquid fuel.

We know we can find more and more natural gas on our Federal lands if we want to do it. We know how to do natural gas-driven vehicles right now. We actually have natural gas stations in Utah and we have natural gas drivers, but they are the exception to the rule.

We know how to build hydrogen cars and to produce hydrogen from coal, but we only have 9 million tons of hydrogen in this country. You would have to have at least 150 million tons of hydrogen to make a dent, and the only feasible way to get that much hydrogen is by electrolysis, but we don’t have those technologies, but we are going to have to do it. We know what we are going to have to do.

We can no longer afford to sit back and believe ethanol is going to solve all our problems, or wind power is going to solve all our problems, or solar power is going to solve all our problems, or that geothermal is going to solve all our problems. We have to distinguish between electricity and liquid fuels. Because of the work I have done to promote geothermal, I went out to Utah 2 years ago and helped break ground for the first geothermal power plant in over 20 years. This company, which is a very rare company, is going to build these all up and down Utah, where we have all kinds of geothermal prospects. It’s wonderful, but it doesn’t solve our liquid fuel problem. It will not get us to where we can continue to keep our economy alive in America.

A lot of this has stopped because of environmental extremism. We all want clean air and clean water, and I don’t think any environmentalist should start chewing me up when I am the one who helped put these bills through that have spurred on alternative energy and hybrid technologies, and I will do everything in my power to continue spurring it on. But let us not make any mistakes about it, we have to have oil over the next 20, 25 years and beyond that in order to keep America strong.

And to blame the big oil companies—well, big oil companies are one of the Senators yesterday said: How could you do this to America? Now, let’s get the facts. The big oil companies are only 6 percent of the world’s deliverers.
of oil. The vast majority of oil that is delivered is by government-owned entities. Not ours, but foreign government-owned entities. We have made it all but impossible to drill for oil within the continental United States, especially on Federal grounds. And again, it is environmental extremism that is stopping that.

I want people to have jobs. I also want to go full bore in all of these other alternative forms of energy that hopefully will alleviate some of this dependence we have, but we can alleviate a lot of our dependency by doing the oil shale work in Colorado, Wyoming, and in my home State of Utah. That needs to be done. It takes one acre to produce 5 barrels of ethanol. I'm a big fan of ethanol incentives, as I've said. However, Mr. President, do you realize how much oil can be achieved from 1 acre in oil shale in those tri-State areas? It is between 100,000 and 1 million barrels of oil. And we are just letting it sit there because the lessees and my friends on the other side of the aisle are specifically blocking it.

Because of liberal, excessive environmental restraints, we can't get American oil to save America. We can't drill in America. China is. They are coming right over to our waters and drilling for oil that we can't drill for because of these extremists. And they blame 6 percent of the world's oil-producing companies and say they are the cause of all these problems? Give me a break. We work together. Sure, politically it sounds good, but practically and scientifically it is total bull corn, I think may be my best way to put it.

It looks obvious that the commitment by leaders on the other side of the aisle can't get the leases and the drilling for oil that we can't drill for because these extremists. And they blame 6 percent of the world's oil-producing companies and say they are the cause of all these problems? Give me a break. We work together. Sure, politically it sounds good, but practically and scientifically it is total bull corn, I think may be my best way to put it.

I am for all these environmental things too, but I want it to work. I want it to be a political exercise so one side can win over the other.

JUDICIAL NOMINEES

Mr. HATCH. Now, Madam President, I want to change the subject for a minute. I need to make a few remarks on the ongoing effort to conduct something that resembles a fair and productive judicial confirmation process, which is something that is bothering me here today as well. As you can see, I am not in a good mood.

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days this time and the chairman close to waive his own rule and hold a hearing without an evaluation from the American Bar Association, something we still do not have today for Judge White.

This is a party that insisted we always have the ABA evaluation in—for Republican nominees.

So written questions following the hearing were entirely in order. The number of questions asked of Judge White pales in comparison to the number of questions my friends on the other side have asked of President Bush’s judicial nominees who had been pending far longer and for whom we had received an ABA—American Bar Association—evaluation.

We had 112 days before Fifth Circuit nominee Jennifer Elrod’s hearing, for example, more than five times longer than we had with Judge White. Yet my Democratic friends gave Judge Elrod 189 days ago to head the Civil Rights Division. She has received 250 pending questions my friends on the other side have asked of President Bush’s judicial nominees which, in turn, permits the creation of vital infrastructure projects that provide power, clean water and schools to these newly secured areas. This instills within the population the assurance of security and civil services to continue; which, in turn, strengthens the population’s support for an effective government to maintain these improvements.

The success of these Joint Security Stations can be seen in their creation throughout Iraq, with more than 50 of them in Baghdad alone.

But, as I previously stated, since General Petraeus’ testimony in February, the Coalition has only added to the accomplishments of al Anbar, Baghdad, and Diyalah.

At the time of General Petraeus’ testimony, many lauded these successes. But many also pointed to three major challenges that continued to face the Coalition.

The first major challenge was in this northern city of Mosul. Despite the fact that al-Qaida has largely been thrown out of its former sanctuaries in central Iraq, the terrorists have retreated and are regrouping their forces in this northern city. It should also be noted that al-Qaida has used Mosul as a key logistics, transportation and financial center. In fact, Reuters has quoted U.S. military officials as saying that Mosul is al-Qaida’s last major urban stronghold in Iraq.

Second, the Iraqi government did not have control of the vital southern city of Basra, which was dominated by a number of Shi'ite factions. As my colleagues well know, control over Iraq’s only seaport and the area surrounding the city is the location of much of the nation’s oil wealth.

Third, the Iraqi Government did not have control of a neighborhood in eastern Baghdad known as Sadr City, a predominately Shi'ite district that is a center of support for Moktada al-Sadr.

However, since General Petraeus’ testimony there have been remarkable changes in Mosul, Basra, and Sadr City.

First, I must say that I am increasingly confident about the Coalition’s chances for making positive advances in Mosul.

Remember, shortly after the fall of Saddam Hussein’s government, General Petraeus, then a major general in command of the 101st Airborne Division, was responsible for restoring order in Mosul. It was here that the Coalition forces first met the unique security needs of the individual community. This, in turn, permits the creation of vital infrastructure projects that provide power, clean water and schools to these newly secured areas. This instills within the population the assurance of security and civil services to continue; which, in turn, strengthens the population’s support for an effective government to maintain these improvements.

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The first major challenge was in this northern city of Mosul. Despite the fact that al-Qaida has largely been thrown out of its former sanctuaries in central Iraq, the terrorists have retreated and are regrouping their forces in this northern city. It should also be noted that al-Qaida has used Mosul as a key logistics, transportation and financial center. In fact, Reuters has quoted U.S. military officials as saying that Mosul is al-Qaida’s last major urban stronghold in Iraq.

Second, the Iraqi government did not have control of the vital southern city of Basra, which was dominated by a number of Shi'ite factions. As my colleagues well know, control over Iraq’s only seaport and the area surrounding the city is the location of much of the nation’s oil wealth.

Third, the Iraqi Government did not have control of a neighborhood in eastern Baghdad known as Sadr City, a predominately Shi'ite district that is a center of support for Moktada al-Sadr.

However, since General Petraeus’ testimony there have been remarkable changes in Mosul, Basra, and Sadr City.

First, I must say that I am increasingly confident about the Coalition’s chances for making positive advances in Mosul.

Remember, shortly after the fall of Saddam Hussein’s government, General Petraeus, then a major general in command of the 101st Airborne Division, was responsible for restoring order in Mosul. It was here that the Coalition forces first met the unique security needs of the individual community. This, in turn, permits the creation of vital infrastructure projects that provide power, clean water and schools to these newly secured areas. This instills within the population the assurance of security and civil services to continue; which, in turn, strengthens the population’s support for an effective government to maintain these improvements.

The success of these Joint Security Stations can be seen in their creation throughout Iraq, with more than 50 of them in Baghdad alone.

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But, as I previously stated, since General Petraeus’ testimony in February, the Coalition has only added to the accomplishments of al Anbar, Baghdad, and Diyalah.
Unfortunately, with the 101st’s departure and the sharp reduction in the number of Coalition forces in Mosul—to as few as one American battalion—the city and surrounding area became a haven for al-Qaida.

However, in mid-2007 the Coalition forces began to achieve some success. This occurred in no small part because of the increased effectiveness of the 2nd and 3rd Iraqi divisions that were assigned to the city and surrounding areas according to the Institute for the Study of War, in May and June positive results quickly became apparent with the capture or killing of 13 al-Qaida leaders, including 6 emirs and 4 terrorist cell leaders. Yet, as al-Qaida members were being pushed out of terrorist cell leaders. Yet, as al-Qaida members were being pushed out of Baghdad and al Anbar Province, the number of terrorists in Mosul was increasing.

However, our forces, led by the 3rd Armored Cavalry Regiment, which replaced the 4th Brigade of the 1st Cavalry Division in December, have kept the pressure on. In mid-December, al-Qaida’s security emir for northern Iraq was captured along with al-Qaida’s security emir for Mosul. This was followed by the capture of al-Qaida’s deputy emir for all of Mosul.

Our successes also have been strengthened with the reinforcement of our forces by additional U.S. and Iraqi forces. This has enabled Coalition and Iraqi forces to begin to utilize the counterinsurgency strategy of utilizing Joint Security Stations in the eastern and western portions of Mosul, much like those that were so successful in Baghdad.

The Iraqi Army units in Ninawa Province, of which Mosul is a major city, also have a new commander, LTG Riyadh Jalal Tawfiq. This is an important development since Lieutenant General Tawfiq played a vital role in security forces and the bravery and dedication of a proven counterinsurgency commander of Multi-National Forces—North stated yesterday that daily attacks are down 85 percent since the operation began. The General also noted that the Coalition has detained more than 1,200 individuals many of whom are self-proclaimed al-Qaeda members who describe themselves as “battalion commanders . . . suicide bombers, foreign fighter facilitators, financial emirs.” Moreover, a number of arms caches have been discovered. However, the desperation of al-Qaida appears to have increased due to Saturday’s attack by two female suicide bombers.

Mr. President, the battle for Mosul is being fought right now. The final outcome has yet to be decided. However, initial indications point to a successful conclusion because of the implementation of a proven counterinsurgency strategy, improvements in the Iraqi security forces and the bravery and dedication of our fighting men and women.

The second major area of consterna-
tion was Basra. Until recently, Shiite groups such as the Mahdi militia—which is associated with Moktada al-Sadr—ruled the streets.

In order to counter this lawlessness, Prime Minister al-Maliki launched Operation Charge of the Knights. This was a bold initiative. First, Prime Minister al-Maliki showed that he is a leader who is willing to make difficult political decisions to secure a better future for his people by traveling to Basra and taking personal charge of this operation. Second, this was a large-scale operation led and planned by Iraqi security forces to restore central government control in Basra.

At first, poor planning seemed to have doomed this operation. Even General Tawfiq, the head of the Multinational Joint Intelligence Cell, stated during the planning and provided overhead reconnaissance throughout the operation. Still, the operation was very much an Iraqi plan.

Madam President, I believe that Ambassador Crocker summed up the situation best when he stated in his testimony: “Al-Qaida is in retreat in Iraq, but it is not yet defeated. Al-Qaida’s leaders are looking for every opportunity they can to hang on. Osama bin Laden has called Iraq ‘the perfect base,’ and it reminds us that a fundamental aim of al-Qaida is to establish itself in the Arab world. It almost succeeded in Iraq; we cannot allow it a second chance.”

The choice is clear. The men and women of our armed forces have made real and sustained progress over the past 16 months. The list of their accomplishments and the accomplishments of the Iraqi security forces grows longer every day.

The balance is changing. Now, more then ever, is the time to stand behind our forces to ensure they achieve the victory of which they so deserve.

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. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Nelson of Florida). Without objection, it is so ordered.

JUDICIAL CONFIRMATIONS

Mr. MCCONNELL. Mr. President, in the final year of President Clinton’s final Congress, two of his circuit court nominees, Richard Paez and Marsha Berzon, were pending in the Judiciary Committee. Frankly, they were quite controversial. For example, Judge Paez had openly defended judicial activism. He said if the Democratic branch has...
failed to act on a political matter. It was incumbent on judges to do so, even if the matter properly belonged to the legislature.

Not surprisingly, conservative groups and many Republican Senators opposed the Paez and Berzon nominations. The Chamber of Commerce, a business association, not an ideological group, was so troubled by the prospect of Judge Paez’s confirmation that it broke its policy of staying out of nomination disputes and opposed his nomination.

It is not a coincidence to have printed in the Record the release by the Chamber of Commerce opposing Judge Paez.

There being no objection, the material was ordered to be printed in the Record as follows:

"U.S. CHAMBER ANNOUNCES OPPOSITION TO PAEZ JUDICIAL NOMINATION

WASHINGTON, D.C.—The United States Chamber of Commerce today announced its opposition to the nomination of Judge Richard Paez to the 9th Circuit Court of Appeals. The 9th Circuit Court reviews federal court decisions in California, Arizona, Washington, Oregon, Idaho, Nevada and Montana.

In taking the unusual step of opposing a judicial nominee, Chamber senior vice president and general counsel, Judge Paez’s court rulings demonstrate an alarming degree of judicial activism that must not be re-warded.

Taylor specifically cited Paez’ ruling in John Doe v. Unocal, saying the decision “represents an unconstitutional judicial intrusion into foreign policy with dangerous implications for the U.S. economy and world markets.”

In the Unocal case—which concerns the construction of an offshore drilling station and natural gas pipeline—Judge Paez held that U.S. companies doing business overseas were liable for the actions of foreign governments. The ruling opened the door to environmental activists and others to use similar class action lawsuits as an avenue of attack on disfavored business projects, Taylor charged.

“Judge Paez’ ruling, if upheld, could cripple international commerce and establish a far-reaching precedent of holding U.S. companies hostage to the actions of foreign govern-ments,” said Taylor.

Improving the ability of American businesses to compete in the global marketplace is a top priority of the Chamber. As part of the Chamber’s efforts to advance free trade, it will oppose any attempts to undermine international competitiveness. The U.S. Chamber notified Senators of its opposition to Judge Paez in a letter yesterday.

The U.S. Chamber of Commerce is the world’s largest business federation representing more than three million businesses and organizations of every size, sector and region.

Mr. McCONNELL. The California Senators, to their credit, were tireless advocates for Judge Paez and Judge Berzon. Their nominations became the California Senators’ cause, and their ultimate confirmations were due to our colleagues’ tireless advocacy.

Their confirmations, though, were also the then-Majority leader’s. Trent Lott entrarined his commitment regarding the Paez and Berzon nominations was, in fact, kept. On November 10, 1999, Majority Leader Lott placed a collocy between himself and then-Democratic Leader Daschle in the CONGRESSIONAL RECORD. In it, Senator Lott committed to proceed to Paez and Berzon by March 15 of the following year, which of course was a President-

Majority Leader Lott also stated he did not believe that filibusters of judicial nominations are appropriate, and that if they were to occur, he would file cloture on their nominations and he would himself support cloture if necessary.

He noted then-Judiciary Chairman Hatch was consulted on that commitment. Given that many in our con-

President and over 300 groups opposed those nominations, it would have been easier in many respects for Senator Lott not to fulfill his commitment. He could have taken a hands-off approach, shrugged his shoulders, put the onus on Chairman Hatch to make good on the majority leader’s commitment. After all, Senator Lott, as the Judiciary Committee Chairman, Senator Hatch was. He could simply have said he did not control what happened in the Judi-

Committee. Hatch responded to be “unwilling” to do so or to do it lightly, especially when they are made by the majority leader himself. So true to his word, Majority Leader Lott worked to ensure that his commitment was kept. The Paez and Berzon nominations were reported out of the committee. The majority leader, Senator Lott, filed cloture on both. On March 8, 2000, a week ahead of sched-

ule, he and I and Chairman Hatch and a supermajority of the Republican con-

ference voted to give Judges Paez and Berzon an up-or-down vote.

Most of those Republicans, myself included, then voted against them because of concerns about their records. But Judges Paez and Berzon were then, and continue to be, common-law judges sitting on the Ninth Circuit for 8 years because Senator Lott honored his commitment.

Unfortunately, a similar commit-

ment made to my conference was not honored today. Last month, my good friend from Nevada, the majority lead-

er, acknowledged that the Democratic majority needed “to make more progress on” circuit court nomi-

nations.

If, at that end, he committed to do his “utmost,” “to do everything” possible; to do “everything within [his] power to get three [more] judges approved to our circuit [courts] before the Memorial Day recess.”

“Who knows,” he even suggested, “we may even get lucky and get more than that [because] we have a number of people from whom to choose.”

True, the majority leader gave himself an out. He could not “guarantee” his commitment because “a lot of

things can happen in the Senate.” But when the Senate majority leader com-

mits to do everything in his power to honor a commitment, that should mean choosing a path that likely will yield a result.

Well, today we learned we are not going to get three more circuit court confirmations by the Memorial Day recess, let alone the four or more the majority leader thought might be pos-

sible. No, we are going to get one. Only one.

Given my friend’s clear commitment and the numerous nominees the Demo-

cratic majority had to choose from, the question on my Republican law gues and mine is this: Did the majority do its “utmost”? Did it do “everything” possible? Did it do “everything within [its] power”?

In fact, we are asking did it do any-

thing at all to realistically ensure the commitment would be kept?

When my friend made his commit-

ment, he noted that we had circuit court nominees from all over the coun-

try in the Judiciary Committee who were ready to be approved. He didn’t say these nominees were they were from. Most have been pend-

ing for a long time, and the Judiciary Committee has had ample time to study their records. Indeed, some have already had hearings; others have al-

ready been favorably reported by the committee to other chambers. These nominees were, in effect, on the two-yard line, and could easily have been picked and confirmed.

People like Peter Keisler; he has been pending for almost 700 days. He has had hearings. He has been favorably reported by the Judiciary Committee. But the Democratic majority had to choose from, the number of people from whom to choose.

Or people like Chief Judge Robert Conrad; he has been pending for over 300 days. The Senate has already con-

firmed him, on two separate occasions, to important Federal legal positions, first as the chief Federal law enforce-

ment officer in North Carolina and then to a life-time position on the Fed-

eral trial bench. He, too, has received acco-
lades from Republicans and Democrats alike, including an endorsement from the Washington Post. His paper work is complete, and he is ready to go.

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During our colloquy, my friend did not reference the nomination of Michi-

gan State Judge Helene White as an op-
tion. That is because the nomination to the Sixth Circuit did not yet exist. It wasn’t here. It arrived here later that day, at which point there were only 5½ weeks until the Memorial Day recess. Or, put another way, her nomi-
nation arrived 700 days after Mr. Keisler’s; 300 days after Judge Conrad’s.

Thirty-five days is not much time to process a nominee who, by her own ad-

mission, has participated in 4,500 cases, half of which are completely new since her hearing nomination. Indeed, the aver-
age time for confirming a judicial nominee in this administration is 162 days. The majority decided to try to
run Judge White through the process in just 35 days. It scheduled a hearing for her that was only 22 days after her nomination. I respect the abilities of members on the Judiciary Committee, but even they cannot review 4,500 cases in 22 days.

In addition, when the majority scheduled her hearing, the ink was barely dry on the FBI’s background investigation, which had come up only the day before, and the committee had yet to receive her ABA report. In fact, today as I speak, it still is not here.

This matters because Chairman Leahy has made it abundantly clear that the receipt of the ABA report is a precondition for him to allow a vote on a judicial nominee, saying: “Here is the bottom line. . . . There will be an ABA background check before there is a vote.” He reiterated that his rule will be observed with respect to the White nomination.

So to honor the majority leader’s commitment, did our Democratic colleagues choose someone whom the committee had ample time to vet, whose paperwork has been done for a long time, and who, in the case of Judge Conrad, the Senate had already confirmed—twice? No, they decided to rush through Judge White, someone whom several members of the committee are completely unfamiliar with, and whose record for most of the last decade the entire committee is completely unfamiliar with, including thousands of her cases.

In essence, the majority decided to throw a confirmation “hail Mary” to satisfy its own Democratic membership, instead of taking a bi-partisan path that had every indication of success and would have fulfilled the commitment, like finally processing Mr. Keisler or Judge Conrad.

If the majority were serious about keeping its commitment all this should have been avoided. My friend from Nevada has said he consulted fully with Chairman Leahy before making his commitment. Chairman Leahy has been the lead Democrat on the Judiciary Committee for over a decade. He, perhaps more than anyone, is aware of the logistical requirements for processing nominees.

We assume he would have advised the majority leader of the near-certain impossibility of confirming Judge White in time to keep the commitment. Even if he didn’t, the ranking member and I did just that almost a month ago, when we wrote to him and the Chairman, expressing our serious concerns about this very situation arising.

I ask unanimous consent that a copy of the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:


Hon. HARRY REID, Majority Leader, U.S. Senate, Capitol Building, Washington, DC.

Hon. PATRICK J. LEAHY, Chairman, Senate Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

DEAR SENATORS REID AND LEAHY: We write to express our serious concern regarding statements made by Chairman Leahy during the Senate Executive’s Business Meeting. In discussing Senator Reid’s April 15, 2008, commitment to confirm three more circuit court nominees before the Memorial Day recess, Senator Specter asked Chairman Leahy to clarify whether he was saying he would not honor the commitment if it was not “convenient for the two Michigan nominees.” In response, Leahy stated, “I will do everything possible to get it (done) by Memorial Day, but if the White House slow walks (the Michigan nominees’ paperwork), we probably won’t.”

We all know there are several time-consuming steps in the judicial confirmation process, including a Federal Bureau of Investigation background investigation, the issuance of a written report by the American Bar Association (ABA), a hearing, questions for the nominee following the hearing, a Committee vote, and finally a floor vote. Given these correct, anyone could have seen this problem coming—anyone, except evidently, our Democratic colleagues who must have chosen not to.

Which brings me back to the question I and my Republican colleagues were asking: Is it consistent with a commitment to do “everything within your power” to confirm three more circuit nominees by Memorial Day, to then choose the one nominee who, for logistical reasons alone, is the least likely to be confirmed in time to keep the commitment? Mr. President, chasing the impossible, and then blaming others or expressing surprise when it eludes your grasp is not a good excuse, and will be remembered for a long, long time.

So today is a sad and sobering day for me and my colleagues. There are now well-founded questions on our side about the majority’s stated desire to treat nominees fairly and to improve the confirmation process. And there is frustration that will manifest itself in the coming days, and will persist until we get credible evidence that the majority will respect minority rights and treat judicial nominees fairly.

MEMORIAL DAY 2008

Mr. McCONNELL. Mr. President, in observance of Memorial Day this year, I had the distinct honor of meeting a group of World War II veterans from Kentucky who have come to Washington, D.C. to see the World War II Memorial. A couple of the veterans, by the way, told me this was their first trip to Washington.

This memorial, completed in 2004, is a fitting tribute to the millions of Americans—some who returned home, some who did not—who put on their country’s uniform to fight the greatest and most destructive war the world
had ever seen. The awe the memorial inspires reminds us all why this group of patriots is called the “greatest generation.”

The 35 Kentucky World War II veterans I met were able to travel to Washington for the nonprofit organization Honor Flight, which transports World War II veterans from anywhere in the country to see their memorial, free of charge. Many veterans, for physical or financial reasons, are unable to make the trip on their own, and I believe it is possible for these veterans to make this important trip.

About 36,500 World War II veterans live in Kentucky today, with about 2.5 million throughout the country. Unfortunately, that number shrinks each day as time advances for these brave warriors. Honor Flight and its volunteers, many of whom are veterans themselves, are doing a great service for our nation. I ask my colleagues to help me make it possible for these veterans to make this important trip.

So this Memorial Day, I hope everyone says thank you to a man or woman who wore the uniform. We should remember those whom we lost, and the great many of his company, and one could sense the elation in his voice that the conflict was now ended.

But then there was a subsequent letter I thought was quite prophetic, particularly for a regular foot soldier who was not an officer. He had a chance to interact with some of the Russians because they met the Russians at Pilsen, which I believe is now in the Czech Republic. I mentioned to them that I have a letter he wrote to my mother. There were letters stopped a couple years later, when the Iron Curtain descended across Europe and he was unable to communicate any of the Czech friends he made. I share that story of my own father on Memorial Day for my colleagues.

In closing, I would mention that the special flight from Kentucky yesterday was dedicated to the memory of John Polivka, who had planned to be on a World War II veteran who planned to be on the trip but who passed away on Monday, May 19, just this week. So the veterans dedicated their Honor Flight to Washington to their colleague whom they had hoped would be able to join them. Even though there was great sadness over his loss, there was great joy in being able to witness the World War II Memorial which symbolizes their extraordinary contribution to our country.

I ask unanimous consent that names of the World War II veterans who were here this week be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

**WORLD WAR II VETERANS**

Homer Brown, Jr.; Joseph Raley; James Thomas; George Coffey; Charles Hanson; Donovan Chard; Bernie Carr; Pickrell; Robert Barrow; Robert Davis; Gainey “Ed” Spies; Emmett Leezer; Charles Mauer; Leroy Faber; Russell Harrison; Morell Milroy; Blue Lynch; George Wolford; Norman Inman; Frank Godsey; John Toy; Burnett Napier; Bobby Barker; Oscar La Fontaine; Joel O’Brien, Jr.; Louis Tracy; Garnett Clark; Joseph McFadden; Earl Wieting; Woodrow Bryant; Raymond Roggenkamp; Robert Weixler, Sr.; Richard Lewis; Thomas Shields; and Joseph Pottinger.

**DIRECTORS OF THE HONOR FLIGHT**

Brian Duffy, Jean Duffy, William Garwood, James B. MacDonald, and Robert Hendrickson.

This Honor Flight was dedicated to the memory of John Polivka, who passed away on Monday, May 19.

Mr. MCCONNELL. I conclude by saying they were indeed the best of the greatest generation.” I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

**NOMINATIONS**

Mr. WHITEHOUSE. Mr. President, as a member of the Judiciary Committee, let me indicate that we are not en- tirely unfamiliar with the Judiciary Committee with Judge White. She was actually an appointee of President Clinton. For many months, she languished before the committee when it was under Republican control. So she should be a judge with whom at least a considerable number of the members of the Judiciary Committee would have been familiar from her previous appointment. Any suggestion that she was a new arrival or a novelty of some kind to the committee would not be accurate.

Mr. President, I ask unanimous consent to have printed in the RECORD an April 30, 2008, letter to the Republican leader and the ranking member of the Judiciary Committee, indicating, among other things, the majority leader, indicating, among other things, the following:

In a floor statement on April 15 I pledged my best efforts to have the Senate consider these circuit court nominations prior to the Memorial Day recess. I stand by my pledge. I cautioned explicitly that “I cannot guar- antee this outcome because it depends upon actions by my colleagues beyond my control. Nonetheless, I remain optimistic we can meet that goal.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
OFFICE OF THE MAJORITY LEADER,

HON. MITCH MCCONNELL,
Senator Minority Leader,
Washington, DC.

HON. ARELLENE SPECTER,
Ranking Member, Senate Judiciary Committee,
Washington, DC.

DEAR SENATORS MCCONNELL AND SPECTER:

Thank you for your kind letter yesterday regarding judicial nominations.

In a floor statement on April 15 I pledged my best efforts to have the Senate consider three circuit court nominations prior to the Memorial Day recess. I stand by my pledge. I cautioned explicitly that “I cannot guar- antee this outcome because it depends upon actions by my colleagues beyond my control. Nonetheless, I remain optimistic we can meet that goal.

A hearing for Fourth Circuit nominee Steven Agee, as well as district court nominees recommended by Senators Lugar and Kyl, will take place tomorrow afternoon. A hear- ing for Sixth Circuit nominee Raymond Kethledge and Helene White, as well as a Michigan district court nominee, will take place next Wednesday. Senator Leahy has expedited consideration of the Michigan nominee in light of his April 15 remarks.

Nothing in my pledge regarding judicial nominations deprived Chairman Leahy of his prerogative to determine the sequence of nominations heard in his committee. No one presumed to instruct Senator Specter about the sequence of nominations during the years he served as Chairman of the Judi- ciary Committee. And certainly Senator Hatch exercised the chairman’s prerogatives freely during the years in which more than sixty of President Clinton’s nominees were defeated hearings or floor considera- tion.

The Democratic majority has treated President Bush’s judicial nominations with far greater deference than President Clinton was accorded by a Republican-controlled Sen- ate. Three-quarters of President Bush’s court of appeals nominees have been confirmed; in contrast, only half of President Clinton’s ap- pointees have been confirmed. Alto- gether, 145 of President Bush’s judicial nomi- nees, 90 percent of them, have been confirmed in the years that Democrats have controlled the Senate. Last year the Senate confirmed 40 judges, more than during any of the three previous years with Republicans in charge. The federal judicial vacancy rate is the lowest it has been.

Chairman Leahy and I will continue to work with you both to process judicial nomi- nations in due course, consistent with the Senate’s constitutional role.

Sincerely,

HARRY REID.
Mr. WHITEHOUSE. Mr. President, thank you. I appreciate that.

COLONEL EDWARD CYR

Mr. WHITEHOUSE. Mr. President, one of the great privileges that I have as a Member of this body is to travel around my home State of Rhode Island and hear directly from the people I was elected to serve. We are a small State, and we all know one another pretty well. So it is a pleasure to get out and listen to people, to hear what is on their minds, their good news and their bad news, and the challenges and the opportunities they and their families face each and every day.

One of the things we do is to regularly hold community dinners around the State. My wife Sandra and I get together with folks over pasta and meatballs or hamburgers and hot dogs and we talk about the issues that are interesting to them.

Mr. President, having the opportunity to hear people of my State share their stories this way has made such a difference in my work here in Washington, I say to the Presiding Officer, I know that I represent the people who live in Florida, you feel very much the same way and I've heard you both in committee and on this floor give speeches and remarks that have focused on individual constituents of yours and the challenges and problems that they needed to attend to and you needed to attend to. So I know that you feel very much the same way.

You know, we stand in this Chamber and we debate back and forth on the war in Iraq or the price of a gallon of gas or the crisis in the housing industry. But when we go back home, we see people who are living in the middle of these issues every day. In Rhode Island right now, there are parents worrying about their sons and daughters serving overseas. There are families watching the numbers on the gas pump roll, roll, roll, flying higher and higher, and they are wondering how they are going to make ends meet. And there are working people who see their mortgage payments climb out of reach, and they face the gnawing, terrible fear that they might lose the home their children grew up in. So, as glorious as this grand Chamber we have the opportunity to serve in, the reason we are really here is that it is all about them.

And last Sunday evening, we had one of those moments. We hosted a community dinner in Bristol, RI, which is a beautiful, historic town on Rhode Island's East Bay. Bristol is known for many wonderful things, but one is the oldest—and I think the best—Fourth of July parade in the United States of America. So it was great to be in Bristol, and it was a beautiful evening. The day had been rainy, and toward the end of the day, the clouds had begun to open up, and we saw this beautiful rainbow streaming through on the clouds above. The earth and the trees were still wet around, but they were lit up by the light, and we were in this handsome stone VFW hall that is just a little bit back from Bristol Harbor. It was beautiful not only outside but inside because we had a wonderful group of people. And as the questions and answers were winding down toward the end of the evening, and he took the microphone, and he began to speak.

The man was COL Edward Cyr. Colonel Cyr is a 29-year veteran of the United States Army, a veteran of Operation Iraqi Freedom and a former Army Medical Support Hospital. He has served two tours in Iraq, first in 2003 and then again from June 2006 to October 2007, and was also deployed to Kosovo in 2001. When he is not serving our country in the Army Reserves, Colonel Cyr is a nurse anesthetist at Saint Anne's Hospital in Massachusetts. He is a loving husband to his wife Patricia, and he is the father to five daughters.

Colonel Cyr wanted to tell me about a provision in the 2008 Defense authorization bills which would make early retirement eligibility to reservists and National Guard members who have served on Active Duty since September 11, to allow these individuals to gain 3 months of retirement eligibility for every 90 days of Active service.

He was concerned that the effective date of the legislation was set for the date of its passage, and that it did not reach back to September 11 to pick up all the veterans who had served since that date. I agreed to help him with that legislation, to make the date of the early retirement provision retroactive to September 11, 2001, so that it would reach every veteran in this conflict who served our country and carried the burden of a disastrous war policy with such great honor and dignity.

And often people come with a specific request like that, but that was not what was significant about this. What was significant about this was that Colonel Cyr took the chance to tell his story. He spoke of the strains of his multiple deployments which have weighed so heavily upon him and his family. He spoke of the blood of the wounded soldiers he worked on, on his hands, on his clothes, in his very pores. He spoke of their service and their loss and his pride in the men and women who served beside him. When he was done, the big room was quiet.

I asked him if I could make it smaller. So all I want to try because if I tried to explain it, I would just make it smaller. So all I want to say, as we all leave this glorious Chamber to go home to our States to celebrate this Memorial Day weekend, for all the Edward Cyrs and for all the Patricia Cyrs across this country, thank you and God bless you.

Mr. President, I believe there is no quorum present.

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. BAUCUS. Mr. President, I ask unanimous consent that the order for the hour call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEROES EARNINGS ASSISTANCE AND RELIEF TAX ACT OF 2008

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 6081, which was received from the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the bill be read three time and passed, and the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 6081) was ordered to a third reading, was read the third time, and passed.

Mr. BAUCUS. Mr. President, on Memorial Day in 1884, Justice Oliver Wendell Holmes said:

It is now the moment when by common consent we pause to become conscious of our national life and to rejoice in it, to recall what our country has done for each of us, and to ask ourselves what we can do for our country in return.

I am pleased that today, on the eve of the Memorial Day weekend, the Senate has been able to recall what our service men and women have done for each of us. I am pleased that we can do something for them in return. And I am pleased that we have been able to pass the Heroes Earnings Assistance and Relief Act of 2008.

Nearly 1.5 million American service men and women have served in Iraq, Afghanistan, or both. Nearly 30,000
troops have been wounded in action there.

It is time that Congress showed its gratitude to these brave men and women. They have devoted their lives to the pursuit of American freedom.

Today, we have passed a bill that offers tax relief to these men and women who serve our country so valiantly. During a trip to Iraq last year, I saw firsthand what a heavy burden our troops bear for all of us. They face hardships and danger. But they keep at it every day.

This bill makes permanent the special tax rules that make sense for our military. Many of these rules expired at the end of 2007. For example, most troops doing the heavy lifting in combat situations depend on filing joint tax returns. But service members in the lower income brackets. Some of them are earning combat pay at levels that would qualify for the earned income tax credit. But under current law, combat pay does not count toward computing the EITC. Congress fixed that temporarily. But the provision that fixed the problem expired at the end of 2007.

The EITC is a beneficial tax provision for working Americans. It makes no sense to penalize our troops.

Today, we have made combat duty income count for EITC purposes, and we have made that change a permanent part of the Tax Code.

This military tax package also eliminates obstacles in the current tax laws that create problems for some veterans and service members.

For example, family members of fallen soldiers killed in the line of duty receive a death gratuity benefit of $10,000. But the tax law does not allow the survivors to put this benefit into a Roth IRA. This bill will guarantee that the family members of fallen soldiers may take advantage of these tax-favored accounts.

Another problem for our disabled veterans is the tax limit for filing to get a tax refund. Most VA disability claims filed by veterans are quickly resolved. But many disability awards are delayed because of lost paperwork or the appeals process. One disabled vet finally gets a favorable award, the disability award is tax-free.

In many cases, however, these disabled veterans paid taxes on the payments in the past. The veterans cannot get the taxes paid back because the law bars them from filing a claim for a tax refund that goes back far enough.

We take care of this problem by giving disabled veterans an extra year to claim their tax refunds. This bill is paid for by requiring that companies that do business with the Federal Government pay employment taxes. The bill makes sure that foreign subsidiaries of U.S. parent companies that have contracts with the Federal Government pay employment taxes for their employees.

Another offset in the bill is a provision that makes certain that individuals who relinquish their American citizenship will pay their fair share of Federal taxes. This provision ensures that these folks pay the same tax for appreciation of assets, such as stocks or bonds, as they would pay if they sold them as U.S. citizens or residents.

We owe the men and women fighting in our armed forces an enormous debt of gratitude. They leave their families and put their lives on the line to fight for our freedoms.

And so today, the Senate pauses to recall what our service men and women have done for each of us. Today, the Senate pauses to ask ourselves what we can do for them in return. And today, the Senate pauses to say thank you.

Mr. President, the Heroes Earnings Assistance and Relief Tax Act of 2008, the HEART Act, which passed the Senate by unanimous consent today, was a bipartisan effort that incorporates most of the provisions in the Defenders of Freedom Tax Relief Act of 2007, the Senate last December. The HEART Act also makes permanent and expands upon some of the tax relief measures that I coauthored with Senator BAUCUS in 2003, while chairman of the Senate Finance Committee.

Our men and women who serve in the military make tremendous sacrifices to keep this great Nation safe and strong. Oftentimes, this very service makes taxes complicated and sometimes unfair. It is only right that these honorable men and women get treated fairly under the Federal Tax Code. The Federal Tax Code shouldn’t penalize people for serving their country.

It has been a few years since Congress enacted a tax relief measure for the military. As such, we have updated the relief package to include some additional relief. Amongst some of these new measures is a clarification that members of the military who file a joint tax return would be eligible for the stimulus rebate payment even if one spouse does not have a Social Security number.

The bill also ensures that U.S. employers of Americans working abroad pursuant to a contract pay Social Security and Medicare taxes, regardless of whether they operate through a foreign subsidiary. Amongst the offsets in the HEART Act is a provision that ensures individuals who relinquish their U.S. citizenship or long-term residency pay the same Federal taxes for the appreciation of assets as they would have paid if they sold them prior to relinquishing their U.S. citizenship or terminating their long-term residency.

It is unfortunate that the Senate was not able to strike an agreement with the House to include a provision that Senator ROBERTS championed. This provision would make more service members eligible for low-income housing.

However, Senator ROBERTS has been reassured by House, Ways and Means Democrats that this provision will be pursued with the House’s low-income housing credit reform measures, which was part of their housing bill.

Mr. KERRY, Mr. President, today the Senate has passed legislation which I believe will assist military families. I agree with Ways and Means Chairman CHARLES RANGEL that this legislation should be called the “thank you bill.”

As we approach Memorial Day, I am pleased that the House and Senate have passed this important legislation which will help thousands of military families.

I would like to thank Senators BAUCUS and GRASSLEY for the work they have done on this bill. The HEART Act is currently employed by 33,000 United States servicemembers in Afghanistan. Many of these men and women are reservists and have been called to active duty, frequently for multiple tours. While large businesses have the resources to provide supplemental income to reservist employees called up I applaud the businesses that have been able to pay supplemental income to their reservists, but it is not easy for small businesses to do the same.

In January 2007, the Committee on Small Business and Entrepreneurship held a hearing on veterans’ small business issues. A majority of our veterans returning from Iraq and Afghanistan are not Reserve and National Guard members—35 percent of whom are either self-employed or own or are employed by a small business.

We heard some disturbing statistics about the impact of unintended consequences the call up of reservists is having on small businesses. According to a January 2007 survey conducted by Workforce Management, 54 percent of the businesses surveyed responded that they would not hire a citizen soldier if they knew they would be called up for an indeterminate amount of time. I am concerned that long call ups and redeployments have made it hard for
small businesses to be supportive of civilian soldiers. The Active Duty Military Tax Relief Act of 2007 provides a tax credit to small businesses to assist with the cost of paying the salary of their reservist employees who are called to active duty. A similar provision is included in the HEART Act.

In addition to helping small businesses, the Active Duty Military Tax Relief Act of 2007 addresses concerns related to differential military pay, income tax withholding, and retirement plan participation. These provisions will make it easier for employers who would like to pay their employees supplemental income, above their military pay, and make pension contributions. Our legislation would make differential military pay subject to federal income tax withholding. In addition, with respect to the retirement plan rules, the bill provides that a person receiving differential military pay would be treated as an employee of the employer making the payment, and allows the differential military pay to be treated as compensation. These provisions are included in the HEART Act.

The Active Duty Military Tax Relief Act does make permanent the existing provision which allows taxpayers to include combat pay as earned income for purposes of the earned income credit, EITC. Without this provision, some military families would be unlikely to be eligible to receive the EITC because combat pay is currently not taxable. It also would provide tax relief for the death gratuity payment that is given to families that have lost a loved one in combat. This payment is currently $100,000. Our current tax laws do not allow the recipients of this payment to use it to make contributions to tax-preferred saving accounts that help with saving for retirement. Both of these provisions are included in the HEART Act.

Recently, Representatives Ellis-Worthing and Emanuel and Senator Obama and I introduced the Fair Share Act of 2008 which ends the practice of U.S. government contractors setting up shell companies in foreign jurisdictions to avoid payroll taxes. Our legislation would make differential military pay subject to federal income tax withholding. In addition, with respect to the retirement plan rules, the bill provides that a person receiving differential military pay would be treated as an employee of the employer making the payment, and allows the differential military pay to be treated as compensation. These provisions are included in the HEART Act.

The Active Duty Military Tax Relief Act does make permanent the existing provision which allows taxpayers to include combat pay as earned income for purposes of the earned income credit, EITC. Without this provision, some military families would be unlikely to be eligible to receive the EITC because combat pay is currently not taxable. It also would provide tax relief for the death gratuity payment that is given to families that have lost a loved one in combat. This payment is currently $100,000. Our current tax laws do not allow the recipients of this payment to use it to make contributions to tax-preferred saving accounts that help with saving for retirement. Both of these provisions are included in the HEART Act.

The second reason is that I believe that Senators Graham, Burr, and McCain have offered a superior piece of legislation, S.2933 the Enhancement of Recruitment, Retention and Readjustment Act. S.2933 will assist our nation’s veterans by significantly improving education benefits for both those who have left the services and those who decided to make the military their career. Specifically, S.2933 will permit Guard and Reservists to more easily qualify for benefits; eliminate the $1,200 fee that servicemembers are currently required to pay in order to qualify for education benefits; and increase the level of assistance under the Act. Most importantly, the Graham, Burr and McCain legislation will increase the level of monthly payments for a college education from $1,100 to $1,500.

I view this as a much simpler and fairer compensation package than S.22. S.22 would provide tuition assistance equal to the sum charged by the program in which the veteran is enrolled. However, this assistance is capped at the amount of in-state tuition imposed by the most expensive public college in the state the veteran is enrolled. This is a provision that is appropriate that the Fair Share Act is included in the HEART Act.

Obviously, this is a very complicated funding mechanism which I fear will unnecessarily complicate the future education plans of many service members. I am also concerned that such a funding scheme will adversely affect those veterans who wish to pursue educational opportunities at private and parochial colleges and universities.

However, S.22 is not without its advantages, since it provides that such a funding scheme will adversely affect those veterans who wish to pursue educational opportunities at private and parochial colleges and universities.

In summary, S.22 does not contain. In final analysis these are two serious pieces of legislation that merit careful study. However, in my final analysis, I believe that the Graham, Burr and McCain bill is the superior bill and I look forward to debating that measure and voting for it once the Senate returns from the Memorial Day recess.

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.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

GOOD WISHES FOR SENATOR KENNEDY

Mr. ENZI. Mr. President, in my 11½ years in the Senate, I have worked closely with a very special man, a very caring man, a very liberal man, a very energetic man, a very thoughtful man, and a man who has become my dear friend. That man was Senator Ted Kennedy, the Senator from Massachusetts. A great blow was dealt to the Senate when we found out Senator Kennedy had a malignant brain tumor. This blow is not because of what may or may not get done in his absence. No, this blow went straight to the heart of anyone who has known this man as a friend.

Many find it hard to believe that Senator Kennedy, the third most liberal Senator in the Senate, and I, the fourth most conservative in this body, could get along or actually enjoy each other’s company. But we do.

When I was chairman of the HELP Committee, I worked under what I called my 80 percent rule. I always believed we could agree on 80 percent of the issues and on 80 percent of each issue, and that if we focus on the 80 percent, we can do great things for the American people. Senator Kennedy and I worked together on proposals using that rule, and we found that 80 percent of the things we undertook, we also found friendship.

In those 2 years, we passed 35 bills out of the Health Education, Labo& Pensions Committee, and the President signed 27 into law. Most of them passed almost unanimously. Again, it was kind of the belief that if two people that far apart could come together on an issue, it must be OK. The HELP Committee used to be the most contentious committee in the Senate. But when working together as chairman and ranking member, we turned it into the most productive committee in the Senate. I
remember being in the President’s office at a bill signing and having him say, “You know, you are the only committee sending me anything.” We got to checking on it, and he was right. I could not help but think of my friend and mentor from Wyoming, Senator Kennedy. He had signed the bill into law while he signed the Genetic Information Nondiscrimination Act a few weeks ago. That bill was the fourth bill that month Senator Kennedy and I sent to the President. We had worked on it for weeks, and we were glad it finally passed, almost unanimously. We briefly conferred it with the other side, so the differences are already worked out before they vote on the bill. It went to the President’s desk. That is a perfect example of how we worked together to pass legislation that had been held up for years.

Another example is the mine safety law. In 6 weeks, we worked together to pass the first changes to the mine safety law in almost 30 years. The average bill around here takes about 6 years to pass. That one happened in 6 weeks.

We share an incurable optimism, and if you add that in with Ted’s work ethic, and I might add to that, we have a great recipe for success.

When we don’t get along, you will see us come to the Senate floor and debate our policy differences passionately. Once the votes are cast and we walk off the floor, we move on to tackle the next issue, and we do that as colleagues with a deep respect for each other and his beliefs.

We have taken trips around the country to inspect mine safety and hurricane damage. I have also invited Vicki and Ted to come to Wyoming to dig fossils with Diana and me when our schedules can work it in. We have some 60-million-year-old fossil fish in Wyoming. Senator Kennedy has a very deep interest in that. He was with us for one section of field work in Wyoming. If you see brown bones in a brown rock, it probably came from the other place, which would be China. But I have invited him to join me for a little field work in the fossil field with me. This week I even sent him a very small one that we might be able to use for bait if we get to do that.

Chairman, if you are listening, I do still expect you to come to Wyoming for the fossil dig. Senator Kennedy, who said: Yes, come on down to my office, I will meet with you. So I went down there. My mother had been named “Mother of the Year” in Wyoming the day before, and he presented me with clippings of my mother’s picture from the newspaper. He went through that bill with me, a section at a time.

It wasn’t until the markup of the bill that I found out that was not the way you did things around here. He explained that in his, I think, 35 years at the desk, he had had a Senator ask him to sit down and go through a bill a section at a time. The bill did not pass, but several sections of the bill are now law. It was the first eight changes in OSHA in the history of OSHA. After we did those eight changes, he came to me and said: I have this needle stick bill I have been trying to get through. Would you take a look at it?

I did. We made some changes to get to the 80-percent rule, and it passed unanimously here and in the House and the President signed it. The nurses were appreciative and the Janitors were appreciative because either of them could get an accidental needle stick, and they wouldn’t know where it had been and they would have to wait months to find out if they were going to get something from it.

I learned a lot from each of these opportunities to work with Ted Kennedy. I had no idea I would be chairman of the committee, and he would be the ranking member. Then I had no idea the majority would change and he would become chairman and I would become ranking member. I remember meeting with him after he became chairman, where we took a look at the bill we intended to get done during these 2 years, and we had not gotten any substantial progress on that. I told him I was glad he was chairman because he had studied it for 2 years. I would be able to do a much better job when I became chairman again. He laughed.

A week ago today, we were resolving some issues on the floor and things were not going to be done, and I remember being over in that corner where he was telling me about his dad’s recipe for daiquiris, and earlier this week we passed the National Day of the American Cowboy, and that reminded me of an incident in Montana when Senator Kennedy was helping his brother, he actually went to a bucking horse sale and rode a bucking horse and wound up on the cover of LIFE magazine—to get the Kennedy name out to help get his brother nominated. As a result, Montana and Wyoming both went for Senator John F. Kennedy and put him over the top for the nomination to be President.

There are a lot of other stories I would like to tell, but I will not because of the time.

Ted, my chairman, Diana and I are praying for you and your family during this trying time. “Cancer” is the last word any family wants to hear. I know you will fight it; you have that fighting spirit. I wish to see you at the next bill signing in the President’s office and with me again in the HELP Committee hearing room. We have more bills to pass, fossils to dig, fights to battle, and laugh to enjoy together. We have to keep up our bill-of-the-month club for the President.

I yield the floor.

The PRESIDING OFFICER (Mr. Whitten). The Senator from Ohio is recognized.

Mr. BROWN. Mr. President, I echo the words of my friend, Senator Enzis from Wyoming, about Senator Kennedy. I have had the honor for only 15 months now to serve on his and Senator Enzis’s HELP Committee. Even though Senator Kennedy points out and even more important than Senator Kennedy’s passion for his work, his commitment to social and
economic justice and his never, ever giving up in fighting for those things he believes in, is what Senator Kennedy does personally for all kinds of people, including people who don’t live in his State, people whom he has never met, people who walk down the hall. He brings them into his office and gives them a book, written by Senator Kennedy, but in the name of his dog Splash. And he talks to children. Again, they are people Senator Kennedy doesn’t even know, who can do nothing for him politically. He gives so much in those ways.

As Senator Enzi does, I hope Senator Kennedy will be back here as strong as ever. He has used that energy and passion for so many others, and he will put that same energy and passion, and ambition to being cured. We all look forward to that day in the fairly near future.

(The remarks of Mr. Brown pertaining to the introduction of S. Res. 574 are located in today’s RECORD under “Substance of Concurrent and Senate Resolutions.”)

Mr. BROWN. I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. BARRASSO. I thank the Chair.

(The remarks of Mr. Barrasso pertaining to the introduction of S. 3071 are printed in today’s RECORD under “Statements on Introduced Bills and Joint Resolutions.”)

MEMORIAL DAY

Mr. BYRD. Mr. President, this coming Monday, May 26, the nation sets aside a day to honor those brave men and women who died in battle while wearing the uniforms of the Nation’s Armed Forces. Soldiers, sailors, marines, and airmen; officers and enlisted; volunteers and draftees; young and old; they were all members of our American families. Our brothers, our sisters, our mothers, our wives, our friends. More than 41 million Americans have served their nation during a time of war over the course of our history. More than 651,000 Americans have lost their lives as a result of that service. It is likely that somewhere in every family’s extended network of relatives, neighbors, and friends, there is a veteran, perhaps even a veteran whose service and sacrifice we honor on Memorial Day.

Despite the fact that some 200,000 of our fellow citizens are today wearing uniforms and serving in hostile theaters far from home, too many Americans see Memorial Day weekend only as a long weekend marking the end of the school year, the opening of pools, and the beginning of summer. We are beguiled by the warm breezes redolent of honeysuckle. We are distracted by bright sunshine and outdoor pleasures. We are lulled into a sense of security and carelessness at home in our safe neighborhood, in our tidy homes, with our gardens of cheerful flowerbeds, and shady streets. It is easy to forget that in distant places, men in dusty uniforms patrol dangerous streets mined with improvised explosive devices.

If you take a moment to look more closely, however, you may notice the flags flying from front porches along those shady streets. You might notice other flags, smaller flags, plastered in front of marble markers throughout cemeteries around your town, each marking the grave of a veteran. You may notice families visiting gravesites in a ritual as old as war itself, laying down flags and honor on those who paid that price for the freedom that we enjoy today. You might notice families visiting gravesites which date from this century or that came before, on this last Monday in May, I hope that Senators and all Americans will set aside a few quiet moments to remember, and honor, the men and women who have lost their lives in the service of the Nation. In those quiet moments, I also hope that the Nation will say a prayer for the families they left behind.

I close with a few stanzas from a poem by Theodore O’Hara, entitled, “The Bivouac of the Dead.”

THE BIVOUAC OF THE DEAD

The muffled drum’s sad roll has beat
The soldier’s last tattoo!
No more on life’s parade shall meet
To brave and fallen foe.

On Fame’s eternal camping ground
Their silent tents are spread,
And glory guards with solemn round
The bivouac of the dead.

Rest on, embowered in sainted dead,
Dear is the blood you gave.
No impious footstep here shall tread
The herbage of your grave.

Nor shall your glory be forgot,
While Fame her record tells,
The story how you fell.

When many a vanquished year hath flown,
In deathless song shall tell,
That gilds your glorious tomb.

Can dim one ray of holy light
On Fame’s record bright,
The brave and fallen few.

—-Theodore O’Hara

Mr. BENNETT. Mr. President, Memorial Day is a day of reflection. It is a day reserved for remembering those who have given their lives in service to our country. While we may choose to remember these individuals in different ways, each American has a responsibility to recognize the contribution of those who have paid the ultimate sacrifice to defend the values upon which this Nation was built.

For some years, I have had the opportunity to meet with a number of the men and women serving in our military, many of whom I am proud to say are fellow Utahns. I am always very humbled by this experience. The courage and dedication of these individuals offers much to emulate.

I recognize the sacrifice of the countless men and women who over the decades have selflessly given their lives to uphold freedom and defend the many values we hold dear. Each of these individuals did not only give their own life but left forever altered the life of a mother, father, husband, wife, son, daughter, brother, or sister. Those
loved ones who are left behind are owed our respect and support. We must continue to work to ensure the fallen are remembered and those they leave behind are not forgotten.

In this time of war, my thoughts and prayers go to all those who serve this Nation and with those families who have made the ultimate sacrifice. I am deeply grateful for this service. Please let us not forget the courage and selflessness of these individuals—to them we owe a debt beyond our means to repay. This forever and ever grateful and proud of each and every man and woman who has willingly accepted the call to defend our freedoms and provide for our safety at home.

CELEBRATING ASIAN PACIFIC AMERICAN HERITAGE MONTH

Mr. REID. Mr. President, I rise today with the great pleasure of recognizing the month as Asian Pacific American Heritage Month and honoring the many contributions that Americans of Asian and Pacific Islander descent have made to our great Nation and to my home State of Nevada.

I am proud of the role this distinguished chamber played in the designation of Asian Pacific American Heritage Month, albeit many years too late. On June 19, 1978, some 135 years after the arrival of the first Japanese immigrant to the United States, Representatives Frank Horton and Norman Mi- neta introduced a joint resolution “authorizing and requesting the President to proclaim the 7-day period beginning on May 4, 1978, as ‘Asian/Pacific American Heritage Week’”—H.J. Res. 1007. Two months after being passed overwhelmingly by the House, the Senate unanimously approved the joint resolution and promptly sent it to President Jimmy Carter for his signature.

In addition to recognizing the onset of Japanese immigration to America, the month of May was selected because May 10, 1869, also known as Golden Spike Day, marked the completion of the first transcontinental railroad in the United States, to whose construction Chinese pioneers contributed greatly. Hundreds of miles of this railroad passed through a newly admitted and mostly uninhabited western state that I have called home for my whole life. By the mid-1870s, tremendous sacrifices of these Asian settlers, the state of Nevada would have remained largely disconnected from the rest of our country for an untold number of years.

Rising to support H.J. Res. 1007, Senator Spark Matsunaga, who served the State of Hawaii for over 13 honorable years before succumbing to cancer, remarked that “most Americans are unaware of the history of Pacific and Asian Americans in the United States, and the contributions to our nation’s cultural heritage.” He continued by saying that one of the two main purposes of the joint resolution was “to imbue a renewed sense of pride among our citizens of Pacific and Asian ancestry.” I am delighted that the many celebrations taking place around the country to commemorate Asian Pacific American Heritage Month, particularly in my home State of Nevada, have imbued me and all of pride that Senator Matsunaga spoke about nearly three decades ago.

Almost 14 years after President Carter signed H.J. Res. 1007 into law, Representative Frank Horton once again assumed the role of the champion of this issue and introduced a bill to permanently designate May of each year as “Asian Pacific American Heritage Month”—H.R. 5572. After this bill was passed by both Houses of Congress, President George H.W. Bush signed it into law on October 23, 1992.

Ever since, our country has taken the time at the end of each spring to celebrate the innumerable contributions that Americans of Asian and Pacific Islander descent have made and continue to make to the United States. To the roughly 15 million Asian and Pacific Islander Americans who currently live in our country, and most especially to the thousands of those who reside in Nevada, I urge you all the best during this joyous time of year. I urge my colleagues in this Chamber to do the same.

TRIBUTE TO JOSEPH R. EGAN

Mr. REID. Mr. President, I join Senator Ensign today to recognize the remarkable life of Joe Egan, who passed away on May 7, 2008.

Joe is known in Nevada and throughout the country as a skilled attorney who worked hard to make our Nation safer and to stop the proposed Yucca Mountain nuclear waste dump from being built in Nevada. I think Joe hated the nuclear waste dump project as I do. In his obituary, he arranged to have his ashes spread over Yucca Mountain. “Radwaste buried here only over my dead body,” he said. After learning in 1996 that Yucca Mountain was scientifically unsuitable for storing radioactive waste, he was deputized as the lead lawyer for the State of Nevada’s efforts to fight the dump. Nevadans should be proud to have had such a magnificent person fighting for them.

Joe was a key force in dealing multiple blows to the project and bringing it to a standstill. Over the years, Joe has made it abundantly clear that the project is unsafe and that the science behind it is unsound. It speaks to his character that although he was not from Nevada, he fought against this project with both passion and strength because he knew that it was the right thing to do. When we finally ended the battle against the Yucca Mountain project, we will have done it together with Joe and his team.

Joe was by no means antinuclear. He just wanted to see nuclear power produced safely and the dangerous wastes it produces to be managed properly. He also worked hard on nonproliferation efforts, helping the United States secure thousands of tons of weaponsgrade uranium from all over the world.

Joe’s legacy will live on through his family, friends, and through his tremendous efforts to keep Nevadans and all Americans safe.

Mr. ENsign. We have both had the pleasure to know and work with Joe. He was a brilliant man a Minnesota native who received three degrees, in physics, nuclear engineering, and Technology and policy from the Massachu- setts Institute of Technology. He received his law degree from Columbia University. During his lifetime, Joe did everything from working in the control room of a nuclear powerplant to serving as president of the International Nuclear Law Association. Joe was a strong supporter of nuclear energy. Throughout his life, he fought for the development of sensible, sound, and safe nuclear policies.

Joe served as Nevada’s lead attorney in the fight against dumping nuclear waste in Nevada. Applying his deep knowledge of the law and nuclear engineering, Joe helped the State of Ne- vada in our fight against Yucca Mountain.

Mr. REID. Joe Egan was a talented person who led a rich life which was tragically cut short by an aggressive cancer. I am saddened by his death, and will not forget all that he has done for the people of Nevada. To his wife, children, and family, I wish to extend my deepest sympathies.

Mr. ENsign. The work that Joe has accomplished during his lifetime will forever stand as a fitting testament to his character. He was an amazing lawyer, a great father, and he will be sorely missed by all. My sincere condolences go out to his family.

CONGRATULATING MENA BOULANGER

Mr. DURBin. Mr. President, today I wish to honor the contributions of Mena Boulanger to the Chicagoland area. Next week, Mena is retiring after 30 years of work to raise public awareness of the Forest Preserve District of Cook County and its conservation efforts throughout its 76,000 acres.

In the fall of 1972, the Boulanger family—Mena and David and children Sarah and John—made their way from Seattle, WA, to Cook County, IL. The family began spending almost every weekend exploring the various Forest Preserve District sites in the Western suburbs of Chicago. Leaving behind the landscape of their native Pacific Northwest, the family’s appreciation of the Midwest flora and fauna came slowly, and so did a commitment to the prairie around Chicago—lands now part of Chicago Wilderness.

In 1979, Mena began as the first, full-time Director of Development for the Lincoln Park Zoological Society. For
the following 11 years, Mena dramatically increased fundraising efforts, allowing the Lincoln Park Zoo to expand at an unprecedented rate.

Mena transitioned to Chicago’s Zoological Society, working with the Brookfield Zoo in 1993, where she assumed the role of Vice President for Development. It was during this time, that Mena achieved one of her most significant long-term accomplishments. Mena helped secure additional bond funding for the Forest Preserve District so that it could address its capital maintenance needs, as well as the needs of the Brookfield Zoo and Chicago Botanic Gardens. The Forest Preserve District’s holdings—and those of the Brookfield Zoo and Chicago Botanic Garden—are significantly improved through the use of these bond funds.

In 2003, she became the Vice President of Government Affairs and Strategic Initiatives, directing the Zoo’s local, state, and federal government communications and solicitation programs. Mena worked closely with Zoo staff to help the Forest Preserve District better serve Cook County residents through special outreach programs, including tours for senior groups, family pass programs at area libraries, and information on Brookfield Zoo job fairs and lecture series.

One of Mena’s signature achievements was raising funds for the Hamill Family Hereditary Cancer Foundation. Mena also helped secure additional bond funding for the hospital, which has served as a model for many hospitals across the country.

A few years ago, Mena was diagnosed with breast cancer. In the midst of a personal health crisis and in addition to pursuing traditional therapies, Mena thought about all of the women in her life—daughters, granddaughters, friends, colleagues—and enrolled in an NIH-funded study at Loyola University in Chicago to investigate the effects of meditation on immune cells in breast cancer patients. That is what makes Mena special. She is always optimistic, always strong, and always looking to help others. I am happy to say that Mena’s cancer is in remission. She is a survivor. She is also an inspiration.

To say that Mena is “retiring” somehow doesn’t seem quite right. It would be more accurate to say that she is redirecting her energies. I have no doubt that she will continue to involve herself in our community and committed to the many causes in which she believes so deeply. I know she is excited to spend more time with her family, especially her four grandchildren. Mena will enjoy having more free time to spend hiking, biking, and exploring the lands of the Forest Preserve District she treasures so dearly. And if you know Mena, you also know that she enjoys a good, spirited political debate. I can only imagine how retirement will foster that passion.

It is with a sense of gratitude that I wish Mena Boulanger well as she prepares to retire from the Chicago Zoological Society and moves on to the next chapter in her life. Mena has created a lasting impact on the lives of thousands through her work and volunteerism in the Chicagoland region. Anyone that has visited either the Lincoln Park Zoo or Brookfield Zoo since 1980 has benefited from Mena’s efforts and generosity.

I wish Mena Boulanger the best in her retirement and thank her for caring for the Midwest flora and fauna she embraced some 35 years ago.

HONORING DOMINIC AND BRENDA RANDAZZO

Mr. DURBIN. Mr. President, I rise today to honor two constituents, Dominic and Brenda Randazzo, who have spent much of their lives giving back to their community.

Dominic and Brenda are a remarkable couple. Through 45 years of marriage, three grandchildren, four children and seven grandchildren, they have maintained an unyielding spirit of giving back.

They were honored recently as the 2008 Servant Leaders of the Year by Provena St. Mary’s Foundation in Kankakee, IL.

Provena St. Mary’s Hospital has a special meaning for Dominic and Brenda. It is where they were both born.

For many years, both Dominic and Brenda have been among the hospital’s most loyal supporters. Dominic has served on the St. Mary’s Hospital’s annual Black Tie Gala for more than 8 years.

Last year, Dominic asked Brenda if she could lend some helpful suggestions for an auction benefiting the hospital. Brenda wound up chairing the auction and raised generous contributions.

Dominic grew up in Kankakee, IL and after he graduated from college, spent nearly 2 years in the United States Army, including time in Germany. After his years of service, Dominic went to work for Armour Pharmaceutical in 1960 where he met his loving wife, Brenda.

Two years ago, Dominic retired as the manager of community and governmental relations for Aventis Behring. This job combined Dominic’s two favorite passions, community and legislation.

Brenda grew up in Chebanse, IL, with dreams of becoming a flight attendant or an interior designer. After working at Armour Pharmaceutical and meeting Dominic, Brenda joined Albanese Development, a company that designs, builds, and decorates hotels. Brenda’s caring nature helped her excel in the hospitality industry, ultimately being named General Manager of the Year in 2000 by the American Hotel and Lodging Administration.

Provena St. Mary’s is only one of many community organizations to which the Randazzos give so generously of their time and talents.

Dominic also spends countless hours with the United Way of Kankakee County. In 2004, he chaired that organization’s Leadership Giving Campaign and broke its previous fundraising record. For his efforts, he was honored with the Ken Cote Award, better known as the Mr. United Way Award.

For more than 15 years, Dominic organized the Hemophilia Foundation of Illinois annual fundraising dinner.

Throughout her career in hotel management, Brenda, too, has always found time to help others. On Halloween, Brenda invited Easter Seals to bring children to trick-or-treat at the hotel. She also mentored low-income women—helping them obtain jobs at her hotels and access to public transportation. And she is a stalwart supporter of both the Arthritis Foundation and the Rotary Club in Bourbonnais, IL.

Their motivation for their service is simple and inspiring. Dominic and Brenda Randazzo both say that they have been blessed, and they want to share their blessings with others.

Their generosity is all enriched by the good works and fine example of caring citizens such as the Randazzas. I congratulate both Dominic and Brenda on their well-deserved honor and thank them for their many years of selfless giving to others.

GUNS AND CHILDREN

Mr. LEVIN. Mr. President, often when we talk about combating gun violence, we discuss preventing criminal access to dangerous firearms. However, we must also focus our attention on the unsupervised access to firearms by our children and teenagers. While firearms in the hands of criminals pose a significant threat to society, many of the fatal firearm incidences in our country occur when children and teens discover loaded and unsecured firearms in their own homes, friends houses, or the family’s car. Suicides and accidental shootings have claimed the lives of thousands of young people. Sadly, many of these tragedies could have been prevented through commonsense gun legislation.

The Center for Disease Control and Prevention estimates that 1.69 million children in the United States live in households with unlocked and loaded firearms. Tragically, firearms kill an average of nearly eight children and teenagers a day. What’s more, the Children’s Defense Fund estimates that at least four times this number are injured in nonfatal shootings.

Many parents believe that simply educating their children about the dangers firearms can pose is enough to keep them safe. Unfortunately, this is simply not the case. A study conducted by the Harvard School of Public Health, involving 201 families who have guns in their homes, found that 39 percent of the parents who stated their children did not know the storage location of their firearms were contradicted by their children. In addition, 22 percent of the parents who believed their children had not handled their
guns were contradicted by their children. The study concluded that although many parents had warned their children about gun safety, there was still a significant possibility that they were misinformed about their children's actions with their guns.

Common sense tells us that when guns are secured, the risk of children injuring or killing themselves or others with a gun is significantly reduced. By passing legislation that would require that all handguns sold by a dealer come with child safety devices such as a lock, a lock box, or technology built into the gun itself, we could significantly decrease the possibility of a child misusing a firearm. I urge my colleagues to take up and pass such sensible gun safety legislation.

REMEMBERING SEAN KENNEDY

Mr. SMITH. Mr. President, I rise today in remembrance of a young man whose life was cut short because of a tragic crime—a hate crime. I came to the Senate floor, 1 year ago today, to speak about a vicious attack that killed Sean Kennedy on May 16, 2007. He was just 20 years old. As I have recounted time and time again, the past 3 years have again come to the floor to highlight the needless deaths of hate crimes' victims and the need to enact Federal hate crimes legislation.

Recently, I had the opportunity to speak to Sean Kennedy's mother Elke Kennedy. I had heard that Elke had read about her son in the CONGRESSIONAL RECORD and was grateful that someone had recognized his death and understood the need for hate crimes legislation. For every victim of a hate crime, many more family members and friends are impacted by the tragic loss. While I know the pain of losing a son, I can only imagine the grief Elke must have felt when someone took the life of her son simply for who he was. As a nation, what do we say to Elke and other family members who have lost a loved one to a hate crime? What solace do we have to offer them for their pain? I believe we could start by passing Federal hate crimes legislation to demonstrate our national commitment to ending bias-motivated crimes.

No parent should have to fear for their child's safety because of their sexual orientation and because our laws do not adequately protect them. It is the Government's first duty to defend its citizens, to defend them against the harms that come out of hate. Federal and State laws intended to protect individuals from heinous and violent crimes motivated by hate are woefully inadequate. Sean's death is an unfortunate reminder of this fact.

The Matthew Shepard Act would better equip the Government to fulfill its most important obligation by protecting new groups of people and better protecting citizens already covered under deficient laws. I believe that by passing this legislation and changing current law, we can lessen the very impact of hate on our society. Moreover, for parents like Elke Kennedy and Judy Shepard, Matthew's mother, it will finally prove that their sons' deaths were not in vain.

REFORMING THE FEDERAL HIRING PROCESS

Mr. AKAKA. Mr. President, I would like to speak today about the broken hiring process in the Federal Government and the need to recruit and retain the next generation of Federal employees.

The Federal Government is the largest employer in the United States, but every day talented people interested in Federal service are turned away at the door. Too many Federal agencies have built entry barriers for younger workers, invested too little in human resources professionals, done too little to recruit the right candidates, and in- vention and innovation process that discourages qualified candidates. As a result, high-quality candidates are abandoning the Federal Government. The Federal Government has become the employer of the most persistent, but no one wants to work for the Government anymore. For example, MSPB offered four sound recommendations that could significantly improve agencies' efforts if adopted. First, agencies should manage hiring as a critical business process, and not an administrative detail. Second, agencies are not hiring in a manner that reflects the human resources consultation, and an expert in New Media marketing.

The Government Accountability Office's testimony pointed out the broader picture of the problem. Agencies can address these issues and stated, "Studies by us and others have pointed to such problems as passive recruitment strategies, unclear job vacancy announcements, and imprecise candidate assessment tools. These problems put the Federal Government at a competitive disadvantage when acquiring talent." The Office of Personnel Management is supposed to be the leader in the Federal Government on personnel and hiring. However, the problem is not enough is being done. OPM's answer is to offer a legislative proposal that would have the Federal Government hire retired employees on a part-time or limited-time basis. This demonstrates a clear lack of focus on attracting the next generation of Federal workers and working to retain the current employees. OPM estimates that 30 percent of the Federal workforce—approximately 600,000 employees—will retire in the next 5 years. Rehiring former employees does not address the changing culture of job seekers.

Mr. Dan Solomon, the chief executive officer of the marketing firm Virillon, addressed the issue of developing recruitment strategies that are friendly to 25- to 35-year-old. Mr. Solomon laid out the challenge before Federal agencies in recruiting the next generation testifying, "younger people are a difficult group to reach. The bottom line: people looking for jobs are online and the government needs to be there to attract the best."

Reports and surveys from the Merit Systems Protection Board MSPB, the Partnership for Public Service, and the Council for Excellence in Government demonstrate that young people strongly desire to work in public service. Agencies need to meet young people where they are, and developing recruitment strategies, using online resources and streamlining the hiring process are essential to attracting the next generation of Federal employees. In the private sector, employers post jobs through many online venues and only require a resume and cover letter. Applying to the Federal Government should be accessible and easy.

There were many good suggestions made to improve the process. I believe that if OPM forced agencies to adopt these recommendations improvements would be made. For example, MSPB offered four sound recommendations that could significantly improve agencies' efforts if adopted. First, agencies should manage hiring as a critical business process, and not an administrative detail. Second, agencies are not using these authorities in a manner that reflects the human resources consultation, and an expert in New Media marketing.

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from applicants about the length and complexity of the process. The 45-day model is 45 workdays or 9 weeks. Furthermore, agencies still require too much information up front from candidates instead of an approach that requires more information in the employment with the process.

Agencies need to adapt, just as the private sector has, to the culture of the next generation of Federal workers. Candidates should receive timely and informative feedback. Candidate-friendly applications that welcome cover letters and resumes should be implemented. And, more pipelines into colleges and technical schools need to be developed to recruit candidates with diverse backgrounds.

Witnesses from the hearing were committed to improving the process offered many recommendations to help agencies. However, these recommendations are not new and I am concerned that their efforts may be too little, too late. Agencies and the existing authorities to streamline their processes and some are already doing so, but it is not enough.

I am convinced that only through agency leadership that prioritizes this issue will meaningful reforms take place. I will continue to press this administration to address this issue, and I encourage the next administration to take on the challenge of reforming the recruitment and hiring process to ensure that the Federal workforce is the greatest workforce in the world.

MEDICARE

Mr. BURR. Mr. President, for the last 8 weeks, a group of Republican Senators, led by Senator VITTER, have come to the floor to talk about health care. Thus far Senators VITTER, THUNE, ISAKSON, and DEMINT have spoken about health care particularly the choices facing this November in electing our next President. I don’t think there has ever been such a clear difference in opinions between parties on an issue that issue is health care.

One side would like the Government to run health care. The other side would like to give individuals and families the resources to access their own health care that they can control and take with them from job to job. In a nutshell—big government v. individual freedom.

This week I am responsible for talking about the most tangible area we see this dichotomy—Medicare. Under Medicare, beneficiaries either have fee-for-service or Medicare Advantage. The Government sets prices and makes coverage decisions under fee-for-service. Multiple private sector companies offer comprehensive coverage under Medicare Advantage. But the best example of individual choice and private sector competition is found under Medicare’s drug benefit—Part D. Let me first talk about Medicare Advantage.

In 2008, Medicare Advantage plans are offering an average of approximately $1,100 in additional annual value to enrollees in terms of cost savings and added benefits. Some examples of extra benefits available through Medicare Advantage plans are: No. 1, coordination of care; No. 2, special needs plans; No. 3, out-of-pocket costs; No. 4, reduced cost-sharing for Medicare covered services; and No. 5, vision and dental benefits.

Competition in the Medicare Advantage Program has created significant value for beneficiaries. Medicare Advantage enrollees typically benefit from reduced cost-sharing relative to FFS Medicare. All regional PPO enrollees have the protection of a required catastrophic spending cap and a combined Part A and B deductible. Sixty-seven percent of plans have coverage for eyeglasses. Eighty-three percent have coverage for routine eye exams. Eighty-six percent cover additional inpatient acute care stay days. Ninety percent cover additional stay days. In every survey conducted, enrollees who had access to at least one prescription drug plan with premiums of less than $20 a month.

Ninety percent of Medicare beneficiaries in a stand-alone Part D prescription drug plan, PDP, will have access to at least one plan in 2008 with lower premiums than they were paying in 2007. In every survey conducted, enrollees who had access to at least one prescription drug plan with premiums of less than $20 a month. The national average monthly premium for the basic Medicare drug benefit in 2008 is projected to be $28.70 a month. Ninety percent of Medicare beneficiaries will offer stand-alone prescription drug plans nationwide in 2008.

Beneficiaries have a wide range of plans from which to choose—some that have zero deductibles and some that offer lower enhanced benefits such as reduced deductibles and lower cost sharing. There are also options that cover generic drugs in the coverage gap for as low as $28.70 a month; nationwide, beneficiaries in any State can obtain such a plan for under $50 a month.

Consumer satisfaction with the Part D benefit is very high: Wall St Journal/ Harris Interactive, December 2007—87 percent satisfied; VCR Research/Medicare Rx Network, November 2007—83 percent satisfied; VCR Research/Medicare Today, October 2007—89 percent satisfied; and 90 percent of dual eligible beneficiaries and 85 percent of beneficiaries with limited incomes are satisfied. Both the KRC and VCR survey show that satisfaction is increasing 10 to 12 percent over the past 2 years and that 65 percent to 77 percent say that their Medicare plan is saving them money.

Our experience with the Medicare Advantage and Part D plan drug shows how competition and choice works. Under Part D we have true competition—private plans bidding against one another and driving down the price of drug benefit packages to seniors. Seniors can go onto Medicare.gov and select the plan that best suits their needs for drugs, copays, pharmacy locations, and the overall premium. As I described earlier—premiums are more reasonable than we predicted and satisfaction is very high—competition and choice works.

Under Medicare Advantage we have competition-lite. Plans compete for beneficiaries, but Medicare Advantage reimbursement is tied to Medicare fee-
for services rates in an area. People love to talk about how Medicare Advantage plans are reimbursed too much, but unfortunately that rally cry is based off a study that did not compare apples to apples. If you compare the cost of delivering Part A and B services alone, Medicare Advantage plans are only paid 2.8 percent more than Medicare FFS. I am comfortable paying 2.6 percent more because seniors have more choices, they receive more benefits, and the delivery of care is coordinated under Medicare Advantage plans. Medicare Advantage plans actually match treatments with diseases and maintenance care with chronic conditions.

Senator Coburn and I want to move Medicare Advantage from competition-lite to full competition. We will be introducing a bill in the coming weeks that will force Medicare Advantage plans to compete for Medicare FFS, and other on price. Medicare Advantage plans already compete on service and quality under our bill they will have to take lessons from Part D plans and compete on price.

If you’re listening from the beginning, you hopefully understand how effective competition and choice have been in two parts of the Medicare program. And you understand why I want that same robust health care competition and choice for every American. Every American deserves access to quality, affordable health care of their choice and competition between health care plans will help achieve that goal.

REBUILDING AMERICA’S IMAGE

Mr. Dorgan. Mr. President, our go-it-alone foreign policy over the last 8 years has sent our image and stirred up anti-American sentiment around the world. We have lost the international goodwill we had following the terrorist attacks of September 11, 2001, and the failed strategy of the war in Iraq has cost us a good number of allies.

A worldwide survey conducted last year of 28,000 people, asking them to rate 12 countries, put the United States at the bottom, along with Iran and Iraq, when it comes to having the world’s most negative image. In fact, even North Korea ranked higher than the United States in that survey. Another survey found that our favorability rating around the world dropped considerably from 2000 to 2006. For example, in Germany, we went from a favorability rating of 78 percent in 2000 to 37 percent in 2006. In Spain, only 23 percent of people have a favorable opinion of the United States. I could go on and on, but I don’t think anyone can dispute the fact that our image and credibility in the world has dropped dramatically. This negative trend hurts us. It makes it more difficult for our foreign partners, and even threatens our national security by making the United States a target.

With that being said, as the most powerful country in the world we still have an unprecedented opportunity to both help those in less fortunate countries and help our country regain the moral authority we once held. A lot of people have been proposed to repair our damaged image. Some of the most creative suggestions have come from students, such as the paper I recently received from Occidental College in Los Angeles. That paper recommended that the United States policy changes on issues like the war in Iraq, oil and energy issues, and illegal immigration, just to name a few. Calling for the United States to lead rather than dominate, to be a beacon more than a bullhorn, this paper presents a possible path to help repair our standing in the international community. I don’t agree with everything in the paper, but it is full of interesting ideas that can make a difference. I do believe that the youth of this country have taken a serious interest in our country’s image.

I encourage my colleagues on both sides of the aisle to take a serious look at this and other proposals to see what Congress can do to help ensure that future generations inherit a government that is well respected throughout the world.

It is my hope that with the new administration, our country will be able to turn the page of the past 8 years and focus on a foreign policy that is more constructive. I look forward to working with my colleagues and the next President to make this happen.

AMERICA’S FOSTER CARE CHILDREN

Mr. Nelson of Nebraska. Mr. President, I rise today, during National Foster Care Month, to speak for the more than a half million children living in foster care across the United States who are waiting for a loving family to adopt them.

I encourage potential parents throughout our country to open their hearts, their lives and their homes to these vulnerable children and provide them with the safe, permanent families that all children deserve. As an adoptive parent myself, I know first-hand the joy and fulfillment adoption can bring to a family, and I cannot think of a more perfect gift to give a child than the love, nurturing and protection they need to grow and prosper.

A sense of stability is critical to the development of children. Yet, young children in foster care never know how long they will stay in one place or where they will be sent off to next, resulting in a feeling of lack of consistency and security.

I recently had the chance to meet with Aaron Weaver, a young man from Nebraska, who shared with me some of his experiences in the foster care system. He said: “Growing up in foster care, a tattered yellow vinyl suitcase always accompanied me, as I switched families, rules and routines,” he said.

I hated that suitcase. It was a constant reminder of how unstable my life was, and how every day was uncertain.

Fortunately, after 8 years in Nebraska’s foster care system, Aaron was finally adopted. Adoption meant a family who gave him unconditional love. Adoption meant the end of packing his suitcase, wondering where he would be placed next. Adoption gave him, for the first time, the freedom and confidence to think about his future not in terms of where he would be sleeping next month, but in terms of what his goals were and where he wanted to go in life.

In 2005, just 10 percent of Nebraska’s foster care children were lucky enough to be adopted into new families like Aaron’s, leaving nearly a thousand more waiting eagerly for adoptive homes. Unfortunately, any chance of those children being placed with adoptive parents became even worse in 2006 when Nebraska dropped from a favorability rating of 78 percent in 2000 to 29 percent in 2006, and in 2006 their image was ranked worse than any other country on the planet. Fortunately, any chance of these children being placed with adoptive parents became even worse in 2006 when Nebraska dropped.

I am proud to report that, through this program, my home State of Nebraska was awarded $1,392,000 between 2000 and 2006 for finding adoptive families for 2,483 children, money which will be reinvested to make this number even greater.

I believe we have a responsibility to help foster children in Nebraska and across the Nation join loving, permanent adoptive families such as Aaron’s. I hope all of you agree and will join me in my commitment to improving America’s foster care system.

Mr. Bunning. Mr. President, today I wish to recognize May as National Foster Care Month. I salute the thousands of families in Kentucky and throughout the Nation who have increased their number of placements. Additionally, the program provides special incentives to focus on finding homes for older foster children and those with special needs. I am proud to report that, through this program, my home State of Kentucky was awarded $1,392,000 between 2000 and 2006 for finding adoptive families for 2,483 children, money which will be reinvested to make this number even greater.

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are able to join the families they so desperately need and deserve.

From my home State of Kentucky, Chris Brown is a testament to the importance of adoption. Chris entered foster care at the age of 11, after the death of his mother. He spent more than 2 years in foster care before being adopted. At the age of 13, Chris was adopted by his Big Brothers, Big Sisters mentor, Dave Brown. Chris thrived in his adoptive home, and was presented with opportunities he would not have had otherwise. Through the support of his adopted family, he was able to attend Northern Kentucky University, where he majored in psychology. Now married and with a family of his own, Chris has dedicated his career to social work, using his talents and skills to give back to the community. Chris’s story demonstrates how an investment in just one child can pay off for an entire community.

The care provided by foster homes and adoption is of great value. Raising awareness about the number of foster children in America, and making it easier for families to adopt is crucial to guaranteeing that America’s foster children have the resources and support they need. Chris Brown is an excellent example of how a child can thrive and develop in a loving family. National Foster Care Month reminds us of our obligation to America’s youth. I commend all those who love and accept into their homes those children needing a home.

Mr. SMITH. Mr. President, I rise in observance of National Foster Care Month. Throughout our Nation, so many families provide loving and caring homes for children who have suffered from abuse and neglect. This month is an important reminder to thank the families who welcome these children into their homes, as well as the State and local officials, social workers, and volunteers who work tirelessly in our communities who look for signs of abuse and take action to ensure it stops.

Social workers, in particular, have numerous demands placed on them in their efforts to ensure appropriate care of abused and neglected children, those with disabilities and our vulnerable elderly. To help these workers in their important jobs, I recently introduced the Dorothy I. Height and Whitney M. Young Jr. Social Reinvestment Act, with Senator HARKIN as a cosponsor. I look forward to swift passage of this bill so that we can better support our Nation’s social workers.

I also want to thank those who help parents who may have a substance abuse problem or who suffer from mental illness. These important professionals help so many parents to overcome their illnesses, which can be a barrier in providing safe and stable homes for their children.

Our justice systems, including our judges, attorneys and local law enforcement, who work every day to ensure the safety of our children, also deserve our recognition this month. So many of them take the extra time in their overburdened caseloads to ensure they are doing the right thing for the future of each abused and neglected child. In fact, in my home State of Oregon, Judge Pamela Abernethy runs a program that engages mental health professionals, law enforcement officials, child development specialists and others in a team approach that has produced great outcomes for children and their parents. Her work has stopped the cycle of abuse that we see too often in families. I look forward to continuing to work with Senator HARKIN to pass our bill, the Safe Babies Act, which will work to replicate successful programs like Judge Abernethy’s across the Nation. However, we know that often children may not be able to return to their birth families. In America we are lucky that many families, including my own, have a great love in their heart for children and are looking to adopt.

Oregonians Tim and Sari Gale, for example, originally were very interested in adopting an infant. However, as they continued to look into adoption, they could not get the images out of their mind of children they saw in the brochures. “We started to ask ourselves why we would adopt an infant,” said Sari. “It started making more and more sense for us to adopt older children.”

Soon, Andrew became a member of the family. “It has been heart-warming and amazing to watch the gradual process whereby this frightened little boy learned to love and to trust,” observed a family friend. “Andrew has blossomed under the Gales’ loving care.” Watching Andrew interact with peers at high school events and serving as a counselor for other children at summer riding camp, one would never guess how long ago the young man had spent his early years as an abused and neglected child. The Gales truly are a testament to the healing power of a loving family.

The Federal Adoption Incentive Program, which was first enacted in 1997 as part of the Adoption and Safe Families Act, encourages States to find foster children permanent homes through adoption. The Adoption Incentive Program is due to expire on September 30. Although the agency witnesses acknowledged a deeper need for greater reform in response to the challenges of globalization in the 21st century, they also acknowledged the importance of this program in continuing to serve as a vitally important incentive to States for finalizing adoptions for children in foster care, with an emphasis on finding adoptive homes for special-needs children and foster children over age 9. I am proud of Oregon’s success in finalizing more than 12,700 adoptions of children from foster care between 2000 and 2006. This has resulted in Oregon receiving $3.1 million in Federal adoption incentive payments, which are intended to offset the costs of adoption.

In 2005, roughly 2,065 children from Oregon’s foster care system were adopted—but nearly 3,500 foster children in Oregon were still waiting for adoptive families, and they waited an average of about 2½ years to join a new family. These vulnerable children have waited long enough.

Again, it is important that we thank those in the adoption and foster care families in our Nation, as well as frontline workers who protect our children, for the wonderful work that they do and love that they share.

EXPORT CONTROL SYSTEM

Mr. AKAKA. Mr. President, I wish today to discuss the U.S. export control system bureaucracy and its impact on our national interests.

Recently I chaired a hearing of the Oversight of Government Management Subcommittee of the Senate Homeland Security and Governmental Affairs Committee entitled “Beyond Control: Reforming Export Licensing Agencies for National Security and Economic Interests.” Some of the issues explored in the hearing were: revising the multi-lateral coordination and enforcement aspects of export controls; addressing weaknesses in the process for coordinating and approving licenses; reviewing alternative bureaucratic structures or processes to eliminate exploitable seams in our export control system; and ensuring that there are enough qualified licensing officers to review efficiently license applications.

Witnesses from the State Department’s Bureau of Political-Military Affairs, the Commerce Department’s Bureau of Industry and Security, and the Department of Defense’s Defense Technology Security Administration responded to almost a decade’s worth of analysis, recommendations, reports, and testimony from the Government Accountability Office, GAO. The GAO witnesses on the panel identified numerous instances of inefficiency and ineffectiveness in the U.S. export control system, including poor strategic management, insufficient interagency coordination, shortages of manpower, short-term fixes for long-term problems, and inadequate information systems.

Although the agency witnesses acknowledged their progress in addressing these shortcomings, they also articulated a deeper need for greater reform in response to the challenges of globalization in the 21st century. I would go one step further then the administration witnesses. The U.S. export control system is a relic of the Cold War and does not effectively meet our national and economic security needs.

Recent examples demonstrate the challenges of controlling sensitive exports. Dual-use technology has been diverted through Britain and the United Arab Emirates, UAE, to Iran. A recent attempt by two men to smuggle sensitive thermal imaging equipment to China shows that Iran is not alone in
May 22, 2008

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its desire for sensitive technology. However, the effort to control the flow of dual-use technology goes beyond our borders. Working with the international community is critical as technologies which were once only produced in the U.S. are now being produced and exported throughout the world.

The second group of witnesses, representing many decades of government and private sector experience with export controls, identified recommendations that could begin to modernize this system: eliminating the distinction between weapons and dual-use technology; reducing the total number of items on control lists; implementing project licenses that cover a multitude of items instead of relying on an item-by-item licensing process; passing an updated Export Administration Act; focusing on multilateral export controls and harmonizing them with our allies; and reestablishing high-level policy management of both dual-use and munitions exports. While I completely support my colleagues to consider these recommendations relating to the effectiveness of the current system, I would like to ask that you reprinted in the RECORD, following my remarks, the CRS memorandum providing an excellent overview of U.S. export controls.

The memorandum responds to your request for background information in support of your upcoming hearing on U.S. export controls. It also covers issues related to the administration of these controls. If you have any questions concerning the material in this memorandum, please contact Ian F. Fergusson, Specialist in International Trade and Finance, at 224-4972 or Richard Grimmett at 4997 or Richard Grimmett at 4997 or Richard Grimmett at 4997 or Richard Grimmett at 4997 or Richard Grimmett at 4997 or Richard Grimmett at 4997 or Richard Grimmett at 4997.

MEMORANDUM

Re: Background for Hearing on U.S. Export Controls

To: Senate Homeland Security and Governmental Affairs Committee; Subcommittee on National Security, Intelligence, and Foreign Relations

From: Ian F. Fergusson, Specialist in International Trade and Finance; Richard F. Grimmett, Specialist in National Defense

This memorandum responds to your request for background information in support of your upcoming hearing on U.S. export controls. It also covers issues related to the administration of these controls. If you have any questions concerning the material in this memorandum, please contact Ian F. Fergusson, Specialist in International Trade and Finance, at 224-4972 or Richard Grimmett at 4997 or Richard Grimmett at 4997 or Richard Grimmett at 4997 or Richard Grimmett at 4997 or Richard Grimmett at 4997 or Richard Grimmett at 4997 or Richard Grimmett at 4997.

OVERVIEW OF THE U.S. EXPORT CONTROL SYSTEM

The United States restricts the export of defense items, as well as so-called “dual-use” goods and technology, certain nuclear materials and technology, and items that would assist in the proliferation of nuclear, chemical and biological weapons or the missile technology to deliver them. Defense items are defined by regulation as those items which are specifically designed, configured, adapted, or modified for a military application, has neither predominant civilian application nor performance equivalent to a dual-use item. It also includes military information, or has significant military or intelligence application “such that control is necessary.” Dual-use goods are commodities, software, or technical data that have both civilian and military applications.

U.S. export controls are also utilized to restrict exports to certain countries in which the United States has embargoes. This also includes certain dual-use and defense items that could begin to modernize the United States imposes economic sanctions. Through the Export Administration Act (EAA), the Arms Export Control Act (AECA), and other authorities, Congress has delegated to the executive branch the express constitutional authority to regulate foreign commerce by controlling exports. In its administration of this authority, the executive branch has created a diffuse system by which exports are controlled by differing agencies under different regulations. This section describes the characteristics of the current, multilateral system, and how it may be improved.

Various stakeholders have long been criticized by exporters, non-proliferation advocates and other stakeholders as being too rigorous, insufficiently rigorous, or too large, cumbersome, and confusing. Every combination of these descriptions. In January 2007, the Government Accountability Office (GAO) designated government programs designed to control dual-use and defense items as high-risk. The information contained in the section also appears in chart form in Appendix 1.

Several attempts to rewrite or reauthorize the Export Administration Act (EAA), the EAA of 1979 (P.L. 96-72) is the underlying statutory authority for dual-use export controls. The EAA, which is currently expired, periodically has been reauthorized for short periods of time. The last incremental extension expired in August 2001. At other times and currently, the export licensing system created under the authority of EAA has been continued by the invocation of the International Emergency Economic Powers Act (IEEPA) (P.L. 95-223). EAA covers the President the power to control exports for foreign security, foreign policy or short supply purposes. It also authorizes the President to establish anti-export licensing mechanisms for items on the Commerce Control List (see below), and it provides some guidance and places certain limits on that authority.

Several attempts to rewrite or reauthorize the EAA have occurred over the years. The last comprehensive effort took place during the 107th Congress. The Senate adopted legislation, S. 149, in September 2001, and a competing House version, H.R. 2581, was developed by the then House International Relations Committee, and the House Armed Services Committee. The House did not act on this legislation. More modest attempts to update the penalty structure and enforcement mechanisms in context of reauthorization have also been introduced in the 110th Congress as the Export Enforcement Act of 2007 (S. 2000).
countries to which we apply those controls are based on U.S. policy. Foreign Policy controls may be unilateral or multilateral in nature. Items are controlled unilaterally for anti-terrorism, anti-narcotics, and other national security purposes. Items are controlled multilaterally for international non-proliferation control regimes such as the Nuclear Suppliers’ Group, the Australia Group (chemical and biological precursors), and the Missile Technology Control Regime.

The EAR sets timelines for the consideration of license applications and for resolving interagency disputes. Within 9 days from receipt, Commerce must refer the license to other agencies (State, Defense, or NRC). After 30 days, if Commerce fails to deny, seek additional information, or return it, the license is referred to other agencies, the agency to which it is referred must recommend the application be approved or denied within thirty days. The EAR provides a dispute resolution process for a dissenting agency to appeal an adverse decision. The interagency investigation process is designed to be completed within 90 days. This process is depicted graphically in Appendix 2.

Enforcement and Penalties. Because of the expiration of the EAR, current penalties for export control violations are based on those contained in the International Emergency Economic Powers Act (IEEPA) (50 U.S.C. 1701 et seq.). For criminal penalties, IEEPA sanctions individuals up to $1 million or up to 20 years imprisonment, or both, per violation (50 U.S.C. 1705(b)). Civil penalties under IEEPA are set at $250,000 per violation. IEEPA penalties were recently raised to the current IEEPA penalties of $5 million and up to 20 years imprisonment. The bill included new language governing the use of funds for forensic investigations and the development and establishes audit and reporting requirements for such investigations. It also authorized wiretaps in enforcement of the act.

Military Export Controls

Arms Export Control Act of 1976 (AECA). The AECA provides the statutory authority for the control of defense articles and services. It sets out foreign and national policy objectives for international defense cooperation and military export controls. Section 36 of the Arms Export Control Act (AECA) sets forth the general criteria for countries or international organizations to be eligible to receive United States defense articles and defense services provided under the act. It also sets express conditions on the uses to which these defense items may be put. Section 4 of the Arms Export Control Act states that the United States defense articles and defense services shall be sold to friendly countries “solely” for use in “internal security,” for use in “economic development,” to “enhance the ability of such forces in less developed countries to construct public works and to engage in other activities helpful to the economic and social development of the recipient country,” or for the purpose of maintaining or restoring international peace and security, in the event of an attack upon a member of the North Atlantic Treaty Organization, or in the event of an armed attack in the Pacific area.

Section 36(b) of the AECA authorizes the President to waive any of the applicability requirements of the AECA. The AECA also contains the statutory authority for the Foreign Military Sales program, under which the United States sells U.S. defense equipment to foreign governments on a government-to-government basis. The AECA also contains the statutory authority for the Foreign Military Sales program, under which the United States sells U.S. defense equipment to foreign governments on a government-to-government basis. The AECA also contains the statutory authority for the Foreign Military Sales program, under which the United States sells U.S. defense equipment to foreign governments on a government-to-government basis.

Licensing Policy. The International Traffic in Arms Regulations (ITAR) sets out licensing policy for exports (and some temporary imports) of U.S. Munitions List (USML) items. A license is required for the export of nearly all items on the USML. Canada and Australia have also followed the lead of the United States in controlling such transfers. A license is required for the export of defense articles and defense services; and $300,000,000 for the sale, enhancement or upgrading of major defense equipment; $100,000,000 for the sale, enhancement or upgrading of major military equipment and major defense and construction services valued at $200 million or more. In the case of such sales to NATO member states, NATO, Japan, Australia, New Zealand, and Canada, the sale is formally notified 15 calendar-days before the Administration can proceed with the sale. However, the prior notice thresholds are higher for NATO members, Australia, Japan or New Zealand. These higher thresholds are $25,000,000 for the sale, enhancement or upgrading of major defense equipment; $100,000,000 for the sale, enhancement or upgrading of major military equipment and major defense and construction services valued at $200 million or more. In the case of such sales to NATO member states, the sale is formally notified 30 calendar-days before the Administration can proceed with the sale. However, the prior notice thresholds are higher for NATO members, Australia, Japan or New Zealand. Commercially licensed arms sales also may be subject to approval 30 calendar-days before the export license is issued if they involve the sale of major defense
equipment valued at $14 million or more, or defense articles or services valued at $50 million or more (Section 36(c) AECA). In the case of such sales to NATO member states, NATO, or New Zealand, Congress must be formally notified 15 calendar-days before the Administration can proceed with such a sale. However, the prior notice thresholds are higher for sales to NATO members, Australia, Japan or New Zealand specifically: $25,000,000 for the sale, enhancement or upgrading of major defense equipment; $100,000,000 for the sale of the enhanced or upgraded defense articles and defense services, and $300,000,000 for the sale, enhancement or upgrading of design and construction services, so long as such sales to these countries do not include or involve sales to a country outside of this group of nations. It has not been the general practice for the Administration to provide a 29-day “informal” notification to Congress of arms sales proposals that would be made through the granting of commercial licenses.

A congressional recess or adjournment does not stop the 30 calendar-day statutory review period. It should be emphasized that after Congress receives a statutory notification required under Sections 36(b) or 36(c) of the Arms Export Control Act, for example, and 30 calendar-days elapse without Congress having blocked the sale, the executive branch is free to proceed with the sales process. This fact does not mean necessarily that the executive branch and the prospective arms purchaser will sign a sales contract and that the items will be transferred on the 31st day after the statutory notification of the proposal has been made. It would, however, be legal to do so at that time.

Administration. Exports of defense goods and services are administered by the Directorate of Defense Trade Controls (DDTC) at the Department of State. DDTC is a component of the Bureau of Political-Military Affairs and consists of four offices: Management, Policy, Licensing, and Compliance. In FY2006, DDTC was funded at a level of $12.7 million and had a staff of 78 ($6.6 million for licensing activities, 44 licensing officers). In the 12 months ending March 2006, DDTC completed action on $3,896 export license applications, and its FY2009 budget request reported that license application volumes have increased by 8% a year. DDTC’s FY2009 budget request, however, did not ask for additional staffing and its budget request called for an increase of $0.4 million to $33.1 million ($6.9 million for licensing activities). On March 24, 2008, 19 Members of Congress wrote to the Chairwoman and Ranking Member of the House State and Foreign Operations Appropriations Subcommittee to request a funding level of $26 million, including $8 million collected yearly from registration fees. Senator Biden, in his Foreign Relations Views and Estimates letter to the Senate Budget Committee also described DDTC as “seriously understaffed” and suggested “a doubling of its current budget ($9.9 million for licensing)” is warranted.

Critics of the defense trade system have long decried the delays and backlogs in processing license applications at DDTC. The new National Security Presidential Directive (NSPD-56), signed by President Bush on January 22, 2008, directed that the review and adjudication of defense trade licenses submitted under ITAR are to be completed within 60 days, except where certain national security exemptions apply. Previously, except for the Congressional notification procedures discussed above, DDTC had no defined time-line for the application process. DDTC’s backlog of open cases, which had reached 10,000 by the end of 2006, has been reduced to 3,458 by March 2008. During this period, average processing time of munitions license applications have also trended downward from 33 days to 15 days. However, GAO reported in November 2007 that DDTC was using “extraordinary measures—such as extending working hours, canceling staff training, meeting, and industry outreach, and pulling available staff from other duties in order to process cases” to reduce the license backlog, measures that it described as unsustainable.

Enforcement and Penalties. The AECA provides for criminal penalties of $1 million or ten years for each violation, or both. AECA also authorizes civil penalties of up to $500,000 and debarment from future exports. DDTC has a small enforcement staff (18 in the Office of Defense Trade Compliance) and works with the Defense Security Service and the Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE) units at the Department of Homeland Security (DHS). DDTC assists the DHS and the Department of Justice in pursuing criminal investigations and prosecutions. DDTC also coordinates the Blue Lantern end-use monitoring program, in which U.S. embassy officials in-country conduct pre-license checks and post-shipment verifications. In FY2006, DDTC completed 489 end-use cases, 94 (19%) of which were determined to be unfavorable.

Nuclear

A subset of the abovementioned dual-use and military controls are controls on nuclear items and technology. Controls on nuclear goods and technology are derived from the Atomic Energy Act as well as from the EAA and the AECA. Controls on nuclear exports are divided between several agencies based on the product or service being exported. The Nuclear Regulatory Commission regulates exports of nuclear facilities and material, including core reactors. The NRC licensing policy and control list is located at 10 C.F.R. 110. BIS licenses “outside the core” civilian power plant equipment and maintains the Nuclear Referral List as part of the CCL. The Department of Energy controls the export of nuclear technology. DDTC exercises licensing authority over nuclear items in defense articles under the ITAR.

DEFENSE TECHNOLOGY SECURITY ADMINISTRATION (DTSA)

DTSA is located in the Department of Defense, Office of the Under Secretary of Defense for Policy under the Assistant Secretary of Defense for Global Security. DTSA coordinates the technical and national security review of direct commercial sales export licenses and commodity jurisdiction requests received from the Departments of Commerce and State. It develops the recommendation of the DOD on these referred export licenses or commodity jurisdiction requests based on input provided by the various DOD departments and agencies and represents DOD in the interagency dispute resolution process. In calendar year 2007, DTSA completed 41,689 license referrals. Not all licenses from DDTC or BIS are referred to DTSA; memorandums of understanding govern the types of licenses referred from each agency. DTSA coordinates the DOD position with regard to proposed changes to the International Traffic in Arms Regulations (ITAR) and the Export Administration Regulations (EAR). It also represents the DOD in interagency fora responsible for compliance with multinational export control regimes. For FY2008, DTSA had a staff of 187 civilian and 150 active duty military employees and received funding of $23.3 million.

APPENDIX I: BASIC EXPORT CONTROL CHARACTERISTICS

<table>
<thead>
<tr>
<th>Characteristic</th>
<th>Dual-Use</th>
<th>Munitions</th>
<th>Nuclear</th>
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<tr>
<td>Agency of Jurisdiction</td>
<td>Bureau of Industry and Security (BIS) (Commerce)</td>
<td></td>
<td>Nuclear Regulatory Commission (NRC) (facilities and material); Department of Energy (DOE) (technology); BIS (outside the core civilian power plant equipment); DDTC (nuclear items in defense articles)</td>
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<tr>
<td>Implementing Regulations</td>
<td>Export Administration Regulations (EAR)</td>
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<td>Control List</td>
<td>Commerce Control List (CCL)</td>
<td>Munitions List (USML)</td>
<td>List of Nuclear Facilities and Equipment, List of Nuclear Materials (NRC); Nuclear Referral List (CCL); USML, Activities Requiring Specific Authorization (DOE)</td>
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<tr>
<td>Relation to Multilateral Con-</td>
<td>Wassenaar Arrangement (Dual-Use); Missile Technology Control Regime (MTCR); Australia Group (CBW); Nuclear Suppliers’ Group</td>
<td>Wassenaar Arrangement (munitions); MTCR (most Munitions; License items require licenses; 21 pro-sional trade regimes</td>
<td>Nuclear Suppliers’ Group; International Atomic Energy Agency</td>
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<td>trols</td>
<td>based on sensitive country, or both. Anti-terrorism controls prescribe exports to 5 countries for nearly all CCL listings.</td>
<td>Most Munitions; License items require licenses; 21 pro-countries</td>
<td>General/Specific Licenses (NRC); General/Specific Authorizations (DOE)</td>
</tr>
<tr>
<td>Licensing Policy</td>
<td>initial referral within 9 days; agency must approve/deny within 30 days, 90 appeal process. (See Appendix 2).</td>
<td>60 days with national security exceptions; congressional notification period for significant military equipment</td>
<td>No timeframe for license applications.</td>
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<tr>
<td>Licensing Application Timeline</td>
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The UAE is a federation of seven emirates (principalities), the official capital of the federation; Dubai, its free-trading commercial hub; and the five smaller and less wealthy emirates of Sharjah; Ajman; Fujayra; Umm al-Qaiwain; and Ras al-Khaymah. The UAE federation is led by the ruler of Abu Dhabi, Khalifa bin Zayed al-Nahyan, now about 60 years old. The ruler of Dubai, Sheikh Maktum bin Rashid Al Maktum, architect of Dubai's modern drive, has about 30 years left to rule. Vice President and Prime Minister of the UAE has been held by Mohammad bin Rashid Al Maktum, architect of Dubai's modern drive, since the death of his elder brother Maktum bin Rashid Al Maktum on January 5, 2006.

In part because of its small size—its population is about 4.4 million, of which only about 900,000 are citizens—the UAE is one of the wealthiest of the Gulf states, with a gross domestic product (GDP) per capita of about $22,000. The UAE has major oil deposits, the largest in the basin of Persian Gulf power parity. Islamist movements in the UAE, including those linked to the Muslim Brotherhood, are generally non-violent and perform social and religious work. However, the UAE is surrounded by several powers that dwarf it in size and strategic capabilities, including Iran, Iraq, and Saudi Arabia, which has a close relationship with the UAE but the United States takes no position on sovereignty of the islands. The UAE, particularly Abu Dhabi, has long feared that the large number of immigrants in Dubai (est. 400,000 persons) could pose a threat to stability. Illustrating the UAE's attempts to avoid antagonizing Iran, in May 2005, then President Mahmoud Ahmadinejad was permitted to hold a rally for Iranian expatriates in Dubai when he made his first high level visit to the UAE since UAE independence in 1971.

The framework for U.S.-UAE defense cooperation is a July 25, 1994, bilateral defense pact, the text of which is classified, including a "status of forces agreement" (SOFA). Under the pact, during the years of U.S. "containment" of Iraq (1991-2003), the UAE allowed U.S. equipment pre-positioning and landing rights at US branded Air base, port, capable of handling aircraft carriers, and it permitted the upgrading of airfields in the UAE that they had to support Combat support flights, during Operation Iraqi Freedom (OIF). About 1,800 U.S. forces, mostly Air Force, are in UAE; they use Al Dhafra air base (mostly KC-10 refueling) and naval facilities at Fujairah to support U.S. operations in Iraq and Afghanistan.

The UAE, a member of the World Trade Organization (WTO), has developed a free market economy. On November 15, 2004, the Administration notified Congress it had begun negotiating a free trade agreement (PTA) with the UAE. Several rounds of talks were held prior to the June 2007 expiration of Administration "trade promotion authority," but progress had been halting, mainly because UAE negotiators did not need the PTA enough to warrant making major labor and other reforms. Despite diversification, oil exports still account for one-third of the GDP, and about 80% of the federal government's revenues come from oil. Oil, the UAE's main export, is the largest export category and a major component of the country's foreign trade. The UAE relies on the neighboring Gulf gas exporter Qatar to construct a pipeline that will bring Qatari gas to UAE (Dolphin project). UAE is also taking a leading role among the Gulf states in pressing concerns related to alternative energy sources, including nuclear energy. Three UAE firms are among the likely bidders for the U.S. Westinghouse Westinghouse AP1000 nuclear reactor. UAE is taking a lead role among the Gulf states in pressing concerns related to alternative energy sources, including nuclear energy. Three UAE firms are among the likely bidders for the U.S. Westinghouse AP1000 nuclear reactor. UAE is also taking a lead role among the Gulf states in pressing concerns related to alternative energy sources, including nuclear energy. Three UAE firms are among the likely bidders for the U.S. Westinghouse AP1000 nuclear reactor.

The UAE is one of only three countries (Pakistan and Saudi Arabia were the others) to have recognized the Taliban during 1996–2001 as the government of Afghanistan. During the Taliban rule, the Afghan airlines to operate direct service, and Qatar Airways reported losses at the time. The United States is concerned about Iran's military control over the islands that support UAE proposals, but the United States does not recognize the Taliban rule, the Taliban may recognize the Taliban rule. The United States takes no position on the Taliban rule, and the Taliban is internationally recognized as the only legitimate government of Afghanistan. The United States recognizes the Taliban government of Afghanistan.

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Security and Energy Issues

The UAE has a small nuclear energy program. It has designated four nuclear power plants, one in Al Barakah and three in Al Khor, which the United States is concerned about Iran's military control over the islands that support UAE proposals, but the United States does not recognize the Taliban rule, and the Taliban is internationally recognized as the only legitimate government of Afghanistan. The United States recognizes the Taliban government of Afghanistan. The government of the UAE has indicated its interest in building nuclear power plants in the future, but the United States is concerned about Iran's military control over the islands that support UAE proposals, but the United States does not recognize the Taliban rule, and the Taliban is internationally recognized as the only legitimate government of Afghanistan. The United States recognizes the Taliban government of Afghanistan.

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as other non-NATO countries. In the Export Administration Regulations (15 CFR 730 et seq.), the UAE is designated on Country Group D and thus is not eligible for certain license exceptions for items controlled for chemical biological and missile technology reasons. Reexports of U.S. origin goods from one foreign country to another to EAR are also controlled, and may require the reexporter regardless to nationality to obtain a license for reexport from BIS.

The Treasury’s Office of Foreign Assets Control maintains a comprehensive embargo on the export, re-export, sale or supply of any good, service or technology to Iraq, including U.S. persons acting as designees. The Iraq Exception Program is designed to ensure that such goods are not transhipped through a third country. However, this new “financing” OFAC designation was designed “to strengthen the trade compliance and export control system of countries that are transhipment hubs.” According to BIS, the Country C designation was designed “to tighten a licensing requirement for countries that are transhipment hubs.” Designation of the country for transhipment hub status would have tightened licensing requirements for designees. Although no countries were mentioned in the notice, it was widely considered to be directed at the United Arab Emirates.

Perhaps as a response to the possibility of becoming a Country C designee, the UAE Foreign Federal Council passed the emirate’s first ever export control statute in March 2007. That law, also created a control body known as the National Commission for Commodities Subject to Import, Export, and Re-export Controls and that law was signed on August 31, 2007 by Emirates President H.H. Sheikh Khalifa bin Zayed Al Nahyan. Re-exporters of controlled items were modeled after the export control regime of Singapore, another prominent transhipment hub. It remains unclear, however, the extent to which the law is being enforced or whether resources are being devoted to preventing the diversion or illegal transshipment of controlled U.S. goods and technologies.

The United States has one export control office (EKO) on the ground in the UAE to investigate violations of U.S. dual-use export control laws. This officer may be augmented by U.S. Foreign Commercial Officers in conducting end-use checks and license verification. A recent GAO report mentioned a “high-rate of unfavorable end-use checks for U.S. items exported to the UAE,” but the report did not elaborate further.

The United States also has engaged in technical cooperation to assist the UAE in developing its export control regime. Officials from BIS and other agencies reportedly traveled to the UAE in June 2007 to discuss the proposed statute. In addition, the Department of State has also provided training through its Export Control and Related Border Security (EXBS) program. This program provides participating countries with licensing and legal regulatory workshops, detection equipment, on-site program and training advisers, and automated licensing programs. Since FY2001, UAE has received between $172–$350 thousand annually in this assistance. For FY2009, State has requested $300 thousand for the UAE under this program.

### TRIBUTE TO RABBI STEPHEN BAARS

- **Mr. LIEBERMAN.** Mr. President, I wish to pay tribute to my friend Rabbi Stephen Baars, of Bethesda, MD, whom I had the honor of sponsoring as our guest this morning. From all that Rabbi Baars has done to help others, it was fitting that he was picked to lead the Senate in prayer. No tribute would be complete, however, without giving Senators a greater understanding of his outstanding and unique accomplishments.

  Born and raised in London, Rabbi Baars originally envisioned himself working in business or sales until, at age 19, he went on vacation to Israel and became enamored with Judaism. When he returned to London 6 months later, he had made up his mind to become a rabbi. Shortly thereafter, he moved back to Jerusalem, where he attended rabbinical school for 9 years through Aish HaTorah, a nonprofit network of Jewish educational centers.

  After completing his studies, Rabbi Baars moved to Los Angeles to work for Aish HaTorah. It was in L.A. that he tried a second career as a stand-up comedian. On the advice of a friend, Rabbi Baars began taking comedy classes at UCLA and performed in clubs. In fact, he is the only rabbi to have performed at the famous L.A. Improv. Eventually, he would stop performing because he found his spiritual work more rewarding. His comedic skills, however, would play a role in his future work, serving as means for him to get his message across to audiences.

  In 1990, Rabbi Baars moved to the Washington, DC, region and began teaching Jewish studies classes throughout the DC area. Some of his students included Senators, Representatives, and their legislative staffs. In 1998, he established a Washington, DC, chapter of Aish HaTorah, and served as its executive director. It was there that he established his most ambitious and creative project yet. In 2002, troubled by America’s high divorce rate, Rabbi Baars created BLISS, an innovative, nondenominational marriage seminar that mixes humor with advice taken from the Torah and Talmud. Always an optimist who sees the best in people, Rabbi Baars conducts these seminars and prepares his provocative “Think Again” e-mail newsletter with the belief that human beings all contain the skills and attributes they need to be good spouses and parents, but that they just need to learn how to reach deep into themselves to utilize these abilities.

  Rabbi Baars continues to operate BLISS, which has won rave reviews from many of his participants. Not too long ago, he was kind enough to demonstrate a sample presentation to my staff, who were very much impressed. He has stated that his goal for BLISS is to help reduce the divorce rate in America to the single digits. Some may mock this goal as naive, but as Rabbi Baars says, “If you pick a goal that’s reasonable to achieve, you didn’t look high enough.”

  Of course, it should come as no surprise that someone as dedicated to helping families as Rabbi Baars is happily married. He and his wife Ruth have been together for 16 years and have been blessed with seven wonderful children. His wife and family are a constant source of strength and support for Rabbi Baars as he pursues his life’s work.

  Thank you, Rabbi Baars, for all you have done to bring families together. It was truly an honor to have you pray with us today.

### ENDANGERED SPECIES DAY

**Mrs. FEINSTEIN.** Mr. President, 2 years ago I sponsored a resolution designating the third Friday in May as Endangered Species Day. This resolution passed by unanimous consent. There were no objections. The resolution was nonpartisan and noncontroversial.

The goal of Endangered Species Day was designed to give students an opportunity to learn about the threats facing endangered and threatened species and the work being done to save them.
Last year, I introduced a similar resolution. Once again, it passed by unanimous consent and was noncontroversial. Over 60 events were held in cities across the country. It was used as an educational tool for teachers and a day for parents to take their children to the zoo.

This year the resolution was offered for a third time. It was thought it would pass quickly and without controversy. However, this was not the case. It was held up by an unknown Senator. We could not clear the hold so we were unable to get unanimous consent to pass the resolution.

Now why is this important? The fact is that 90 events were scheduled in 28 States. Twenty events took place in California to commemorate the day. In my city of San Francisco, the Golden Gate National Recreation Area and the Farralones National Marine Sanctuary led nature hikes in search of the endangered tidewater goby and explained to children what it means to be underwater knowing that more work needs to be done so we were unable to get unanimous consent to pass the resolution.

I am hopeful that all those who care about our planet’s uncontroversial: to build awareness of the need to protect it. By the in-creases and served agricultural clients is that 90 events were scheduled in 28 States. Teachers continued to educate their students about what we need to do as a Nation and at the local level to protect our planet and endangered species.

We know that global climate change, habitat destruction, and the illegal trade and hunting of endangered species carry serious consequences for their future survival. These threats are ongoing. More effective wildlife management programs are needed like those to save the California condor, least tern, songbird and the California grey whale.

I am disappointed that this non-controversial resolution was prevented from passing. The goals of Endangered Species Day are simple and uncontroversial: to build awareness about the threats facing our planet’s species. If we don’t recognize these threats and act now to address them, our planet’s endangered species may soon become our planet’s extinct species. I am hopeful that all those who took part in last Friday’s events came away knowing that more work needs to be done to protect our planet.

CONGRATULATING DAVID COOK

Mrs. McCASKILL. Mr. President, I want to congratulate a Missourian who has accomplished something truly remarkable. We have known our share of champions in Missouri, like the 2006 St. Louis Cardinals and the Big 12 North winning University of Missouri football team. We have also had our share of great entertainers, like Josephine Baker, Scott Joplin, and Sheryl Crow. But it is very rare that we have someone who is both. Last night, David Cook, a native of Blue Springs, MO, and a graduate of Central Missouri State University, achieved that rare combination when he was crowned winner of “American Idol.” David’s success is remarkable even by “American Idol’s” standards. The show has become one of the greatest competitions the country has ever witnessed. It is ubiquitous. It is practically unavoidable. And with the eyes of the whole country watching, David Cook won “American Idol” by the incredible margin of 12 million votes out of a record 97.5 million votes cast. His performances, along with those of David Archuleta, the other worthy finalist, drew in more viewers than watched the season finale last year.

It is telling of the graciousness and humility of this superbly talented young man that David didn’t even intend to try out for the show. The only reason he was at the audition was to support his brother. But while entering the contest may have been accidental, it is no accident that the country voted for him the next “American Idol.” His easy confidence and visible passion for singing this song made him the clear choice. He was also one of the nicest contestants ever to appear on the show—even notoriously grumpy Simon Cowell said so.

So I want to extend my heartfelt congratulations to Mr. and Mrs. Cook and to David Cook. I wish you the best of luck in what I am sure will be a stellar career.

TRIBUTE TO JAMES S. HOLT

Mr. CRAIG. Mr. President, I pay tribute to Dr. James S. Holt, who passed away on April 28, 2008.

Dr. Holt was known to many Members of this Senate because of the outstanding contributions he made to developing sound Federal public policy related to agriculture, immigration, and employment. It was through his involvement in these issues before Congress that I got to know Jim and gained a tremendous respect for his wealth of knowledge and integrity—and especially his unwavering commitment to finding policy solutions that were correct, even if that meant they were also uncomfortable or difficult.

Jim Holt received a B.A. in agricultural economics from the Pennsylvania State University in 1965, and then served 16 years on the Penn State faculty as a professor of agricultural economics and farm management. From 1980 until the present, Dr. Holt headed his own consulting firm, as well as serving as senior economist to a Washington, DC, law firm, where his responsibilities included research, policy analysis, and government relations in matters related to labor, agriculture, immigration, and animal welfare.

Dr. Holt authored more than 70 publications and served agricultural clients in more than 30 States. Jim was a recognized expert with unique knowledge of the H-2A program and served as a consultant to national organizations such as the National Council of Agricultural Employers and the Agriculture Coalition for Immigration Reform. Dr. Holt was a staunch advocate of the major immigration and H-2A reform efforts in Congress during the past 30 years.

I first became aware of Jim’s expertise when he helped farmers in my own State of Idaho to establish the Snake River Farmers Association an organization that helps obtain legally authorized workers through the H-2A temporary and seasonal foreign agricultural worker program. Earlier this year in Idaho, at a meeting of the association, Jim and I teamed up again to address the grave labor situation facing Idaho farmers.

I had the pleasure of working with Jim in the development of the AgJOBS legislation that I coauthored with Senators Feinstein and Kennedy. As my colleagues know, this bill has enjoyed broad bipartisan support and even passed the Senate in 2006. Jim brought his unique knowledge to the process of developing legislation that brought together farm worker advocates and growers in an effort to provide a legal and stable agricultural workforce. During the past decade, Dr. Holt testified numerous times in both Chambers of Congress before the Com- mercial, Agriculture, Judiciary, and Education and Labor in an effort to educate members on the importance of reforming our farm labor system and the severe economic consequences if we fail to do so. When we succeed in enacting the AgJOBS legislation and I am convinced that will ultimately happen—it will be in no small part because of the immeasurable effort Dr. Holt devoted to that cause over the past decade.

On behalf of the policymakers who have worked with Jim Holt and benefited from his wise counsel over the years, I would like to express profound regret at his passing. He will be sorely missed. Let me extend my deepest sympathies to Jim’s many friends and colleagues, and to the family he leaves behind.

HONORING ABIGAIL TAYLOR

Ms. KLOBUCHAR. Mr. President, last fall I came before the Senate to ask my colleagues to join me in passing the Virginia Graeme Baker Pool and Spa Safety Act on behalf of an amazing little girl, Abigail Taylor of Edina, MN.

And in December of 2007, with Abigail as our inspiration, Congress answered the call. We not only passed the bill, but working with the Taylor family and child safety experts, we included provisions in the legislation to create tough new safety standards that require all existing public pools with single drains to install the latest drain safety technologies. On December 19,
2007, the President signed the Pool and Spa Safety Act into law.

One of the most touching moments in my time in the Senate was that day in December when I was able to call Scott Taylor from the Senate cloakroom to let him know that the pool safety bill had passed. Abbey may have been a small girl, but there is no doubt she had a super-sized impact on our world.

From the beginning, Abbey said she wanted her story told so that it would make a difference. And it did. Although Abbey is no longer with us, she will always live on through this important new law that will protect other children so they do not have to suffer what she did. I am certain that this new law would not have passed except for the inspiring courage of Abbey Taylor and her family. It was their gift to all the children of America.

The city of Edina, MN, will designate May 24, 2008, as Abigail Taylor Day the day Abigail would have celebrated her seventh birthday.

On May 24, I ask that we in honoring Abbey Taylor, “Amazing Abigail” as we called her, and keep the entire Taylor family—Scott, Katey, Grace, Christina, and Audrey—in our thoughts. We owe them all a debt of gratitude for their courage and their pursuit of a safer America for all our children.

**ENHANCING SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS ACT OF 2008**

Mr. OBAMA. Mr. President, last year, I was proud to cosponsor America COMPETES legislation, which addressed many issues essential to maintaining America’s competitive leadership in an increasing competitive and technological global marketplace. I was heartened by the bipartisan support for that effort. Today, I rise to urge my colleagues to join me and my friend from Indiana, Mr. LUGAR, in extending that effort, by supporting legislation to enhance education efforts in science, technology, engineering and mathematics—the fields known as STEM.

Strengthening STEM education is important not only to foster the innovation needed to ensure our nation’s future prosperity, but also so that every citizen can benefit from our democracy in this new age of technological and scientific advance. Federal agencies currently administer more than a hundred different STEM education programs, with over $3,000,000,000 spent annually. Yet there is little coherence among these efforts. There is a clear need for increased coordination of STEM education among states, and between the efforts of federal agencies and of state and local educators.

The purpose of our legislation, the Enhancing Science, Technology, Engineering, and Technology Act of 2008, is to bring coherence and coordination to these efforts, for the benefit of students, science, and society. The legislation establishes a STEM Education Committee within the President’s Office of Science and Technology Policy to coordinate the initiatives of the many Federal agencies engaged in STEM education, and to avoid unnecessary duplication of their efforts. It consolidates existing STEM education initiatives within the Department of Education under the direction of an Office of STEM Education. It authorizes grant funding for States which choose to develop rigorous common STEM education standards with more meaningful and effective ways of measuring student learning. And it facilitates sharing of information about effective educational practices and innovations so that they become widely available to STEM teachers and educators. Throughout this legislation, there is emphasis on developing strategies to increase the participation of Americans from under-represented populations in our nation’s science, technology, and engineering enterprise, bringing new perspectives for the benefit of all.

All of these efforts together will strengthen our efforts to help students learn, and teachers teach, not just to train the scientists and engineers of the future, but to empower all students to become more fluent in science and technology, and more capable in math. I am pleased that Mr. LUGAR has joined in this effort, as have Mr. SANDERS and Mr. BROWN. In the coming days, Honda has introduced companion legislation, joined by a bipartisan group totaling 40. I urge my colleagues to join us in this effort.

**ADDITIONAL STATEMENTS**

**CONGRATULATING KATELYN BOWLES AND RILEY MILLER**

Mr. BUNNING. Mr. President, today I congratulate Ms. Katelyn Bowles and Ms. Riley Miller on receiving the Prudential Spirit of Community Award. Sponsored by Prudential Financial and the National Association of Secondary School Principals, the Prudential Spirit of Community Award recognizes middle and high school students who perform outstanding community service at the local, State and national level. Each year, two students are chosen as State honorees from each of the 50 States, and the District of Columbia. Ms. Bowles, a senior at Montgomery County High School in Mount Sterling, KY, has been recognized as one of the Commonwealth’s top youth volunteers. She spearheaded a campaign to renovate the Mount Sterling C&O Train Depot, an integral part of the community tradition. By initiating a business plan between Future Business Leaders of America members and local government to work with Ms. Bowles, I was able to secure $200,000 in grants for the project, including $153,000 from the Kentucky Transportation Cabinet. Additionally, she managed to recruit fellow high school students to help with much of the renovation, scheduled to be completed next year.

In addition to being chosen as a State honoree, Ms. Miller, an eighth grader at Dr. Martin Luther King Jr. Middle School in Bowling Green, KY, has been selected as one of America’s top 10 youth volunteers. She is recognized for her outstanding efforts in raising $50,000 for childhood cancer research over the past 3 years. Having lost two younger brothers to leukemia, raising money for cancer research is a particularly important mission for Ms. Miller. Last year alone, Ms. Miller managed 29 lemonade stands with over 200 volunteers across Bowling Green, raising $10,000. This incredible feat demonstrates her exceptional dedication, organizational skill, and enormous capacity for leadership.

Ms. Bowles and Ms. Miller have proven to themselves to be exemplary students and volunteers, deserving of the Prudential Spirit of Community Award. They are an inspiration to the citizens of Kentucky and to student leaders and community volunteers everywhere. I look forward to seeing all that they will accomplish in the future.

**RECOGNIZING L. ROBERT KIMBALL**

Mr. CASEY. Mr. President, I would like to take a few moments to recognize the contributions of a community leader from my home State of Pennsylvania. Mr. L. Robert Kimball.

Mr. LUGAR. Mr. President, today I am pleased to recognize the contributions of a community leader from Cambria County, Mr. L. Robert Kimball. Bob Kimball’s name has become synonymous with high-quality work that clients have come to expect from the architecture, engineering, technology, and consulting firm that he founded 55 years ago in his home town of Ebensburg, PA.

The firm’s professional services are well known both in Cambria County and among the public and private marketplaces it serves. Far less recognized are the contributions that Bob makes to his community.

In addition to his involvement on the boards of various civic, higher education, and professional organizations, his support extends to the fine and performing arts, education, athletics, youth organizations, community economic development initiatives, and health and human service agencies. His generosity is not limited to monetary contributions and sponsorships. He also encourages active participation by his staff in community activities. Bob wants to make sure that his firm never forgets its small-town foundation.

Under his leadership as founder, Bob places a high priority on treating clients, staff, and the community with consideration, appreciation, and fairness. These core values are among the key components of the firm’s success.

Bob Kimball has enjoyed a successful career and has continuously shared that success, experience, and guidance with the community in Cambria County. He has distinguished himself as a...
TRIBUTE TO WILLIAM PEYTON HARRIS

Mr. SESSIONS. Mr. President, I rise today to tell you about a wonderful and humble man, William Peyton Harris of Camden, AL, who died on February 25, 2008.

Mr. Harris was born October 22, 1909. He was a man who loved adventure and a man of many talents. He survived the Great Depression and worked some weeks for $5 per week. He grew up in a time when good morals, good manners, and discipline were the norm.

He was very fortunate to have married Lois Sutherland who was the perfect life partner for him. She was with him for 62 years. They had one son, my friend, Billy, three grandchildren and seven great-grandchildren.

At the age of 12, he rode a horse 2½ miles to see the last steamboats loading cotton bales on the Alabama River. Then, in the early 1960s, he salvaged an old steamboat that sank in 1850 and his discovery revealed lost treasure.

He was well known in his later years for his artwork of Old South scenes and wildlife, especially the wild turkey, which he also loved to hunt. His art studio was in the back of an old country store he owned and operated for many years in Possum Bend. The store was known as the “Social Center” of Possum Bend. After renting out the old steamboat that sank in 1850 and his discovery revealed lost treasure.

He was well known in his later years for his artwork of Old South scenes and wildlife, especially the wild turkey, which he also loved to hunt. His art studio was in the back of an old country store he owned and operated for many years in Possum Bend. The store was known as the “Social Center” of Possum Bend. After renting out the country store, he concentrated more on his art. His popularity grew and in 2001, he was interviewed by CNN and the interview aired on national television. Buyers for his art increased and more visitors came by his studio. No matter how busy he was, there was always time for his friends and customers. Good conversation occurred on subjects from politics to weather, and from grandchilren to divorces and if you were down and out, or had a cold, he would always offer you a little of his special “remedy.”

As a son of a store owner in a nearby community myself, I remember some of those times very well when as a young boy I observed such scenes, but times have changed. We are much busier now, though not necessarily wiser. The old store stands vacant. Only fond memories remain of the life of a wonderful man who was one of the last of a great generation.

TRIBUTE TO KATHRYN TUCKER WINDHAM

Mr. SHELBY. Mr. President, I wish today to honor Kathryn Tucker Windham, who is celebrating her 90th birthday on June 5, 2008. In Alabama, one of our greatest treasures is our history, which is often best learned through the stories told by others. Alabama is lucky to have one of the world’s best storytellers, Kathryn Tucker Windham, who shares her memories and observances of our State’s social history in a way unlike any other. Kathryn can tell stories about graveyards and ghosts, cooking or recipes and the Gee’s Bend quilters that provide her listener with a unique view into life in the rural South.

Born in Selma, AL, Mrs. Windham grew up in Thomasville, and she began her writing career at the age of 12 working for the Thomasville Times, a local weekly newspaper. After receiving her bachelor’s degree from Huntingdon College in Montgomery, AL, she worked as a reporter, photographer, and State editor for the Birmingham News and as a reporter and State editor, and associate editor for the Selma Times-Journal, where she won Associated Press awards for her writing and photography.

Kathryn is also the author of 21 books and is a playwright. She is widely recognized for storytelling abilities in classrooms, historical meetings, and storytelling events across Alabama. In addition to her writing career, Mrs. Windham was community relations coordinator for the area agency on aging, which serves 12 rural counties in southwest Alabama and promoted statewide war bond drives during World War II.

Mrs. Windham’s work in radio brought her a new level of notoriety, as she is now a favorite contributor to National Public Radio’s program, “All Things Considered.” Her tales about life in the rural South tell listeners about the immigrants who have arrived over the years and have included stories about rumors of people who could kill a rattlesnake by spitting, a hallstorm in Thomasville that was supposed to have knocked the eyes out of goldfish in a pond, or the Alabama children make with cold mud.

Quoted in a 1999 article for Current magazine, Windham said of her storytelling, “It preserves a part of our Southern history maybe, our heritage. We need to know where we came from.” I could not agree with her more. Kathryn Tucker Windham will leave an important legacy as a trailblazing female journalist and a chronicler of life in Alabama that I greatly admire.

I join Kathryn’s three children, Kathryn Tabb Windham, Amasa Benjamin Windham, Jr., and Helen Ann Windham Hilley, and her two grandsons, David Wilson Windham and Benjamin Douglas .

On this, her 90th birthday, I wish her the very best.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the presiding officer laid before the Senate messages from the President of the United States submitting certain 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

At 10:13 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill and joint resolution, without amendment:

S. 2829. An act to make technical corrections to section 1244 of the National Defense Authorization Act for fiscal year 2008, which provides special immigrant status for certain Iraqis, and for other purposes. S. J. Res. 17. Joint resolution directing the United States to initiate international discussions and take necessary steps with other Nations to negotiate an agreement for managed transboundary fish stocks in the Arctic Ocean.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 752. An act to transfer excess Federal electronic equipment, including computers, computer components, printers, and fax machines, to educational recipients.

H.R. 4841. An act to approve, ratify, and confirm the settlement agreement entered into to resolve claims by the Soboba Band of
Luiseno Indians relating to alleged interferences with the water resources of the Tribe, to authorize and direct the Secretary of the Interior to execute and perform the Settlement Agreements and related waivers, and for other purposes.
H.R. 5787. An act to amend title 40, United States Code, to enhance authorities with regard to real property that has yet to be reported excess, and for other purposes.
H.R. 5826. An act to increase, effective as of December 1, 2008, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes; to the Committee on the Judiciary, without amendment; and with a preamble:
S. Res. 563. A resolution designating September 13, 2008, as “National Childhood Cancer Awareness Day”.
S. Res. 567. A resolution designating June 2008 as “National Internet Safety Month”.
By Mr. LEAHY, from the Committee on the Judiciary, without amendment:
S. 1210. A bill to extend the grant program for drug-endangered children.
By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:
S. 2982. A bill to amend the Runaway and Homeless Youth Act to authorize appropriations, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES
The following executive reports of nominations were submitted:
By Mr. LEVIN for the Committee on Armed Services.
Air Force nomination of Col. Kimberly A. Sfanocchi, to be Major General.
Army nomination of Lt. Gen. Stanley A. McChrystal, to be Lieutenant General.
Army nomination of Brig. Gen. John F. Mulholland, Jr., to be Lieutenant General.
Army nominations beginning with Brigadier General Stephen E. Bogle and ending with Rear Adm. Joseph W. McLaughlin, which received by the Senate and appeared in the Congressional Record on March 29, 2008.
Navy nominations beginning with Rear Adm. Harry B. Harris, Jr., to be Vice Admiral.
Navy nominations beginning with Rear Adm. (ih) Julius S. Caesar and ending with Rear Adm. (ih) Garland F. Wright, which nominations were received by the Senate and appeared in the Congressional Record on February 14, 2008.
Navy nomination of Rear Adm. William H. McRaven, to be Vice Admiral.
Navy nomination of Rear Adm. Michael C. Vitale, to be Vice Admiral.
Navy nomination of Rear Adm. (ih) Raymond F. Burke, to be Rear Admiral.
Navy nominations beginning with Rear Adm. (ih) Richard R. Jefferies and ending with Rear Adm. (ih) David J. Smith, which nominations were received by the Senate and appeared in the Congressional Record on March 3, 2008.
Navy nominations beginning with Capt. David F. Baucom and ending with Capt. Vincent L. Griffith, which nominations were received by the Senate and appeared in the Congressional Record on March 31, 2008.
Navy nominations beginning with Capt. David C. Johnson and ending with Capt. Thomas J. Moore, which nominations were received by the Senate and appeared in the Congressional Record.
Navy nominations beginning with Capt. Donald E. Gaddis and ending with Capt.

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. 6124. An act to provide for the continuation of agricultural and other programs of the Department of Agriculture through fiscal year 2012, and for other purposes.

REPORTS OF COMMITTEES
The following reports of committees were submitted:
By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:
S. 2420. A bill to encourage the donation of excess food to nonprofit organizations that provide assistance to food-insecure people in the United States under the Federal food donation program; to the Committee on the Judiciary, without amendment:
S. 1381. A bill to establish the 50th anniversary of the Mackinac Island State Park Commission's Historical Preservation and Museum Program, which began on June 15, 1958, and for other purposes.
H. Con. Res. 334. Concurrent resolution supporting the goals and objectives of a National Military Appreciation Month.
H. Con. Res. 338. Concurrent resolution recognizing the necessity for the United States to maintain its significant leadership role in improving the health and promoting the resilience of coral reef ecosystems, and for other purposes.
H. Con. Res. 338. Concurrent resolution recognizing the need for the United States to enhance authorities with respect to real property that has yet to be reported excess, and for other purposes; to the Committee on the Judiciary, with an amendment in the nature of a substitute:

MEASURES REFERRED
The following bills were read the first and the second times by unanimous consent, and referred as indicated:
H.R. 762. To direct Federal agencies to transfer excess Federal electronic equipment, including computers, computer components, printers, and fax machines, to educational recipients; to the Committee on Homeland Security and Governmental Affairs.
H.R. 1771. An act to assist in the conservation of the environment and to ensure that cranes and the ecosystems on which they depend will not be adversely affected; to the Committee on the Judiciary.
H.R. 5787. An act to amend title 40, United States Code, to enhance authorities with regard to real property that has yet to be reported excess, and for other purposes; to the Committee on Veterans Affairs.
H.R. 5826. An act to increase, effective as of December 1, 2008, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.
H.R. 5826. An act to increase, effective as of December 1, 2008, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes; to the Committee on the Judiciary, without amendment; and with a preamble:
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Navy nomination of Rear Adm. (ih) Raymon F. Burke, to be Rear Admiral.
Navy nominations beginning with Rear Adm. (ih) Richard R. Jefferies and ending with Rear Adm. (ih) David J. Smith, which nominations were received by the Senate and appeared in the Congressional Record on March 3, 2008.
Navy nominations beginning with Capt. David F. Baucom and ending with Capt. Vincent L. Griffith, which nominations were received by the Senate and appeared in the Congressional Record on March 31, 2008.
Navy nominations beginning with Capt. David C. Johnson and ending with Capt. Thomas J. Moore, which nominations were received by the Senate and appeared in the Congressional Record.
Mande E. Young, whose nominations were received by the Senate and appeared in the Congressional Record on March 31, 2008.

Navy nominations beginning with Capt. Michelle T. Hay and ending with Capt. William R. Kiser, which nominations were received by the Senate and appeared in the Congressional Record on March 31, 2008.

Navy nomination of Capt. Norman R. Hayes, to be Rear Admiral (lower half).

Navy nomination of Capt. William E. Leigher, to be Rear Admiral (lower half).

Navy nomination of Rear Adm. William E. Gortney, to be Vice Admiral.

Navy nomination of Vice Adm. Melvin G. Williams, to be Vice Admiral.

Navy nomination of Rear Adm. David J. Dorsett, to be Vice Admiral.

Navy nomination of Rear Adm. (lb) Kevin M. McCaffrey, to be Vice Admiral.

Navy nomination of Vice Adm. William D. Crowder, to be Vice Admiral.

Navy nomination of Rear Adm. Peter H. Daly, to be Vice Admiral.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expenses of reprinting on the Executive Calendar that these nominations lie at the Secretary’s desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning with Lonnie B. Barker and ending with Jerry P. Pitts, which nominations were received by the Senate and appeared in the Congressional Record on March 11, 2008.

Air Force nominations beginning with Eric L. Bloomfield and ending with Deborah L. Mueller, which nominations were received by the Senate and appeared in the Congressional Record on April 28, 2008.

Air Force nominations beginning with Mary J. Bernheim and ending with Kelli C. Mack, which nominations were received by the Senate and appeared in the Congressional Record on May 13, 2008.

Air Force nominations beginning with James W. Brown and ending with Frank J. Nocilla, which nominations were received by the Senate and appeared in the Congressional Record on May 13, 2008.

Army nomination of Cheryl Amyx, to be Major.

Army nomination of Deborah K. Sirratt, to be Major.

Army nominations beginning with Mark A. Cannon and ending with Michael J. Miller, which nominations were received by the Senate and appeared in the Congressional Record on April 23, 2008.

Army nominations beginning with Gene Kahn and ending with James D. Townsend, which nominations were received by the Senate and appeared in the Congressional Record on April 23, 2008.

Army nominations beginning with Lozay Foots III and ending with Margaret L. Young, which nominations were received by the Senate and appeared in the Congressional Record on April 23, 2008.

Army nominations beginning with Phillip J. Caravella and ending with Paul S. Lajoie, which nominations were received by the Senate and appeared in the Congressional Record on April 23, 2008.

Army nomination of Jimmy D. Swanson, to be Colonel.

Army nomination of Ronald J. Sheldon, to be Colonel.

Army nominations beginning with Brian M. Boldt and ending with Christopher L. Tracy, which nominations were received by the Senate and appeared in the Congressional Record on May 8, 2008.

Army nomination of James K. McNeely, to be Major.

Army nominations beginning with Stanley A. Okoro and ending with David B. Rosenberg, which nominations were received by the Senate and appeared in the Congressional Record on April 24, 2008.

Army nomination of Robert S. McMaster, to be Lieutenant Commander.

Army nomination of Christopher S. Kaplanka, to be Lieutenant Commander.

Army nomination of David R. Eggleston, to be Lieutenant Commander.

Navy nominations beginning with Katharine A. Isgrig and ending with Jason C. Kedziorski, which nominations were received by the Senate and appeared in the Congressional Record on May 13, 2008.

Navy nominations beginning with Robert D. Younger and ending with Jeffrey W. Willis, which nominations were received by the Senate and appeared in the Congressional Record on May 13, 2008.

By Mr. LIEBERMAN for the Committee on Homeland Security and Governmental Affairs.

*Paul A. Schneider, of Maryland, to be Deputy Secretary of Homeland Security.

By Mrs. FEINSTEIN for the Committee on Rules and Administration.

*Cynthia L. Bauery, of Minnesota, to be a Member of the Federal Election Commission for a term expiring April 30, 2011.

*Caroline E. Hackney, of Florida, to be a Member of the Federal Election Commission for a term expiring April 30, 2013.

By Mr. LEAHY for the Committee on the Judiciary.

Elisabeth C. Cook, of Virginia, to be an Assistant Attorney General.

William Walter Wilkins, III, of South Carolina, to be United States Attorney for the District of South Carolina for the term of four years.

*Nomination was reported with recommendation that it be confirmed subject to in writing a letter in response to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were referred, and referred as indicated:

By Mr. ALEXANDER:

S. 3048. A bill to amend the Internal Revenue Code of 1986 to make the allowance of bonus depreciation and the increased expensing limitations permanent; to the Committee on Finance.

By Mr. ALEXANDER:

S. 3049. A bill to amend the Internal Revenue Code of 1986 to modify the rate of the excise tax on certain wooden arrows designed for use by children; to the Committee on Finance.

By Mr. BAYH (for himself, Mr. LIEBERMAN, Mr. BROWNBACK, Mr. SALAZAR, Mrs. CLINTON, Mr. COLEMAN, Mr. TESTER, Mr. LUGAR, Mr. DURBIN, and Ms. COLLINS):

S. 3056. A bill to reduce the dependence of the United States on foreign oil, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SMITH (for himself and Mrs. FEINSTEIN):

S. 3057. A bill to amend title 37, United States Code, to provide a special displacement allowance for members of the uniformed services without dependents, to provide a special annual payment to offset the amount of the family separation allowance for members of the uniformed services, and for other purposes; to the Committee on Armed Services.

By Mr. BROWNBACK (for himself and Mr. DURBIN):

S. 3058. A bill to prohibit the importation of certain products that contain or are derived from columbite-tantalite or cassiterite mined or extracted in the Democratic Republic of the Congo, and for other purposes; to the Committee on Finance.

By Ms. COLLINS (for herself and Ms. SNOWE):

S. 3059. A bill to permit commercial trucks to use certain highways of the Interstate System to provide significant savings in the transportation of goods throughout the United States, and for other purposes; to the Committee on Environment and Public Works.

By Mr. LAUTENBERG (for himself, Mr. CASEY, and Mr. MENENDEZ):

S. 3060. A bill to amend title 37, United States Code, to require the payment of monthly special pay to members of the uniformed services whose service on active duty is extended by a stop-loss order or similar mechanism, and for other purposes; to the Committee on Armed Services.

By Mr. BIDEN (for himself and Mr. BROWNBACK):
S. 3061. A bill to authorize appropriations for fiscal years 2008 through 2011 for the "Traf-
ficking Victims Protection Act of 2000, to en-
hance measures to combat trafficking in per-
sons, for other purposes; to the Com-
mittee on the Judiciary.

By Mr. ALLARD:

S. 3062. A bill to amend the Energy Policy Act of 2005 to certain provisions re-
lating to oil shale leasing; to the Committee
on Energy and Natural Resources.

By Mrs. LINCOLN (for herself, Mr.
Hutch, Mr. Cardin, and Mr. Smith):

S. 3063. A bill to amend the Internal Rev-
ue Code of 1986 to provide for 8 corpora-
tion reform, and for other purposes; to the
Committee on Finance.

By Mr. CARDIN (for himself and Ms.
COLLINS):

S. 3064. A bill to establish a multi-faceted
approach to improve access and eliminate
disparities in oral health care; to the
Committee on Health, Education, Labor, and
Pensions.

By Mr. SALAZAR:

S. 3065. A bill to establish the Dominguez-
Escalante National Conservation Area and the
Dominguez Wilderness Area; to the Commit-
tee on Energy and Natural Re-

By Mr. ALLARD:

S. 3066. A bill to designate certain National
Forest System land in the Piko and San Isa-
bel National Forests and certain land in the
Royal Gorge Resource Area of the Bureau of
Land Management in the State of Colorado as
wilderness, and for other purposes; to the
Committee on Energy and Natural Re-

By Ms. COLLINS (for herself, Mr. Fein-
gold, and Mr. CARDIN):

S. 3067. A bill to amend the Public Health
Service Act to reauthorize the Dental Health
Improvement Act; to the Committee on

By Ms. SNOWE (for herself, Mr. Reid,
Ms. Collins, Mr. Durbin, Mr. Warner,
Mr. Kerry, Mrs. Boxer, Mr. Dodd,
Mr. Lautenberg, Mrs. Lincoln,
and Mr. Menendez):

S. 3068. A bill to require equitable coverage of prescription contraceptive drugs and de-
VICES, and contraceptive services under health plans; to the Committee on Health,
Education, Labor, and Pensions.

By Mrs. BOXER:

S. 3069. A bill to designate certain land as
wilderness in the State of California, and for
other purposes; to the Committee on Energy and Natural Resources.

By Mr. SESSIONS (for himself, Mr.
Nelson of Florida, Mr. Enzi, Mr. Brown,
Mrs. Hutchinson, Mr. Domenici,
Mr. Bingaman, Mr. Wicker, Mr.
Nelson of Florida, Mr. Bunning,
Mr. Inouye, Mr. Crapo, Ms. Murkowski,
Mr. Stevens, Mr. Cochenour, Mr. Rob-
erts, Mr. Barrasso, Mr. Alexander,
Mr. Isakson, Mr. Gregg, Mr. Smith,
Mr. Brown, Mr. Inouye, Mr. Isakson,
Mr. Inhofe, Mr. Lugar, Mr. DeMint,
Mr. Vitter, Mr. McCain, Mr. Corker,
Mr. Hagel, Mr. Chambliss, Mr.
Voinovich, Mr. Allard, Mr. Burr,
Mr. Craig, Mr. Coleman, Mr. War-
ner, Mr. Coburn, Mr. Thune, Mr.
McConnell, Mr. Corwyn, Ms. Dole,
Mr. Brown, Mr. and Mrs. Lincoln):

S. 3070. A bill to require the Secretary of the Treasury to mint coins in commemora-
tion of the centennial of the Boy Scouts of Amer-
ica; to the Committee on Banking, Housing, and Urban Af-
fairs.

By Mr. BARRASSO:

S. 3071. A bill to amend the Endangered
Species Act of 1973 to temporarily prohibit
the Secretary of the Interior from consid-
ering global climate change as a natural or
manmade factor in determining whether a
species is a threatened or endangered spe-
cies, and for other purposes; to the Commit-
tee on Environment and Public Works.

By Mr. WICKER:

S. 3072. A bill to provide for comprehensive
health reform; to the Committee on Finance.

By Mr. VITTER (for himself, Mr.
Vitter, Mr. Allard, Mr. Craig, Mrs.
Dole, Mr. Roberts, Mr. Inhofe, Mr.
Enzi, Mr. Martinez, Mr. Grass-
ley, Mr. Stevens, Mr. Chambliss,
Mr. Bunning, Mr. Kyle, Mrs.
Hutchison, Mr. Enzi, Mr. Wicker,
Mr. Coburn, Mr. Coleman, Mr.
Isakson, Mr. Bond, Mr. Lugar,
and Mr. Thune):

S. 3073. A bill to amend the Uniformed and
Overseas Citizens Absentee Voting Act to
improve procedures for the collection and de-
elivery of absentee ballots of absent overseas
uniformed services voters, and for other
purposes; to the Committee on Rules and Ad-
ministration.

By Mr. LEAHY (for himself, Mr. Coch-
ran, and Mr. Dodd):

S. J. Res. 34. A joint resolution to provide a
replacement laboratory and support space at the Smithsonian Environmental Research
Center (SERC) Mathias Laboratory; to the Committee on Rules and Administration.

By Mr. LEAHY (for himself, Mr. Coch-
ran, and Mr. Dodd):

S. J. Res. 35. A joint resolution to amend
Public Law 108-41, relating to the con-
struction and related activities in support of the Very Energetic Radiation Imaging Tele-
scope Array System (VERITAS) project in Arizona; to the Committee on Rules and Ad-
ministration.

By Mr. LEAHY (for himself, Mr. Coch-
ran, and Mr. Dodd):

S. J. Res. 36. A joint resolution to provide replacement laboratory space for terrestrial
research at the Smithsonian Tropical Re-
search Institute; to the Committee on Rules and Administration.

SUBMISSION OF CONCURRENT AND
SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and
referred (or acted upon), as indicated:

By Mr. BROWN:

S. Res. 375. A resolution expressing the sense of the Senate that the Government of the
People’s Republic of China should imme-
diately release from custody the children of Robhya Kasumbi and Muneey Huseyn
Khalil and should refrain from further engag-
ing in acts of cultural, linguistic, and reli-
gious suppression directed against the Uyghur people; to the Committee on Foreign Relations.

By Mr. STEVENS (for himself, Ms.
Murkowski, Mr. Inouye, Mr. Akaka,
Mr. Alexander, Mr. Isakson, Mr.
Cochran, Mr. Craig, and Ms.
Snowe):

S. Res. 375. A resolution expressing the support of the Senate for veteran entre-
preneur; to the Committee on Veterans’ Af-
fairs.

By Mr. HATCH (for himself, Mr.
Klochuchar, Mr. Biden, Mr.
Voinovich, Mr. Corwyn, Mr. Burr,
Mr. Tester, Mr. Barrasso, Mr.
Grassley, Mr. Schumer, Mr. Durbin,
Mr. Dorgan, Mr. Inhofe, Mrs. Boxer,
Mr. Coleman, Mr. Cantwell, Mr.
Cochran, Mr. Craig, Mr. Sanders,
Mr. Specter, Ms. Landrieu, Mr.
Rockefeller, Mr. Akaka, Mr. Nel-
son of Florida, Ms. Snowe, Mr.
Leahy, Mr. Roberts, Mr. Cardin,
Mr. Crapo, and Mr. Wicker):

S. Res. 376. A resolution designating Au-
gust 2008 as “Digital Television Transition Awareness Month”; to the Committee on the
Judiciary.

By Mr. WARNER (for himself, Mr.
Bingaman, Mr. Gregg, Mr.
Chambliss, Ms. Snowe, Mr. Carper,
Mr. Burr, Mr. Sununu, Ms. Mur-
kowski, Mr. Arlen, Mr. Isakson,
Mr. Reid, and Mr. Dorgan):

S. Res. 377. A resolution to express the
sense of the Senate regarding the use of gas-
oline and other fuels in Federal departments
and agencies; considered and agreed to.

By Mr. ENZI (for himself, Mr. Nelson
of Florida, Mr. Wicker, and Mr. Nel-
sion of Nebraska):

S. Res. 378. A resolution recognizing the
100th anniversary of the founding of the Con-
gressional Club; considered and agreed to.

By Mr. VITTER (for himself, Mr. Shel-
y, Mr. Martinez, Ms. Landrieu,
Mr. Sessions, Mr. DeMint, Mr. Burr,
and Mr. Nelson of Florida):

S. Res. 379. A resolution designating the
week beginning May 26, 2008, as “National Hurricane Preparedness Week”; considered
and agreed to.

By Mrs. BOXER (for herself and Mrs.
FEINSTEIN):

S. Con. Res. 84. A concurrent resolution
honoring the memory of Robert Mondavi; to
the Committee on the Judiciary.

By Mr. SPECTER (for himself, Mr.
Byrd, Mrs. Dole, Mr. McCain, Mr.
Warner, Mr. Lieberman, Mr. Rocke-
feller, and Mr. Burr):

S. Con. Res. 85. A concurrent resolution au-
thorizing the use of the Rotunda of the Cap-
itol to honor Frank W. Buckles, the last sur-
viving United States veteran of the First
World War; considered and agreed to.

ADDITIONAL COSPONSORS

S. 612. At the request of Mr. OBAMA, his
name was added as a cosponsor of S.
612, a bill to improve the health of women
through the establishment of Offices of Women’s Health within the
Department of Health and Human Services.

S. 678. At the request of Mr. BOXER, the
name of the Senator from New Jersey
(Mr. MENENDEZ) was added as a cospon-
or of S. 678, a bill to amend title 49,
United States Code, to ensure air pas-
senger and other services while on a
grounded air carrier and are not unnecessarily held on a
grounded air carrier before or after a flight,
and for other purposes.

S. 972. At the request of Mr. LAUTENBERG, the
name of the Senator from Washington
(Ms. CANTWELL) was added as a cosponsor of S. 972, a bill to provide for
the reduction of adolescent pregnancy,
HIV rates, and other sexually trans-
mitted diseases, and for other purposes.

S. 1146. At the request of Mr. SALAZAR, the
name of the Senator from Pennsyl-
vania (Mr. CASEY) was added as a co-
sponsor of S. 1146, a bill to amend title
38, United States Code, to improve health care for veterans who live in
rural areas, and for other purposes.

S. 1253. At the request of Mr. BINGAMAN, the
name of the Senator from Colorado
At the request of Mr. Reid, the name of the Senator from New Mexico (Mr. Domenici) was added as a cosponsor of S. 1392, a bill to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry.

At the request of Mrs. Clinton, the name of the Senator from Alaska (Mr. Stevens) was added as a cosponsor of S. 1396, a bill to provide for the issuance of a “forever stamp” to honor the sacrifices of the brave men and women of the armed forces who have been awarded the Purple Heart.

At the request of Mr. Obama, the names of the Senator from North Dakota (Mr. Dorgan) and the Senator from Montana (Mr. Baucus) were added as cosponsors of S. 1430, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, countries with investments of $20,000,000 or more in Iran’s energy sector, and for other purposes.

At the request of Ms. Murkowski, the name of the Senator from Hawaii (Mr. Akaka) was added as a cosponsor of S. 1650, a bill to provide for the inclusion of certain non-Federal land in the Izembek National Wildlife Refuge and the Alaska Peninsula National Wildlife Refuge in the State of Alaska, and for other purposes.

At the request of Mr. Reed, the name of the Senator from Arkansas (Mrs. Lincoln) was added as a cosponsor of S. 1699, a bill to amend the provisions of the Elementary and Secondary Education Act of 1965 regarding school library media specialists, and for other purposes.

At the request of Mr. Biden, the name of the Senator from Connecticut (Mr. Dodd) was added as a cosponsor of S. 1711, a bill to target cocaine kingpins and address sentencing disparity between crack and powder cocaine.

At the request of Mr. Coleman, the names of the Senator from Idaho (Mr. Craig) and the Senator from Kentucky (Mr. Bunning) were added as cosponsors of S. 1906, a bill to understand and comprehensively address the oral health problems associated with methamphetamine use.

At the request of Mr. Johnson, the name of the Senator from Pennsylvania (Mr. Casey) was added as a cosponsor of S. 2161, a bill to ensure and foster continuous, convenient, safety and quality of care by making the antitrust laws apply to negotiations between groups of independent pharmacies and health plans and health insurance issuers (including health plans under parts C and D of the Medicare Program) in the same manner as such laws apply to protected activities under the National Labor Relations Act.

At the request of Mr. Akaka, the name of the Senator from Alabama (Mr. Sessions) was added as a cosponsor of S. 2162, a bill to improve the treatment and services provided by the Department of Veterans Affairs to veterans with post-traumatic stress disorder and substance use disorders, and for other purposes.

At the request of Mr. Kerry, the name of the Senator from Massachusetts (Mr. Kennedy) was added as a cosponsor of S. 2389, a bill to amend the Internal Revenue Code of 1986 to increase the alternative minimum tax credit amount for individuals with long-term unused credits for prior year minimum tax liability, and for other purposes.

At the request of Mr. Obama, the name of the Senator from New Mexico (Mr. Bingaman) was added as a cosponsor of S. 2433, a bill to require the President to develop and implement a comprehensive strategy to further the United States foreign policy objective of promoting the eradication of global poverty, the elimination of extreme global poverty, and the achievement of the Millennium Development Goal of reducing by one-half the proportion of people worldwide, between 1990 and 2015, who live on less than $1 per day.

At the request of Mr. Nelson of Florida, the name of the Senator from Georgia (Mr. Isakson) was added as a cosponsor of S. 2504, a bill to amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, and for other purposes.

At the request of Mrs. Boxer, the name of the Senator from Hawaii (Mr. Inouye) was withdrawn as a cosponsor of S. 2555, a bill to permit California and other States to effectively control greenhouse gas emissions from motor vehicles, and for other purposes.

At the request of Mr. Kerry, the name of the Senator from New Jersey (Mr. Menendez) was added as a cosponsor of S. 2560, a bill to create the income security conditions and family supports needed to ensure permanency for the Nation’s unaccompanied youth, and for other purposes.

At the request of Mr. Kerry, the name of the Senator from New Jersey (Mr. Menendez) was added as a cosponsor of S. 2568, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

At the request of Mr. Inhofe, the names of the Senator from Arkansas (Mr. Pryor), the Senator from Montana (Mr. Baucus), the Senator from New York (Mr. Schumer) and the Senator from Alabama (Mr. Sessions) were added as cosponsors of S. 2661, a bill to require the issuance of medals to recognize the dedication and valor of Native American code talkers.

At the request of Mr. Domenici, the names of the Senator from Vermont (Mr. Sanders) was added as a cosponsor of S. 2708, a bill to reform the housing choice voucher program under section 8 of the United States Housing Act of 1937.

At the request of Mr. Cochran, the name of the Senator from Georgia (Mr. Isakson) was added as a cosponsor of S. 2742, a bill to reduce the incidence, progression, and impact of diabetes and its complications and establish the position of National Diabetes Coordinator.

At the request of Mr. Hatch, the name of the Senator from Kansas (Mr. Brownback) was added as a cosponsor of S. 2743, a bill to amend the Internal Revenue Code of 1986 to provide for the establishment of financial security accounts for the care of family members with disabilities, and for other purposes.

At the request of Ms. Stabenow, the name of the Senator from New Jersey (Mr. Lautenberg) was added as a cosponsor of S. 2785, a bill to amend title XVIII of the Security Act to preserve access to physicians’ services under the Medicare program.

At the request of Mr. Graham, the name of the Senator from South Carolina (Mr. DeMint) was added as a cosponsor of S. 2792, a bill to amend the Internal Revenue Code of 1986 to restore the deduction for the travel expenses of a taxpayer’s spouse who accompanies the taxpayer on business travel.

At the request of Mrs. Clinton, the name of the Senator from Arkansas (Mrs. Lincoln) was added as a cosponsor of S. 2854, a bill to amend title 10, United States Code, to clarify the effective date of active duty members of the reserve components of the Armed Forces receiving an alert order anticipating a call or order to active duty in
support of a contingency operation for purposes of entitlement to medical and dental care as members of the Armed Forces on active duty.

S. 2928

At the request of Mr. SCHUMER, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2928, a bill to ban bisphenol A in children’s products.

S. 2931

At the request of Ms. SNOWE, the name of the Senator from Maine (Ms. MCCASKILL) was added as a cosponsor of S. 2931, a bill to amend title XVIII of the Social Security Act to exempt complex rehabilitation products and assistive technology products from the Medicare competitive acquisition program.

Amendment No. 4796

At the request of Mr. CARPER, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of amendment No. 4796 intended to be proposed to H.R. 2642, a bill making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

Amendment No. 4800

At the request of Mr. WARNER, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of amendment No. 4800 intended to be proposed to H.R. 2642, a bill making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

STATMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BIDEN (for himself and Mr. LUGAR):

S. 3002. A bill to provide for the transfer of naval vessels to certain foreign recipients; to the Committee on Foreign Relations.

Mr. BIDEN. Mr. President, today, Senator LUGAR and I are introducing the Naval Vessel Transfer Act of 2008, a bill to permit the transfer of certain U.S. Navy vessels to particular foreign countries. All of the proposed ship transfer authorizations have been requested by the U.S. Navy, with the approval of the Office of Management and Budget. Pursuant to section 824(b) of the National Defense Authorization Act for fiscal year 1994, as amended, 10 U.S.C. 7307(a), a naval vessel that is in excess of 3,000 tons or that is less than 20 years of age may not be disposed of to another nation unless the disposition of that vessel is approved by law enacted after August 5, 1974. The bill we introduce today would provide that required approval for six transfers: a guided missile frigate for Pakistan; two minehunter coastal ships for Greece; an oiler for Chile; and two amphibious tank landing ships for Peru. These would all be grant transfers under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321). If any Member of this body has questions or concerns regarding one or more of the proposed ship transfers, please let us know.

The bill also contains provisions that are traditionally included in ship transfer bills, relating to transfer costs and repair and refurbishment of the ships, and exempting the value of a vessel transferred on a grant basis from the aggregate value of excess defense articles in a given fiscal year.

Finally, the Department of Defense has provided the following information on this bill:

These proposed transfers would improve the United States’ political and military relationships with close allies. They would support strategic engagement goals and regional security cooperation objectives. Active use of former naval vessels by coalition forces in support of regional priorities is an important sign of the confidence in the Navy’s inactive fleet and disposing of them by scrapping or another method.

The United States would incur no costs in transferring these naval vessels. The recipients would be responsible for all costs associated with the transfers, including maintenance, repairs, training, and fleet turnover costs.

This act does not alter the effect of the Toxic Substances Control Act, or any other law, with regard to their applicability to the transfers of ships by the U.S. to foreign countries for military or humanitarian use. The laws and regulations that apply today would apply in the same manner if this section were enacted.

The Secretary of the Navy, the Honorable Donald C. Winter, has added: “Expeditious enactment of the proposal is in the best interests of the Navy’s Maritime Strategy as it will allow us to strengthen the capabilities of partner nations.”

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered printed in the RECORD, as follows:

S. 3002

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

TITLE 1. SHORT TITLE

This Act may be cited as the “Naval Vessel Transfer Act of 2008.”

SEC. 2. TRANSFER OF NAVAL VESSELS TO CERTAIN FOREIGN RECEPIENTS.

(a) TRANSFERS BY GRANT.—The President is authorized to transfer vessels to foreign recipients on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321), as follows:

(1) PAKISTAN.—To the Government of Pakistan, the OLIVER HAZARD PERRY class guided missile frigate MCINERNEY (FFG-8).

(2) GREECE.—To the Government of Greece, the OSPREY class minehunting coastal ships OSPREY (MHC-51) and ROBIN (MHC-54).

(3) CHILE.—To the Government of Chile, the KAISER class oiler ANDREW J. HIGGINS (AO-190).

(4) PERU.—To the Government of Peru, the NEWPORT class amphibious tank landing ships FRESNO (LST-1182) and RACINE (LST-1191).

(b) GRANTS NOT COUNTED IN ANNUAL TOTAL OF TRANSFERRED EXCESS DEFENSE ARTICLES.—The value of a vessel transferred to a recipient on a grant basis pursuant to authority provided by subsection (a) shall not be counted against the aggregate value of excess defense articles transferred in any fiscal year under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321).
shall be charged to the recipient (notwithstanding section 516(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e))).

4. REPAIR AND REFURBISHMENT IN UNITED STATES SHipyARDS.—To the maximum extent practicable, the President shall require, as a condition of the transfer of a vessel under this section, that the receiver to which the vessel is transferred have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of the recipient, performed at a shipyard located in the United States, including a United States Navy shipyard.

5. EXPIRATION OF AUTHORITY.—The authority to transfer a vessel under this section shall expire at the end of the 2-year period beginning on the date of the enactment of this Act.

By Mr. SMITH (for himself and Ms. CANTWELL):

S. 3053. A bill to amend title XI of the Social Security Act to provide grants for eligible entities to provide services to improve financial literacy among older individuals; to the Committee on Finance.

Mr. SMITH. Mr. President, on behalf of Senator CANTWELL, I introduce a bill to provide grants to Area Agencies on Aging to provide services to improve financial literacy among older individuals.

A number of trends have occurred over the past few years that make financial literacy a critical element of retirement security. The personal savings rate in the United States has declined dramatically over the last two decades. According to the Commerce Department, the personal savings rate was 0.2 percent in March of this year. This means for every $1,000 of after-tax income, the average person saved only $2.

In addition, the shift from defined benefit to defined contribution retirement plans has generally placed the burden on employees to effectively manage the investment of their pensions.

However, many Americans, including older Americans, lack financial literacy skills. In the 2008 Retirement Confidence Survey by EBRI/Matthew Greenwald & Associates, 40 percent of retirees surveyed reported that they are not knowledgeable about investments and investment strategies. In addition, a 2003 national survey by AARP of consumers aged 45 and older found that they often lacked knowledge of basic financial and investment terms. For example, only about half of respondents reported knowing that diversification of investments reduces risk.

The Smith-Cantwell bill will improve older Americans’ financial literacy and help them better prepare for and manage their assets in retirement. Under the bill, grants will be provided to Area Agencies on Aging to enable these organizations to provide services to improve financial literacy among older individuals, especially older women. These services include education, training and other assistance.

This bipartisan financial literacy bill will help increase older Americans’ financial literacy so they can make more informed and prudent investment and retirement planning decisions. And I am pleased that the Women’s Institute for a Secure Retirement and the National Association of Area Agencies on Aging support this bill.

I look forward to working with my colleagues to enact this important bill. Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 3053

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

SECTION 1. FINANCIAL LITERACY SERVICES.

Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by adding at the end the following new section:

"FINANCIAL LITERACY SERVICES"

"SEC. 1150A. (a) DEFINITIONS.—In this section:

(1) AREA AGENCY ON AGING.—The term ‘area agency on aging’ has the meaning given that term in section 102 of the Older Americans Act of 2000 (42 U.S.C. 3002).

(2) FINANCIAL LITERACY SERVICES.—The term ‘financial literacy services’ means the services described in subsection (b)(1).

(3) OLDER INDIVIDUAL.—The term ‘older individual’ has the meaning given that term in such section 102.

(b) GRANTS FOR SERVICES.

(1) IN GENERAL.—The Secretary shall make grants to eligible entities and other entities determined appropriate by the Secretary to enable the entities to provide services to improve financial literacy among older individuals, including older individuals who are women, and the family members and legal representatives of such individuals. The Secretary shall make the grants on a competitive basis, and nationwide.

(2) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this subsection, an entity shall be an area agency on aging or another entity that meets such requirements as the Secretary may specify.

(3) APPLICANTS.—Eligible to receive a grant under this subsection, an entity shall submit an application to the Secretary at such time, in such manner, and with such information as the Secretary may require. In the case of an entity who intends to provide the financial literacy services jointly with other services as described in paragraph (4)(C), the application shall include information demonstrating that the entity has the capacity to provide the services jointly.

(c) USE OF FUNDS.—(A) IN GENERAL.—An entity that receives a grant under this subsection shall use the funds made available through the grant to provide financial literacy services, such as financial literacy education, training, and assistance.

(B) PROVISION THROUGH CONTRACTS.—The entity may provide the services directly or by entering into a contract with an organization that provides counseling, advice, or representation to older individuals and the family members and legal representatives of such individuals in a community served by the entity.

(C) PROVISION WITH OTHER SERVICES.—The entity may provide the services jointly with other services provided by or funded by the eligible entity, such as:—

(i) services provided through State Health Insurance Assistance Programs;—

(ii) services provided through a Long-Term Care Ombudsman program under section 307(a)(9) or 712 of the Older Americans Act of 1965 (42 U.S.C. 3007, 3058g);—

(iii) information and assistance services provided under the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.);—

(iv) legal assistance services provided under the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.);—

(v) services provided through Senior Medicare Patrol Projects conducted by the Administration on Aging;—

(vi) case management services; and—

(vii) services provided through the Administration on Aging and Disability Resource Centers.

(D) REPORT.—The Secretary shall submit to Congress an annual report on the activities carried out by entities under a grant under this subsection.

(E) NATIONAL SUPPORT CENTER FOR FINANCIAL LITERACY GRANT.—

(F) IN GENERAL.—The Secretary may make a grant to an eligible center to coordinate the services provided through, and support the grant recipients under, the grant program carried out under subsection (b).

(G) ELIGIBLE CENTER.—To be eligible to receive a grant under this subsection, a center shall be—

(A) an entity that is housed within an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of such Code;—

(B) have a minimum of 10 years experience operating a national program and support center with a focus on financial literacy; and—

(C) be primarily engaged in outreach and training activities designed to provide financial education and retirement planning for low- and moderate-income individuals, particularly with respect to women; and—

(D) have a demonstrated record of collaboration with organizations that focus on the needs of low- and moderate-income individuals and with national organizations serving the elderly, including those working with area agencies on aging and women, as well as organizations with expertise in financial services and related fields.

(H) USE OF FUNDS.—A center that receives a grant under this subsection shall use the funds made available through the grant to—

(A) design and conduct training (which may include providing training for trainers) related to financial literacy services;—

(B) provide curricula for financial literacy services;—

(C) develop and disseminate relevant information about financial literacy services;—

(D) conduct outreach to national, State, and community organizations through a series of strategic partnerships in order to improve financial literacy among older individuals and the family members and legal representatives of such individuals;—

(E) provide technical assistance to the grant recipients under subsection (b) with respect to the program; and—

(F) collect data from such grant recipients about the services provided under this section, and the impact of those services.

(G) ADDRESSING CHALLENGES TO WOMEN IN SECURING ADEQUATE RETIREMENT INCOME.—In addition to the activities described in paragraph (3), a center that receives a grant under this subsection shall—

(H) COORDINATION.—The Secretary shall ensure that the activities carried out under the grant program under subsection (b) and under a grant made under subsection (c) are...
By Mr. WYDEN (for himself and Mr. SMITH):

S. 3055. A bill to amend the Internal Revenue Code of 1986 to modify the rate of the excise tax on certain wooden arrows designed for use by children; to the Committee on Finance.

Mr. WYDEN. Mr. President, today, along with Senator SMITH, I am introducing the exempt wooden practice arrows from the unfair impact of an excise tax designed for much more expensive hunter and professional arrows. The JOBS Act of 2004 changed the tax on all arrows from 12.4 percent of an arrow’s value to a fixed amount, adjusted annually that now stands at 39 cents per arrow. Under the prior law, wooden practice arrows that cost 30 cents paid a tax of 3.6 cents. Under the current fixed tax, the same practice arrows are now assessed a tax of 39 cents per arrow, more than doubling the arrows’ cost to the camps, schools and Boy Scouts that use them. The fixed tax is suited to the higher cost of hunter and professional arrows, which sell for up to $100 apiece. It is not suited for the less costly practice arrows and these should be made exempt as our legislation would do. The Archery Trade Association, which represents arrow makers large and small, supports this bill and agrees that the newer arrow makers large and small, supports this bill and agrees that the newer

By Mr. SMITH (for himself and Mrs. FEINSTEIN):

S. 3057. A bill to amend title 37, United States Code, to provide a special displacement allowance for members of the uniformed services without dependents, to provide for an annual percentage increase in the amount of the family separation allowance for members of the uniformed services, and for other purposes; to the Committee on Armed Services.

Mr. SMITH. Mr. President, I rise today to honor our Nation’s veterans and their families. As we approach Memorial Day and reflect upon the countless sacrifices of our service men and women, we must also take a moment and remember our military families. These families have shouldered the burden of our military engagements, going extended periods, sometimes months, without seeing their spouse, their mother, or their father. To help alleviate this burden, Senator FEINSTEIN and I are introducing the Military Family Separation Benefit Enhancement Act.

The Military Family Separation Benefit Enhancement Act would give our deployed service member additional relief to military families separated by deployments. The Family Separation Allowance is a benefit awarded to our military families when a service man or woman with dependents is deployed overseas for 30 days or more. The current amount of the Family Separation Allowance is only $250, which does not have much purchasing power in these days of high fuel and food prices. The Family Separation Allowance remains at $250, regardless of economic conditions.

When a service member is deployed, a family experiences new and unexpected costs. Oftentimes, the deployed service member is a vital part of a household, helping to raise children, perform various community services and complete chores around the house. Therefore, many of our military families are forced to seek additional help. Families must pay for extra child care or for a lawn care service, tasks that often are the deployed service member’s responsibility.

Pegging the Family Separation Allowance to the Consumer Price Index will better reflect the economic burdens our military families encounter. The FSA will not be stuck at $250 a month when fuel costs are skyrocketing and food prices continue to rise.

The Military Family Separation Benefit Enhancement Act also creates a new Family Separation Allowance for those service members who do not have dependents. Just because a service member does not have dependents does not mean he or she will not need help at home while overseas. Many still need help maintaining their lawn, ensuring the upkeep of their house, or providing for the storage of their car.

Our bill is a means to help our military families and those who serve. Deploying overseas is a difficult adjustment for our military families and this legislation will provide some relief.

I ask my colleagues to join Senator FEINSTEIN and me to pass the Military Family Separation Benefit Enhancement Act.

By Ms. COLLINS (for herself and Ms. SNOWE):

S. 3069. A bill to permit commercial trucks to use certain highways of the Interstate System to provide significant savings in the transportation of goods throughout the United States, and for other purposes; to the Committee on Environment and Public Works.

Ms. COLLINS. Mr. President, I rise today to introduce the Commercial Truck Fuel Savings Demonstration Act of 2008, which would help address the growing crisis of energy costs for our Nation’s trucking industry.

Our Nation faces record high energy prices, affecting almost every aspect of daily life. The rapidly growing price of diesel is putting an increasing strain on our trucking industry. The U.S. average on diesel prices reached $3.50 a gallon in February 2008 and prices have not gone below this amount since that time. The average price of diesel this week is $4.50. Escalating fuel costs are especially devastating in states where the cost of diesel fuel is exacerbated by Federal weight limit restrictions that prohibit trucks that carry more than 80,000 pounds from traveling on the Federal interstate system.

For example, under current law, trucks weighing 100,000 pounds are allowed to travel on the portion of Interstate 95 designated as the Maine Turnpike, which runs from Maine’s border with New Hampshire to Augusta, our capital city. At Augusta, the State Turnpike designation ends, making the trucking industry north to Houlton. At Augusta, however, heavy trucks must exit the modern four-lane, limited-access highway and are forced to seek additional help. Families must pay for extra child care or for a lawn care service, tasks that often are the deployed service member’s responsibility.

Pegging the Family Separation Allowance to the Consumer Price Index will better reflect the economic burdens our military families encounter. The FSA will not be stuck at $250 a month when fuel costs are skyrocketing and food prices continue to rise.

The Military Family Separation Benefit Enhancement Act also creates a new Family Separation Allowance for those service members who do not have dependents. Just because a service member does not have dependents does not mean he or she will not need help at home while overseas. Many still need help maintaining their lawn, ensuring the upkeep of their house, or providing for the storage of their car.

Our bill is a means to help our military families and those who serve. Deploying overseas is a difficult adjustment for our military families and this legislation will provide some relief.

I ask my colleagues to join Senator FEINSTEIN and me to pass the Military Family Separation Benefit Enhancement Act.
onto smaller, two-lane secondary roads that pass through cities, towns, and villages.

The Commercial Truck Fuel Savings Demonstration Act of 2008, which I am introducing today, will provide immediate and tangible benefits to truckers and their employers. The legislation mandates that creates a 2-year year pilot program that would permit trucks carrying up to 100,000 pounds to travel on the Federal interstate system whenever diesel prices are at or above $3.50 a gallon. This legislation, is a mandate that each state participate in the pilot program, but gives each state the opportunity, during this time of high fuel costs, to offer relief to their trucking industries. Permitting trucks to carry up to 100,000 pounds on Federal highways would lessen the fuel cost burden on truckers in three ways: First, raising the weight limit would allow trucking companies to put more cargo in each truck, thereby reducing the numbers of truck trips and transportation costs. Second, trucks carrying up to 100,000 pounds would no longer need to move off the main Federal highways where trucks are limited to 80,000 pounds and take less direct routes on local roads regularly more diesel fuel and extended periods of idling during each trip; and third, trucks traveling on the interstate system would save on fuel costs due to the much superior road design of the interstate system as compared to the rural and urban state road systems.

I recently met with Kurt Babineau, a small business owner and second generation logger and trucker from my State who has been struggling with the increasing costs of running his operation. Mr. Babineau’s operation works just east of central Maine on the outskirts of the town of Mattawamkeag. All of the pulpwood his business produces, which is roughly 50 percent of his total harvest, is transported to his company alone, it would save his operation $1,670 a week. This is not a far-fetched scenario. In fact, two pedestrians were killed last year in Maine as a result of overweight trucks on local roadways, one tragic instance occurring within sight of the nearby Interstate. So I ask you, is the so-called legitimate reason for opposition as my constituents and many others across small American communities are taking their lives in their hands when merely crossing Main Street?

This legislation also exhibits a true sensitivity to one of the greatest problems facing the domestic trucking industry, particularly our smaller operators: the cost of fuel. This is a problem that cannot be ignored. The price of diesel nationally as I make this statement is four dollars and 49 cents. One year ago today, it was two dollars and 82 cents! We must act.

As a result of this legislation, motor carriers will be able to expand their ability to carry loads when the price of diesel surpasses three dollars and fifty cents per gallon. While this will only affect some states that face a federal interstate system without a weight exemption, it will greatly increase the movement of goods across this country. Given that volume of goods projected to enter this country is forecast to increase by over 100 percent, we need a forward-thinking, intermodal plan in place. Having said this, in terms of our weight limits will not only assist our Nation’s struggling trucking industry, but will simplify the flow of goods moving across our country and augment our Nation’s economy.

I would like to thank Senator COLLINS for her steadfast efforts and innovative thinking on this legislation as, side-by-side, we will continue to seek a resolution to this issue, which, to my eyes, is a simple matter of fairness.

By Mr. BIDEN (for himself and Mr. BROWNBACK, S. 3061. A bill to authorize appropriations for fiscal years 2008 through 2011 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in persons, and for other purposes; to the Committee on the Judiciary. Mr. BIDEN. Mr. President, I rise today to introduce the William Wilberforce Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in persons, and for other purposes; to the Committee on the Judiciary.
Reauthorization Act of 2008. The Trafficking Victims Protection Act was authored 8 years ago by Senator Brownback and the late Senator Wellstone, and since then, through two re-authorizations, has been a tremendous asset in preventing and prosecuting human trafficking crimes. Today, I am honored to be able to introduce legislation to reauthorize these valuable programs with my distinguished colleague, Senator Brownback. Human trafficking is a major problem worldwide and the challenges remain great. According to the most recent State Department report, roughly 800,000 individuals are trafficked each year, the overwhelming majority of them women and children. The FBI estimates approximately $9.5 billion is generated annually for organized crime from trafficking in persons. The International Labor Organization estimates that, at a minimum, 2.5 million people have been trafficked into situations of forced labor.

These victims are trafficked in a variety of ways. Sometimes they are kidnapped, and many times they are lured with dubious job offers, or false marriage opportunities. The traffickers capitalize on the victims’ desire to seek a better life, and trap them with lifetime debt bondages that degrade and destroy their lives.

Since 2000, the Trafficking Victims Protection Act has provided us effective tools, and in this reauthorization, our aim is to take the successes and lessons of eight years of progress and expand our efforts to combat this heinous crime. In Title I, the legislation focuses on combating human trafficking internationally by broadening the U.S. interagency task force charged with monitoring and combatting human trafficking. In Title II, the legislation contains a new database to monitor and combat trafficking.

Today’s reauthorization bill also expands our ability to combat trafficking in the United States. We’ve provided for certain improvements to the T-visa program, which protects trafficking victims and their families from retaliation, so that we can have their help in bringing traffickers to justice, without the victim fearing harm to themselves or their loved ones. We also expand authority for U.S. Government programs to help those who have been trafficked, and require a study to outline any additional anti-trafficking assistance that may exist. Finally, we establish some powerful new legal tools, including increasing the jurisdiction of the courts, enacting penalties for trafficking offenses, punishing those who profit from trafficked labor and ensuring restitution of forfeited assets to victims.

Human trafficking is a daunting and critical global issue. I urge my colleagues to support this reauthorization and work with Senator Brownback and me to pass it in the Senate as quickly as possible.

Mr. President, I ask unanimous consent that a section-by-section summary of the bill be printed in the RECORD.

WILLIAM WILBERFORCE TRAFFICKING VICTIMS PROTECTION REAUTHORIZATION ACT OF 2008

SECTION I—COMBATTING INTERNATIONAL TRAFFICKING IN PERSONS

Title I. Interagency task force to monitor and combat trafficking

Section 101. Interagency task force to monitor and combat trafficking

Section 101 adds the Secretary of Education to the existing interagency task force to monitor and combat trafficking.

Section 102. Office to monitor and combat trafficking

Section 102 provides for several amendments to Section 108(b) of the Trafficking Victims Protection Act (TVPA) related to the State Department’s Office to Monitor and Combat Trafficking (the TIP Office) including: mandating the office, conferring additional responsibilities on the Director to work on public-private partnerships to combat trafficking and providing that the Director of the office have the authority to review and recommend anti-trafficking programs that are not managed by the Office to Monitor and Combat Trafficking (TIP Office).

Section 103. Assistance for victims of trafficking in other countries

Section 103 amends section 107(a) of the TVPA, including that ensuring that programs take into account the transnational aspects of trafficking, support increased protection for victims from the departments and agencies implementing anti-trafficking programs and trafficked children and emphasize cooperative, regional efforts.

Section 104. Increasing effectiveness of anti-trafficking programs

Section 104 creates a new section to the TVPA to increase the effectiveness of anti-trafficking programs by providing that solicitation of grants be made publicly available and awarded by a transparent process with a review panel of Federal and private sector experts, when appropriate. The provision provides a mandated evaluation system for anti-trafficking programs based on a program-by-program basis. It requires that priorities and country assessments contained in the most recent annual report on Human Trafficking shall guide grant priorities. It provides that not more than 5 percent of the appropriations may be used for evaluations of specific programs or for evaluations of emerging problems or trends in the field of human trafficking.

Section 105. Minimum standards for the elimination of trafficking

Section 105 amends section 108(b) of the TVPA by clarifying that in evaluating whether a country’s anti-trafficking efforts result in suspended or significantly reduced sentences, such country shall be deemed to be not making significant efforts to combat trafficking and shall be included in the lists of countries designated pursuant to paragraphs (1)(A) and (1)(C). The subsection includes a Presidential waiver for up to one year if it would promote the purposes of the act or is in the national interest of the United States.

Section 107. Research on domestic and international trafficking in persons

Section 107 amends section 112A of the TVPA, requiring the establishment and maintenance of an integrated database within the Human Smuggling and Trafficking Center, details the purposes of the database, and authorizes $3 million annually to the Human Smuggling and Trafficking Center to carry out these activities.

Section 108. Presidential award for extraordinary efforts to combat trafficking in persons

Section 108 authorizes the President to establish a “Paul D. Wellstone Presidential Award for Extraordinary Efforts to Combat Trafficking in Persons” for persons who provide assistance in efforts to combat trafficking in persons.

Section 109. Report on activities of the department of labor to monitor and combat forced labor

Section 109 requires that the Secretary of Labor provide a final report that describes the implementation of section 105 of the TVPRA of 2005, including a list of imported goods made with forced or child labor.

TITITLE II—COMBATTING TRAFFICKING IN PERSONS IN THE UNITED STATES

Subtitle A—Ensuring Availability of Possible Witnesses and Informants

Section 201. Protecting trafficking victims against retaliation

Subsection (a) of Section 201 amends section 101(1)(15)(T) of the Immigration and Nationality Act (INA) to provide for certain changes to the T visa for trafficking victims. Paragraph (1) allows persons who are brought into the country for investigations or as witnesses to apply for such a visa. It also allows a T visa for persons who are not able to assist law enforcement because of the physical or psychological trauma; it also clarifies the existing language in the T Visa authorization and eliminates the “unusual and severe harm” standard.

Paragraph (2) allows parents and siblings who are in danger of retaliation to join the trafficking victims safely in the United States. Subsection (2) allows the Department of Homeland Security to waive the restriction on adjustment of status of T visa holders, including providing that the Secretary of Homeland Security may look at certain security and other conditions in the applicant’s home country to make the determination that extreme hardship exists.

Subsection (d) provides for certain changes to section 246(1) of the INA relating to adjustment of status of T visa holders, including providing that the Secretary of Homeland Security may waive the restriction on disqualification for good moral character for T visa holders applying for permanent resident alien status if the actions that would have led to the disqualification are caused by or incident to the trafficking.

Section 202. Information for work-based non-immigrants on legal rights and resources

Section 202 requires the Secretary of Homeland Security to create an information pamphlet for work-based non-immigrant visa applications. The pamphlet will detail the legality of human trafficking and reiterate worker rights and information for related services.

Section 203. Domestic worker protections

Section 203 sets forth new protections for trafficking victims and their families, mandating anti-trafficking and preventative measures to be followed by the State Department. Subsection (b) states that
the Secretary of State shall develop an information pamphlet for A-3 and G5 visa applicants and describes the required information to be included in the pamphlets. It mandates that the pamphlet be translated into at least ten languages and mailed to each A-3 or G-5 visa applicant in his/her primary language.

Subsection (c) provides the circumstances in which the Secretary may suspend a visa or renew a visa, as well as when the Secretary is not permitted to issue a visa.

Subsection (d) provides the protections and remedies for A-3 and G-5 visa holders working in the United States.

Subsection (e) ensures protection from removal or deportation of visa holders wanting to file a complaint regarding a violation of contract or some Federal, State, or local law to allow time sufficient to participate fully in all legal proceedings.

Subsection (f) requires that every two years the Secretary of State shall submit a report on the implementation of this section and describes the necessary content of the report.

Section 204. Relief for certain victims pending actions on petitions and applications for relief

Section 204 allows the Secretary of Homeland Security to remove an individual which has made a prima case for approval of a T Visa.

Section 205. Expansion of authority to permit continued temporary presence in the United States

Section 205 expands the authority to permit the Secretary of Homeland Security to permit continued temporary presence of trafficking victims, including if the alien has filed a civil action against the trafficking perpetrator (unless the alien is not showing due diligence in pursuing his civil action). It also allows for parole into the United States of certain related trafficking victims with several limitations.

Section 206. Implementation of trafficking victims protection reauthorization act of 2005

Section 206 amends the Immigration and Nationality Act and requires the Secretary of Homeland Security to issue interim regulations on the adjustment of status to permanent residence for T Visa holders.

Subtitle B—Assistance for Trafficking Victims

Section 211. Assistance for certain nonimmigrant status applicants

Section 211 clarifies that T-visa applicants have access to certain public benefits.

Section 212. Interim assistance for child victims of trafficking

Subsection (a) of Section 212 provides that if credible information is presented that a child has been a trafficking victim, the Secretary of HHS may provide interim assistance to the child for up to 90 days. Subsection (a) also provides that any federal official must notify HHS within 48 hours of coming into contact with such child and that the following officials must notify HHS within 48 hours of coming into contact with such a child. Long term assistance determinations are to be made by the Secretary of HHS, the Attorney General, and the Secretary of Department of Homeland Security.

Subsection (b) provides for education on identification of trafficking victims.

Section 213. Emergency assistance for all victims of trafficking in persons

Subsection (a) of Section 213 amends the TVPA of 2000 to specifically authorize an assistance program for victims of severe forms of trafficking and providing for establishing a system that refers such victims to existing programs at the Department of Health and Human Services and the Department of Justice.

Subsection (b) requires a study on the gaps for assistance to women in prostitution victimized under section 18.

Subtitle C—Penalties Against Traffickers and Other Crimes

Section 221. Restitution of forfeited assets; enhancement of civil action

Section 221 amends chapter 77 of title 18 by allowing the Attorney General in a prosecution for trafficking or victimization under Federal law to grant restoration or remission of property to victims of severe forms of trafficking.

Section 222. Enhancing trafficking offenses

Section 222 amends title 18 of the United States Code to enhance existing penalties for trafficking offenses. Subsection (a) permits pretrial detention for trafficking offenders. Subsection (b) ensures that obstruction or attempts to obstruct or in any way interfere with enforcement of the trafficking statutes is a separate offense. Subsection (c) ensures that trafficking conspirators are punished as though they had completed a violation. Subsection (d) amends the trafficking statutes to hold accountable those who knowingly or in reckless disregard financially benefit from participation in a trafficking venture; it also amends the sex trafficking statutes to clarify the definition of "harm" and "abuse of the law or legal process." Subsection (e) tightens the immigration law to ensure that convicted sex conspirators to commit trafficking offenses are grounds of inadmissibility and removability. The provision also creates a new crime of sex tourism that punishes individuals who go abroad for sex tourism and sex tour operators that benefit from such promoting such travel.

Section 223. Jurisdiction in certain trafficking offenses

Section 223 amends chapter 77 of title 18 by increasing the jurisdiction of the courts to include any trafficking case found in or brought into the United States, even if the conduct occurred in a different country, as long as no more than ten years have passed.

Subtitle D—Activities of the United States Government

Section 231. Annual report by the Attorney General

Section 231 requires that the annual report by the Attorney General and activities by the Department of Defense to combat trafficking in persons, actions taken to enforce policies relating to contractors and their employees, and the Secretary of Homeland Security to waive restrictions on section 307 of the Tariff Act of 1930, and prohibitions on procurement of items or services produced by slave labor.

Section 232. Defense Contract Audit Agency audit

Section 232 requires the Defense Contract Audit Agency to conduct an audit of all Department of Defense contractors and subcontractors where there is substantial evidence to suggest trafficking in persons, notify congress of the findings of each audit, and certify that the contractor is no longer engaged in trafficking.

Section 233. Senior policy operating group

Section 233 amends section 206 of the Immigration and Nationality Act. It amends the forced labor and sex trafficking provisions of the U.S. Code to punish individuals who go abroad for trafficking or to sustain or remit property to victims. Section (a) tightens the immigration law to ensure that trafficking conspirators are punished as though they had completed a violation. Subsection (b) ensures that obstruction or attempts to obstruct or in any way interfere with enforcement of the trafficking statutes is a separate offense. Subsection (c) ensures that trafficking conspirators are punished as though they had completed a violation. Subsection (d) amends the trafficking statutes to hold accountable those who knowingly or in reckless disregard financially benefit from participation in a trafficking venture; it also amends the sex trafficking statutes to clarify the definition of "harm" and "abuse of the law or legal process." Subsection (e) tightens the immigration law to ensure that convicted sex conspirators to commit trafficking offenses are grounds of inadmissibility and removability. The provision also creates a new crime of sex tourism that punishes individuals who go abroad for sex tourism and sex tour operators that benefit from such promoting such travel.

Section 235. Enhancing efforts to combat the trafficking of children

Section 235 sets forth comprehensive protections for child victims of trafficking and other unaccompanied alien children, including the following provisions: (1) Care and Custody of Unaccompanied Children: Care and custody of all unaccompanied alien children shall be the responsibility of the Department of Health and Human Services; (2) Transfer of Custody: Consistent with the Homeland Security Act of 2002, requires all departments or agencies of the federal government to notify the Department of Health and Human Services (HHS) within 48 hours. The custody of most unaccompanied alien children encountered by the government must be transferred to the Secretary of Health and Human Services within 72 hours with special rules for children who have committed crimes or threaten national security; (3) Special Repatriation Procedures and Safeguards for Mexican and Canadian Nationals: Permits the Department of Homeland Security to repatriate promptly certain unaccompanied alien children from Canada or Mexico apprehended provided that those Canadian and Mexican unaccompanied alien children who are victims of severe forms of trafficking may include placement with competent adult victims of the same trafficking scheme in order to ensure continuity of support; (4) Safe and Secure Placements: An unaccompanied child in the custody of HHS shall be placed in the least restrictive setting that is in the best interests of the child. Placement of child trafficking victims may include placement with competent adult victims of the same trafficking scheme in order to ensure continuity of support; (5) Standards for Placement: An unaccompanied child may not be placed with a person or entity unless HHS must make a determination that the proposed custodian is capable of providing for the child; (5) Representation: All unaccompanied alien children who are or have been in government custody, must have competent counsel to represent them in legal proceedings or matters and protect them from mistreatment, exploitation, and trafficking; (6) Special Immigrant Juvenile Status: Revises procedures for obtaining special immigrant juvenile status provided for under the Immigration and Nationality Act.

Section 236. Temporary increase in fee for certain consular services

Section 236 allows the Secretary of State to increase the fee for processing machine readable non-immigrant visas by two dollars. The increased fees shall go to the United States Treasury and will terminate two years following the initial increase.

TITLE III—AUTHORIZATION OF APPROPRIATIONS

This title and the sections within it provide authorization of appropriations for various trafficking programs.

TITLE IV—CHILD SOLDIERS PREVENTION AND ACCOUNTABILITY

Section 401. Short title

Section 401 provides that this title may be referred to as the "Child Soldier Prevention and Accountability Act of 2008".

Section 402. Definitions

Section 402 provides for various definitions used throughout the Act.

Section 403. Prohibition

Subsection (a) of Section 403 prohibits military assistance, the transfer of excess defense articles, or licenses for direct sales of defense articles, or defense services to governments that the State Department’s annual human rights report indicates have governmental armed forces or government-supported armed forces engaging in atrocities, mass killings, sexual violence, or civil defense forces that recruit or use child soldiers.
S. 3062. A bill to amend the Energy Policy Act of 2005 to modify certain provisions relating to oil shale leasing; to the Committee on Energy and Natural Resources.

Mr. ALLARD. Mr. President, this weekend marks the beginning of summer and the start of the summer driving season. This is as oil hits $135 per barrel and more and more cities and towns all over the country are seeing gasoline prices over $4 per gallon.

In the face of these challenges to the American economy and consumer, we have failed to take the steps that are necessary to address this problem either in the short term or the long term.

Last week, the House and Senate voted to suspend filling the Strategic Petroleum Reserve. I voted against that effort as many on the other side hailed it as a major move that would help to alleviate “pain at the pump.” Instead, oil prices have continued to increase even as that measure passed. I think this demonstrates that adding a mere 70,000 barrels a day to the marketplace means little when we consume 21 million barrels of oil per day in this country alone.

Oil shale is a major part of addressing rising oil prices by potentially bringing over 1 trillion barrels of oil to the domestic market. There are enormous oil shale reserves located in Colorado, Wyoming, and Utah. Oil shale is energy security at home. It allows us to lower gas prices, increase our Nation’s security, and improve our balance of trade by keeping money and investment in the United States rather than sending hundreds of billions of dollars overseas—frequently to governments, I might add, that are unstable or whose interests are counter to those of this country. It will also bring in billions of dollars to the States and the Federal Treasury in the form of future royalties.

This bill is necessary because the fiscal year 2008 Interior, Environment, and Related Agencies bill has language prohibiting funds from being used by the Department of the Interior to prepare final regulations and will set forth the requirements for a commercial leasing program for oil shale resources or to conduct an oil shale lease sale as provided in the Energy Policy Act of 2005. Without removing this moratorium, the agency is moving forward in a thoughtful, deliberative manner to publish the RD&D efforts and more site-specific environmental evaluations. Actual commercial development and production will be dependent upon the results of the RD&D efforts and more site-specific environmental evaluations.

By Mr. ALLARD:

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
WASHINGTON, DC.

HON. WAYNE ALLARD,
RANKING MINORITY MEMBER, COMMITTEE ON APPROPRIATIONS,
U.S. SENATE,
WASHINGTON, DC.

DEAR SENATOR ALLARD: Section 433 of the FY 2008 Interior, Environment and Related Agencies Appropriations Act provides our Department from issuing regulations related to oil shale leasing. This letter is to communicate our opposition to this prohibition and to urge its removal so that regulation can move forward and issue regulations.

As you know, in Section 369 of the Energy Policy Act of 2005, the Congress directed the Department to take the steps necessary to meet future requests for a commercial oil shale leasing program on Federal lands. In 2007, the Bureau of Land Management authorized six oil shale research, development, and demonstration projects on public lands in northwestern Colorado and northeastern Utah. These projects provide industry access to oil shale resources to further their development of oil shale technologies.

This type of research will require significant private capital, with an uncertain return on this investment. We need to facilitate future development. Part of the wisdom of Section 369 is that it envisions the private sector will lead this investment—not the American tax payer. However, for the projects to be successful, companies will require a level playing field and a clear set of regulations or “rules of the road.” Developing a regulatory framework now will aid in facilitating a producing program in the future should oil shale development prove to be economic. Impeding the Federal Government’s efforts at this stage could have serious consequences.

Moving forward with these regulations does not mean commercial oil shale production will take place immediately. To the contrary, with thoughtfully developed regulations, thoroughly vetted through a public process, we have only set the groundwork for future commercial development of this resource in an environmentally sound manner. With the administrative and regulatory certainty that regulations will provide, entrepreneurs will be able to commit the financial resources needed to fund their RD&D projects, and the development of viable technology will continue to advance. Actual commercial development and production will be dependent upon the results of the RD&D efforts and more site-specific environmental evaluations.

Consistent with the language in the Consolidated Appropriations Act for FY 2008, the BLM is not spending FY 2008 funds to develop and publish final oil shale regulations; the agency is moving forward in a thoughtful, deliberative manner to publish proposed regulations on oil shale. These proposed regulations will reflect input already received from our partners and the public. The publication of the draft regulations will provide an opportunity for the public and interested parties to remain engaged on this important issue.

Given the Nation’s projected future energy needs, it is incumbent on us to promote the development of oil shale for our national security and energy security. Domestic oil production and rising U.S. demand for oil increase the Nation’s dependence on imports, and leave us vulnerable to rising energy costs. Households across America are struggling to deal with these additional costs and experts predict that the trend is
set to continue. In looking beyond traditional energy resources to unconventional and alternative fuels, the Department of the Interior has a key role to play in the development of oil shale.

I ask for your support for removal of the prohibition on issuing oil shale regulations in order to move forward with the public process of finalizing regulations for commercial oil shale development on Federal lands. I commit to working closely with the Congress throughout the development of this program.

A similar letter has been sent to the Honorable Dianne Feinstein, Chairman, Subcommittee on Interior, Environment, and Related Agencies, Committee on Appropriations, United States Senate, the Honorable Norman D. Dicks, Chairman, Subcommittee on Interior, Environment, and Related Agencies, Committee on Appropriations, House of Representatives, and the Honorable Todd Tiahrt, Ranking Minority Member, Subcommittee on Interior, Environment, and Related Agencies, Committee on Appropriations, House of Representatives.

Sincerely,

C. STEPHEN ALLRED
Assistant Secretary,
Land and Minerals Management.

Mr. ALLARD. Mr. President, Aligned point blanking these regulations is critical to providing regulatory certainty for these oil shale projects to go forward. With the regulatory certainty these regulations will provide, companies will have an incentive to commit the resources necessary to develop this technology.

I also have a letter from Secretary of the Interior Dirk Kempthorne dated December 12, 2007, objecting to the inclusion of this moratorium that was in the House of the fiscal year 2008 Interior appropriations. I ask unanimous consent to have this letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF THE INTERIOR.

Hon. WAYNE ALLARD.
Ranking Member, Subcommittee on Interior, Environment and Related Agencies, Committee on Appropriations, U.S. Senate, Washington, DC.

Dear Mr. ALLARD: As the House and Senate consider the Fiscal Year 2008 Interior, Environment and Related Agencies Appropriations bill, I would like to voice my concern regarding efforts to prohibit our Department from issuing regulations related to oil shale leasing.

Section 406 of the House-passed Interior appropriations bill would prohibit the use of funds to prepare or publish final regulations regarding a commercial leasing program for oil shale resources on public lands. The Energy Policy Act of 2005 (EPAct) was enacted with broad bipartisan support. The EPAct included substantial and significant authorities for the development of alternative and emerging energy sources.

Oil shale is one important potential energy source. The United States holds significant oil shale resources, the largest known concentration of oil shale in the world, and the energy equivalent of 2.6 trillion barrels of oil. Estimates were recently made that oil shale could be important in the future as energy demands increase worldwide and the competition for energy resources increases.

The Energy Policy Act sets the timeframe for program development, including the completion of final regulations. The Department must be able to prepare final regulations in FY 2008 in order to meet the statutorily-imposed schedule.

The Bureau of Land Management (BLM) issued a draft Environmental Impact Statement (EIS) in August 2007. The final EIS is scheduled for release in May 2008 and the effective date of the moratorium is anticipated in November 2008. The final regulations will consider all pertinent components of the final EIS. Throughout this process BLM will seek public input with the States and other stakeholders to ensure that concerns are adequately addressed. The Department is willing to consider an extended comment period on publication of the draft regulations in order to assure that all of the stakeholders have adequate time and opportunity to review and comment before publication of the final regulations.

The successful development of economically viable and environmentally responsible oil shale extraction technology requires significant capital investments and substantial commitments of time and expertise by those undertaking this important research. Our Nation relies on responsible development to develop new energy technologies such as this one. Even though commercial leasing is not anticipated until after 2010, it is vitally important that the public know what their costs will be expected of them regarding the development of this resource. The regulations that Section 406 would disallow represent the critical first step in which private investors will rely in determining whether to make future financial commitments. Accordingly, any delay or failure to publish these regulations in a timely manner is likely to discourage continued private investment in this vital research and development efforts.

The Administration opposes the House provision that would prohibit the Department from completing its oil shale regulations. I would urge the Congress to let the administrative process work. It is premature to impose restrictions on the development of oil shale regulations before the public has had an opportunity to provide input.

Identical letters are being sent to Congressmen Norm Dicks, Chairman, Subcommittee on Interior, Environment, and Related Agencies, House of Representatives; Congressman Todd Tiahrt, Subcommittee on Interior, Environment, and Related Agencies, Committee on Appropriations, U.S. House of Representatives; Representative Dianne Feinstein, Chairman, Subcommittee on Interior, Environment, and Related Agencies, Committee on Appropriations, United States Senate.

Sincerely,

DIRK KEMPTHORNE.

Mr. ALLARD. Mr. President, Secretary Kempthorne also indicates the critical nature of allowing the Department to issue these regulations in order to attract the private investment necessary to develop the oil shale resource.

Let me emphasize that this is not an environmental issue. No commercial lease sales are permitted under the provisions of this bill. In fact, commercial oil shale leases are banned for 2½ years because the technology for oil shale extraction is not yet economically viable on a wide scale. But, as I have said, the companies that invested tens of millions of dollars of money already need to have the Department of Interior issue the leasing ground rules so that they know what their costs will be for taking part in the Federal commercial leasing program when the time for leasing comes.

My bill also makes sure there is adequate public comment by requiring that final regulations not be issued for at least 90 days after they have been published in draft form.

When I offered this as an amendment in the Appropriations Committee, it was defeated by one vote and strictly along party lines. I heard from the other side of the aisle that because the Governor of Colorado and the junior Senator from Colorado opposed lifting this moratorium, Congress should not do so. I find this curious and incredibly inconsistent with prior debates over public lands policy. When we have debated drilling in the section 1002 area of ANWR, the other side seems to have little or no regard for the desires of the people of the State of Alaska, or the entire congressional delegation about how they want their public lands managed.

On this side of the aisle—that is, the Republican side of the aisle—we have offered proposals to bring to market billions of barrels of domestic supply that have been tied up because of previous action. If we don’t begin to put in place policies to enhance our domestic production, prices are only going to go higher and the American people are going to pay the price at the pump as well as suffer the consequences of a further drag on the economy.

In closing, I wish to state that increasing domestic energy production, including from oil shale, will strengthen this country’s national security, lower gas prices, keep jobs and investments right here at home, and in these tough budgetary times, bring in hundreds of billions of dollars to the States and the Federal Treasury through royalty collections.

Congress needs to take a good hard look at what it has done as far as encouraging further supply of energy for our country. As was mentioned in a number of editorials that have shown up in the papers, it is easy to blame companies and the stock market, and it is easy to blame the futures market, but really the problem starts right here in the Congress. The Congress needs to come up with a plan to relieve the inadequate supply of oil and gas. If that solution is not arrived at soon, Americans are going to be put out of business. We already hear about airlines having to cut back on the number of employees they have because of the high cost of gasoline. So it is going to have a dramatic impact on the economy of this country.

Just think about how much land we have tied up because of previous action by this Congress—the billions of barrels of oil that potentially would be available in ANWR; the tremendous amount of reserves that we think is in the deep-sea portions that would be available off the coast of this country. We
are the only country in the world that restricts drilling out in the deep sea. There are potential reserves that would be available for consumers of this country with oil shale in Utah and Colorado and Wyoming. Now we have that tied up with a strict moratorium that tells the producers of this country: We want you to shut down. We don’t want you to be able to move forward.

I think these are huge reserves, and if we had acted, actually, 10 years ago, we wouldn’t now have a problem. We are going to have a problem for the next 10 years unless we do something quickly and drastically, and we need to do something more than just saying that the Strategic Oil Reserve can’t purchase oil for 6 months or we wait until it drops to less than $75 a barrel. I am calling on my colleagues to join us because this is a serious problem we are facing in this country, and the Congress needs to do something about it.

By Mrs. LINCOLN (for herself, Mr. HATCH, Mr. CARDIN, and Mr. SMITH):

S. 3063. A bill to amend the Internal Revenue Code of 1986 to provide for S corporate and for other purposes; to the Committee on Finance.

Mrs. LINCOLN, Mr. President, I am very pleased to rise today to introduce the S Corporation Modernization Act of 2008 with my good friend, Senator Hatch. I also want to say a special thanks to our cosponsors, Senators GORDON SMITH of Oregon and BEN CARDIN of Maryland. This legislation makes needed changes to the tax code to help small and family-owned businesses across this Nation. It is my hope that these policy changes will provide them the opportunity to grow their businesses, create jobs and stimulate the economy.

In my home State of Arkansas, as in so many States across the country, the vast majority of our businesses are small businesses. They are the local insurance agency, the flower shop, the coffee shop—and they are most often organized as so-called “S corporations.” In fact, our country has more than four million S corporations nationwide. These businesses and their employees are truly the engines of our rural economies. We must do all we can to ensure they can continue to compete in a global economy that is becoming steadily more competitive.

Because Congress has not updated many of the rules governing S corporations—such as allowing better access to capital—I am concerned that these privately-held businesses are not in the best position to deal with the current downturn in the economy. We must modify our outdated rules so that these businesses that are starved for capital have the means to expand and create jobs. Current law—particularly the punitive built-in gains tax penalty—not only limits the ability of S corporations to attract new equity investors, but also effectively forces businesses to sit on ‘locked-up’ capital that they cannot access and put to use to grow their business.

The S Corporation Modernization Act would update and simplify our S corporation tax rules. It increases access to capital, encourages family-owned businesses to stay in the family, eliminates the punitive built-in gains tax penalty, but well-meaning business owners, and encourages charitable giving.

A strong economic recovery will depend on the health and strength of our small business sector—our S corporations. More than four million S corporations.

In fact, our country has more than four million S corporations nationwide. These businesses and their employees are truly the engines of our rural economies. We must do all we can to ensure they can continue to compete in a global economy that is becoming steadily more competitive.

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A strong economic recovery will depend on the health and strength of our small business sector—our S corporations.

Current law provides grant funding to States to encourage charitable giving.

The legislation we are introducing today will extend the authorization of the program, which provides grant funding to States to strengthen the dental workforce in our Nation’s rural and underserved communities, for an additional 5 years.

While oral health in America has improved dramatically over the last 50 years, these improvements have not occurred evenly across our population, particularly among low-income individuals and families. Too many Americans today lack access to dental care.

While there are technically proven techniques to prevent or delay the progression of dental health problems, an estimated 47 million Americans live in areas lacking adequate dental services.

As a consequence, these effective treatment and prevention programs are not being implemented in many of our communities. Astoundingly, as many as 11 percent of our Nation’s rural population has never been to a dentist.

The situation is exacerbated by the fact that the dental workforce is graying. More than 20 percent of dentists nationwide will retire in the next 10 years, and the number of dental graduates may not be enough to replace their retirees. As a consequence, many states are facing a serious shortage of dentists, particularly in rural areas.

In Maine, there is one general practice dentist for every 5,500 people in the Portland area. The numbers drop off dramatically, however, in other parts of the State, particularly in the downeast area. In Aroostook County, for example, where I am from, there is only one dentist for every 5,500 people. Of the 23 dentists practicing in Aroostook County, only a few are taking on any new cases.

The Collins-Feingold Dental Health Improvement Act, which is now Section 310G of the Public Health Service Act, authorized a State grant program administered by the Health Resources Administration and the Department of Health and Human services that is designed to improve access to oral health services in rural and underserved areas. States can use these grants to fund a wide variety of programs. In particular, they can use the funds for loan forgiveness and repayment programs for dentists practicing in underserved areas. They can also use the grant funds to establish or expand community or school-based dental facilities or to set up mobile or portable dental clinics. To assist in their recruitment and retention efforts, States can use the funds for placement and support of dental students, residents and advanced dentistry trainees. They can also use the grant funds for continuing education, through distance-based education and practice support through teledentistry.

Congress appropriated $2 million for this program for fiscal year 2006 and fiscal year 2007 and just under $5 million for fiscal year 2008. Thirty-six States have applied for grants from this program, but so far, the funding available has only been sufficient to fund programs in 18 States. Clearly, there is significant interest and need for this program to justify its extension, particularly given all of the recent reports documenting the very serious need to improve access to oral health care.

Those 18 States that have been awarded funding under this program are doing great things to improve access to oral health services. Colorado, Georgia and Massachusetts are using the grant funds for loan forgiveness and repayment programs for dentists who practice in underserved areas and who agree to provide services to patients regardless of their ability to pay. Arkansas, Maine, Michigan, Mississippi and a number of other states are using the funds for recruitment and retention efforts. Delaware, Rhode Island and Vermont, which, like Maine, don’t have dental schools, are using the funds to expand dental residency programs in their States.

The legislation we are introducing today will authorize an additional $50 million over the next 5 years for this important program. The American Dental Association, the American Dental Education Association, and the American Academy of Pediatric Dentistry have all endorsed this legislation, and I encourage all of our colleagues to join us as cosponsors.

By Ms. SNOWE (for herself, Mr. REID, Ms. COLLINS, Mr. DURBIN, Mr. WARREN, Mr. KENNEDY, Ms. BOXER, Mr. DODD, Mr. LAUTENBERG, Mrs. LINCOLN, and Mr. MENENDEZ):
S. 3066. A bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans; to the Committee on Health, Education, Labor, and Pensions.

Ms. SNOWE. Mr. President, I rise today to introduce the Equity in Prescription Insurance and Contraceptive Coverage Act. I am pleased to be joined by my colleague from Nevada, Majority Leader REID. I originally authored this legislation in 1997, and I stand today to resolve the issue of inequity in prescription drug coverage and to make certain that all American women have access to contraception methods.

Without question, we have made remarkable progress in the number of employer-sponsored health plans covering contraception. According to a study released in 2004, between 1993 and 2002, contraceptive coverage in employer-purchased plans covering the full range of reversible contraceptive methods increased from 23 percent to 36 percent. Conversely, the proportion of employer plans covering no method at all dropped dramatically, from 28 percent to 2 percent. Yet despite these gains, women of reproductive age currently spend 68 percent more in out-of-pocket costs than men. Not surprisingly, this discrepancy is due in large part to reproductive health-related costs.

Women whose health plans do not cover the full range of reversible contraceptive methods suffer often face high out-of-pocket costs. Yet covering prescription contraceptives results in cost-savings not only for women, but for society as a whole. There are three million unintended pregnancies every year in the United States, and almost half of these pregnancies result from women who do not use contraceptives. Equal treatment of prescription contraceptives will reduce costs to Americans by preventing these unintended pregnancies, which can range anywhere from $5,000 to almost $9,000 in medical costs.

The Equity in Prescription Insurance and Contraceptive Coverage Act will eliminate the disparate treatment of prescription contraception coverage. Simply put, if an employer provides insurance coverage for all other prescription drugs, they must also provide coverage for FDA approved prescription contraceptives. Our bill will ensure that women have comprehensive reproductive health coverage, and lower costs to society by preventing unintended pregnancies and thus reducing the need for abortion.

I urge my colleagues to join with me in fixing the inequity in prescription contraceptive coverage to make certain that all American women have access to this most basic health need.

By Mr. BARRASSO:

S. 3071. A bill to amend the Endangered Species Act of 1973 to temporarily prohibit the Secretary of the Interior from considering global climate change as a natural or manmade factor in determining whether a species is a threatened or endangered species, and for other purposes; to the Committee on Environment and Public Works.

Mr. BARRASSO. Mr. President, today I am introducing legislation to address the reality of the needs of species and the global nature of climate change.

Recently, the U.S. Fish and Wildlife Service decided to list the polar bear as a threatened species. The reason for the listing is the loss of sea ice habitat. They say the ice will be subjected to “increased temperatures, earlier melt periods, increased rain-snow events, and shifts in atmospheric and marine surface patterns.” Essentially, they are saying it is due to the effects of global climate change.

Without the cooperation of other countries, the United States cannot reverse course. If we are truly going to recover species—species that are being impacted by climate change—we would need to have an international agreement in place, an international agreement among all of the major emitting countries. All of those countries would have to comply with the treaty in order for species to receive any tangible environmental benefit. This is what people who care about the polar bear need to see happen.

Unfortunately, global warming activists are looking to the U.S. Fish and Wildlife Service and to the Endangered Species Act as a means for widespread changes to the law. For example, a complete departure from the intent of the law. The Secretary of Interior, Secretary Kempthorne, has stated that he is providing additional guidance to ensure that there are no negative, unintended consequences of such legislation. Unfortunately, such guidance will likely not survive judicial challenge or perhaps even the next administration.

For the first time ever, lawsuits could be brought to stop economic growth and the creation of jobs all across America. It has been suggested that any economic activity that emits greenhouse gases which then contributes to global warming and to the melting of the polar icecaps must be stopped. Why? Because it might cause polar bears to become extinct.

Think about that for a minute: Building our homes, expanded or built; new roads could not be built or improved; local governments would be forced up to adopt onerous new zoning requirements; energy development projects would be brought to a standstill; and virtually any economic development activity one can think of could be challenged by anyone. Volumes of new rules and regulations from Washington, DC, would control everything we do.

This action would harm individual freedom, would raise energy costs, and would affect consumers across the board in all 50 States. This action would dramatically hurt our economy.

Frankly, when I see groups publicly stating that they intend to use the polar bear listing as a hammer to stop fossil fuel use, such as even driving your car to work, I am skeptical about their real concern for the polar bear.

In a recency, Baltimore Sun, Tinkle, the Center for Biological Diversity said:

Once protection for the polar bear is finalized, federal agencies and other large greenhouse gas emitters will be required by law to ensure that their emissions do not jeopardize the species.

Some want to limit how much we drive or how we heat our homes. Wyoming residents and Americans in general do not believe in such a culture of limits. That is perhaps why activists need to use and choose to use the courts to impose them.

We can provide cleaner cars and be more efficient in heating our homes, but there is a line of individual liberty and personal choice that we should not cross.

Yes, we are all concerned about protecting the environment, and as a Senator, I am also concerned about placing dramatic burdens on our economy and on our American citizens.

Very soon, without legislative action by Congress, the Endangered Species Act will be transformed from a tool to recover species into a climate change bill. This will not only shortchange truly endangered species, it will also impact working families who are already struggling with high energy bills.

The beneficiaries will not be the polar bears. Instead, it will be environmental lawyers who will reap the financial windfall through endless lawsuits.

That is why today I have introduced legislation that says that the Secretary of Interior cannot consider global climate change as a natural or a manmade factor in terms of listing species as endangered. Under this bill, no action would be challenged by anyone. Volumes of new rules and regulations from Washington, DC, would control everything we do.

The Administrator of the Environmental Protection Agency would have to certify that such an agreement is in place and that countries are in compliance with the treaty for such a listing to occur. This bill specifies that China and India would both have to be part of this agreement.

This is not designed to give the power of legislating or listing species into the hands of foreign nations. The bottom line is, species will not receive the help they need until other countries comply. Plain and simple. To assert otherwise is to give false hope that those who care most about protecting species actually get protection.

We do not need symbolic gestures in addressing climate change. While the symbolism may appear meaningful, it does not address the very real impact of ordinary folks in my home State of Wyoming or anywhere across the Nation.
We are saddled with high gas prices and high energy prices already.

Lawsuits blocking any new coal-fired powerplants can wreak havoc on Wyoming’s economy before we have had a chance to finish developing the clean coal technologies to the 21st century. Clean coal technologies will truly address climate change.

Mr. President, all regions that depend on coal, particularly the Midwest, the South, and the Rocky Mountain West, would be the hardest hit. But we need not address species issues, while at the same time ensuring that we protect working Americans.

You want to drive your family to the beach or drive them to the mountains? Don’t be surprised that in the not too distant future you need to get a government permit to do so.

I urge all Members of this body to consider cosponsoring this important bill.

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By Mr. CORNYN (for himself, Mr. VITTER, Mr. ALLARD, Mr. CRAIG, Mrs. DOLE, Mr. ROBERTS, Mr. INHOFE, Mr. ENSIGN, Mr. MARTINEZ, Mr. GRASSLEY, Mr. STEVENS, Mr. CHAMBLISS, Mr. BUNNING, Mr. KYL, Mrs. HUTCHISON, Mr. ENZI, Mr. WICKER, Mr. COBURN, Mr. COLEMAN, Mr. ISAKSON, Mr. BOND, Mr. LUGAR, and Mr. THUENEN). S. 3074

A bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to improve procedures for the collection and delivery of absentee ballots of absent overseas uniformed services voters, and for other purposes; to the Committee on Rules and Administration.

Mr. CORNYN. Mr. President, the right to participate in democratic elections and vote for candidates of your choice is fundamental to the American experience. That right to vote is safeguarded and women in uniform, often at great personal cost to them and their loved ones.

As the Global War on Terror continues, the need for overseas service by our troops is unlikely to let up any time soon. They routinely find themselves deployed to far-away battlefields in the Middle East, on ships at sea all across the globe, or assigned to overseas postings in Korea, Europe, or elsewhere.

What’s more, the decisions of elected leaders of the Federal Government impact our troops often in a very direct and personal way. As a result of decisions made by those elected leaders, our troops can be called to deploy to a combat zone at any given time.

Statistics on overseas military voting in the 2006 election, compiled by the U.S. Election Assistance Commission, show that there is clearly a problem of disenfranchisement of our troops. It is absolutely disgraceful that, of our overseas troops who asked for mail-in ballots for 2006, less than half, 47.6, percent of their completed ballots actually arrived at the local election office. Many of those arrived too late, and were therefore not even counted.

To me, that is an appalling failure of our current absentee voting system. We need to take action now, before the problem rears its ugly head again, to safeguard our military men and women’s right to vote and have their votes count.

I believe Congress has a duty to ensure these men and women in uniform, selflessly serving abroad, have a voice in choosing their elected leaders. They serve not only in the defense of freedom and the American way of life, but also in defense of the very system of government in which I and my Senate colleagues have the honor to serve.

These military service members have already given up so much for this country—often being apart from their families, living in the face of constant danger, and standing on the front lines of our defense. We must not allow one of their most fundamental rights as Americans to fail victim to an antiquated and inefficient absentee voting system.

That is why I have decided to introduce the Military Voting Protection Act of 2008, or MVP Act. This bill will improve the absentee voting system for our overseas troops by expediting the delivery of their marked ballots to ensure they are delivered in a timely manner and, at the same time, electronically tracked to provide accountability.

Forbidding the delayed destruction of completed ballots actually arrived at their local election office.

First and foremost, this bill would expedite the process by directing the Pentagon to make use of express delivery services, which many of us use on a regular basis, to get the completed absentee ballots of our overseas troops to election officials here at home. At the same time, it would require the DOD to take a more active role in organizing the collection and electronic tracking of these ballots.

We have at our disposal the tools necessary to more efficiently collect and deliver our troops’ ballots to help make their votes count. We simply need to utilize more capable and expedited delivery methods to ensure that our troops’ voices are heard.

This bill also urges the DOD to make better use of modern technology to improve the ability of our troops to participate in elections. At the same time, the bill recognizes the clear importance of preserving the privacy and integrity of the voting system by calling on DOD to focus its efforts on secure, efficient systems that would also achieve these important goals.

In this day and age, it is inexcusable for our troops to be shut out of the democratic process merely because they are far away from their homes as a result of their military service. We should not sit idly by and watch another election pass with a large portion of our brave military men and women being left out of our democratic process.

For far too long in this country we have failed to adequately safeguard the right of our troops to participate in our democratic process. We have allowed slow delivery methods, confusing absentee voting procedures, and myriad other obstacles to disenfranchise many of our overseas troops. We must put those days behind us.

I urge all of my colleagues to join me in addressing this important issue and protecting for our troops the very rights they fight to safeguard for us.

Join me in cosponsoring the MVP Act. I look forward to working with my colleagues to pass this important bill quickly.

SUBMITTED RESOLUTIONS


Mr. BROWN submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. Res. 574

Whereas the protection of the human rights of minority groups is consistent with the actions of a responsible stakeholder in the international community and which the role of a host of a major international event such as the Olympic Games;

Whereas recent actions taken against the Uyghur minority by authorities in the People’s Republic of China and, specifically, by local officials in the Xinjiang Uyghur Autonomous Region, have included major violations of human rights and acts of cultural suppression;

Whereas the authorities of the People’s Republic of China have manipulated the strategic objectives of the international war on terror to increase their cultural and religious oppression of the Muslim population residing in the Xinjiang Uyghur Autonomous Region;

Whereas the international community has failed to challenge the People’s Republic of China’s actions;

Whereas an official campaign to encourage Han Chinese migration into the Xinjiang Uyghur Autonomous Region has resulted in the forced relocation and mass imprisonment in their traditional homeland and has placed immense pressure on those who are seeking to preserve the linguistic, cultural, and religious traditions of the Uyghur people;

Whereas a new policy now actively recruits young Uyghur women and forcibly transfers
them to work at factories in urban areas in far-eastern provinces, resulting in tens of thousands of Uyghur women being separated from their families and placed into substandard conditions miles from their homes;

Whereas the legal system of the People’s Republic of China is used as a tool of repression, including the imposition of arbitrary detentions and torture commonly employed against any and all Uyghurs who voice discontent with the Government;

Whereas the Government of the People’s Republic of China continues to apply charges of “political crimes” and the death penalty to Uyghurs and other political dissidents, contrary to international humanitarian standards;

Whereas the People’s Republic of China is implementing a monolingual Chinese language education system that undermines the linguistic basis of Uyghur culture by transitioning minority students from education in their mother tongue to education in Chinese, shifting dramatically away from past policies that provided choice for the Uyghur people;

Whereas the Senate has a particular interest in the fate of Uyghur human rights leader Rebiya Kadeer, a Chinese citizen, her family, and her, as Ms. Kadeer was first arrested in August 1999 while she was en route with a delegation from the Congressional Research Service and was held in prison on spurious charges until her release and exile to the United States in the spring of 2000;

Whereas upon her release, Rebiya Kadeer was warned by her Chinese jailers not to advocate for human rights in Xinjiang and throughout China while in the United States or elsewhere, and was reminded that she had several family members residing in the Xinjiang Uyghur Autonomous Region;

Whereas while residing in the United States, Rebiya Kadeer founded the International Uyghur Human Rights and Democracy Foundation and was elected President of the Uighur American Association and President of the World Uyghur Congress in Munich, Germany;

Whereas 2 of Rebiya Kadeer’s sons were detained, one of her family members was placed under house arrest in June 2006;

Whereas President George W. Bush recognized the importance of Rebiya Kadeer’s human rights work on June 5, 2007, while in Prague, Czech Republic, when he stated: “Another dissident I will meet here is Rebiya Kadeer of China, whose sons have been arrested, and who I believe is an act of retaliation for her human rights activities. The talent of men and women like Rebiya is the greatest resource of their nations, far more valuable than the weapons of their army or their oil under the ground.”;

Whereas Karah Abduireym, Rebiya Kadeer’s eldest son, was fined $12,500 for tax evasion, and immediately released; Alim Abduireym, her son, was sentenced to 7 years in prison and fined $62,500 for tax evasion in a blatant attempt by local authorities to take control of the Kadeer family’s remaining business assets in the People’s Republic of China;

Whereas another of Rebiya Kadeer’s sons, Ablikim Abduireym, was beaten by local police to the point of requiring medical attention in June 2006 and has been subjected to continued physical abuse and torture while being held incommunicado in custody since that time;

Whereas Ablikim Abduireym was also convicted by a kangaroo court on April 17, 2007, for “instigating and engaging in secession activities and terrorism;” he was sentenced to 9 years of imprisonment, this trial being held in secrecy and Mr. Abduireym reportedly being denied the right to legal representation;

Whereas 2 days later, on April 19, 2007, another court in Urumqi, the capital of Xinjiang Uyghur Autonomous Region, sentenced Canadian citizen Husayin Celli to life in prison for “splittnism” and also for “being party to a terrorist organization” after having served several years in Uzbekistan where he was visiting relatives;

Whereas authorities in the People’s Republic of China have continued to refuse to recognize the Chinese citizenship of Mr. Celli, although he was naturalized in 2005, denied Canadian diplomats access to the courtroom when Mr. Celli was sentenced, and have refused to grant consular access to Mr. Celli in prison;

Whereas a spokesperson of the Foreign Ministry of the People’s Republic of China publicly warned Canada “not to interfere in China’s domestic affairs” after Husayin Celli’s sentencing;

Whereas Husayin Celli’s case was a major topic of conversation in a recent Beijing meeting between the Foreign Ministers of Canada and the People’s Republic of China; and

Whereas there have been recent armed crackdowns throughout the Xinjiang Uyghur Autonomous Region against the Uyghur population: Now, therefore, be it Resolved, That it is the sense of the Senate that the Government of the People’s Republic of China—

(1) should recognize, and seek to ensure, the linguistic, cultural, and religious rights of the Uyghur people of the Xinjiang Uyghur Autonomous Region;

(2) should immediately release the children of Rebiya Kadeer from both incarceration and house arrest and cease harassment and intimidation of the Kadeer family members; and

(3) should release Chinese citizen Husayin Celli and allow him to rejoin his family in Canada; and

(4) should immediately cease all Government-sponsored violence and crackdowns against the people throughout the Xinjiang Uyghur Autonomous Region, including those involved in peaceful protests and political expression.

Mr. BROWN. Mr. President, the Chinese people have endured an unspeakable tragedy, as we know, with the loss of tens of thousands in a major earthquake. Those numbers continue to grow, as I hear this morning. I heard it looks like more than 50,000 Chinese people have died in one of the greatest tragedies of the last decade. My prayers are with the people of Sichuan Province and all those brave men and women who are there now providing support as volunteers, especially providing support to the Chinese people in Sichuan Province.

I wish to focus on something else in China. This Chinese people, it is the actions of a few people at the top of the Chinese Government—actions we must confront. When I say “only a few people at the top,” the Chinese Government is called the People’s Republic of China for a reason. It is a Communist government, a very top-line hierarchical system, where a few people at the top enjoy so much of the benefits and so much of the power and they wield that so unfairly and immorally and, many times, against so many in their country.

For us to ignore the behavior of the Chinese Government, to dismis that behavior, to minimize that behavior is a reprehensible act on our part.

In a little more than 3 months, the world will witness one of its great quadrennial events—the summer Olympic Games. The games have been billed as a way for the host, China, to reintro-
workers, slave wages, and unsafe working conditions have become all too common.

China, the Communist regime, has become China, the world’s largest one-party country where workers are interchangeable, replaceable parts and where members of the Communist Party are its shareholders.

The United States as purportedly the world leader in human rights—we talk about exporting democracy, we brag about our open market business—is with encouragement and incentives—unbelievably enough, sometimes from our own Government—even though we say we are the world leader in human rights. The United States should not be endorsing in any way the brutal and horrific policies of the Chinese Government. Again, the United States, by our actions by the Government and by business do not seem so interested ofentimes in human rights in China in spite of what we say. We should not be sacrificing our moral compass at the altar of the dollar. We do that way too often.

I met with Rabiya Kadeer, the Uyghur dissident leader and head of the Uyghur American Association. She told me of her children who either live in fear or live in prison because of her advocacy on behalf of her people. She spent 6 long years in prison, arrested in 1999 on her way to a meeting with foreign activists and leaders. She told me of her children who either live in fear or live in prison because of her advocacy on behalf of basic freedoms for the 12 or 13 million Uyghur people. She told me of her exile. She is not allowed to return to her native country.

We need the strength to stand up to rather than apologize for China’s brutal regime. This has been the systematic policy of a highly efficient and powerful central government.

The Chinese Uyghurs have long fought for more autonomy from Beijing and greater freedom to practice their Muslim religion.

This is not a new policy. We have seen the same in the Xinjiang Uyghur Autonomous Region where ethnic Uyghur people have been systematically relocated and repressed. Their Turkic language is prohibited, their women are placed into forced labor, especially young women taken out of the Autonomous Region to other parts of China, in many cases to be slave labor, forced labor, in other cases to be sex slaves, and political leaders are jailed. Yet we allow China into the World Health Organization, the World Trade Organization, and made them a preferred trading partner.

Communities across America feel the reverberations of this policy. Not only does it blacken our name as a country when China violates every kind of human rights we care about, but then it affects our country in so many other ways—

We have lost more than 3 million manufacturing jobs across this country since President Bush has been President. Many of these jobs have been eliminated because of government-subsidized imports from China, because of cheating on currency rules, and because of direct off shoring to countries such as China.

China gives its manufacturers that unfair competitive advantage by manipulating the currency and providing massive subsidies to its industry. We know all that. American companies have been complicit by hiring Chinese subcontractors and forcing those subcontractors to continue to cut costs, meaning contaminants, contaminated pharmaceuticals, and dangerous toxic lead-based paint on toys.

I am submitting a resolution today calling on the Chinese to free the Kadeer children, free the Uyghur political prisoners, and end the political, religious, and ethnic repression in that part of China.

I ask my colleagues to take a look at this resolution, to meet with Ms. Kadeer and to join me in working to bring the atrocities against the Uyghur people to an end. Instead of welcoming China, celebrating China, and trading with China on their terms, as we all talk about the great quadrennial events of the international Olympic Games, we should be helping China’s repressed. We should not indulge China its abuses. It dishonors our own values.

SENIATE RESOLUTION 575—EXPRESSING THE SUPPORT OF THE SENATE FOR VETERAN ENTREPRENEURS

Mr. STEVENS (for himself, Ms. MURKOWSKI, Mr. INOUYE, Mr. AKAKA, Mr. COCHRAN, Mr. ISAKSON, Mr. CRAIG, and Senator SNOWE) submitted the following resolution; which was referred to the Committee on Veterans’ Affairs.

Resolved, that the Senate—

(1) reaffirms the strong support of the United States for its veterans and veteran entrepreneurs; and

(2) calls on Federal agencies to work to improve Federal contracting opportunities for service-disabled veteran-owned small businesses.

Mr. STEVENS. Mr. President, I rise to submit a resolution that is cosponsored by Senator MURKOWSKI, Senator INOUYE, Senator AKAKA, Senator COCHRAN, Senator ISAKSON, Senator CRAIG, and Senator SNOWE.

I am submitting this resolution to honor veteran entrepreneurs and calling on the Federal Government to improve Federal contracting opportunities for service-disabled, veteran-owned small businesses. They call them SDVOSBs.

These veteran entrepreneurs have given so much to our country, and the Federal Government needs to honor them by utilizing their array of valuable skills.

Almost 9 years ago, Congress passed the Veterans Entrepreneurship and Small Business Development Act of 1999, which directed the President to establish a goal of awarding at least 3 percent of Federal contracts to service-disabled, veteran-owned small businesses. They made up less than 1 percent of all Federal contracts.

As I travel home this weekend to observe Memorial Day, I will have the great honor of being accompanied by U.S. Department of Veterans Affairs Secretary Dr. James Peake, who has accepted my invitation to visit our State.

Dr. Peake, a decorated combat veteran and former Army Surgeon General, is an exceptional American. An important challenge for the VA will be to provide adequate VA health facilities and services to veterans in rural areas.

Dr. Peake’s decision to travel from our Nation’s Capital to Alaska on this important holiday shows his commitment to all veterans, particularly those who come from rural areas.
S4808  

CONGRESSIONAL RECORD — SENATE  

May 22, 2008

SENATE RESOLUTION 576—DESIGNATING AUGUST 2008 AS “DIGITAL TELEVISION TRANSITION AWARENESS MONTH”

Mr. HATCH (for himself, Ms. KLOBUCHAR, Mr. BIDEN, Mr. VONOVICH, Mr. CORNYN, Mr. BURR, Mr. TESTER, Mr. AKAKA, Mr. NELSON of Nebraska, Mrs. SNOWE, Mr. LEAHY, Mr. ROBERTS, Mr. CARDIN, Mr. CRAPO, and Mr. WICKER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. Res. 576

Whereas, starting February 17, 2009, full-power television stations will shut down their traditional analog signals and will broadcast in digital only pursuant to the Digital Television Transition and Public Safety Act of 2005 (47 U.S.C. 309 note);

Whereas some studies indicate that 64 percent of consumers who rely on over-the-air television signals; Whereas the Salt Lake City, Utah, area has the single highest percentage of consumers who rely on over-the-air television signals among major cities in the United States, with nearly 23 percent of all households with television sets, more than 200,000 homes, relying on free analog television signals;

Whereas more than 20 percent of homes with television sets in Fresno, California, and Minneapolis, Minnesota, also rely solely on free over-the-air television signals;

Whereas the transition to digital television is significant to vulnerable populations such as senior citizens and low-income and minority households; and

Whereas designating a “Digital Television Transition Awareness Month” will help Congress encourage the development of local action plans focused on strategic outreach to the communities most affected by the transition to digital television, including senior citizens and residents of rural areas: Now, therefore, be it

Resolved, that the Senate—

(A) to assist households to apply for and obtain Government coupons and converter boxes and to install converter boxes; and

(B) to educate consumers about Internet websites and other sources of valuable information regarding the transition to digital television.

Mr. HATCH. Mr. President, I rise today to introduce with my good friend from Minnesota, Senator Amy KLOBUCHAR, S. Res. 576, which would designate August 2008 as Digital Television Transition Awareness Month.

Pursuant to the Digital Television Transmission and Public Safety Act of 2005, starting on February 17, 2009, full-power television stations will shut down their traditional analog signals and will broadcast in digital only. Concentrating efforts to educate consumers well in advance about both the upcoming transition and the Government coupon program created to defray the cost of a converter box;

Whereas markets in the West and in Mid-West have the highest percentage of consumers who rely on over-the-air television signals; and

Whereas markets in the West and in Mid-West have the highest percentage of consumers who rely on over-the-air television signals among major cities in the United States, with nearly 23 percent of all households with television sets, more than 200,000 homes, relying on free analog television signals;

Whereas more than 20 percent of homes with television sets in Fresno, California, and Minneapolis, Minnesota, also rely solely on free over-the-air television signals;

Whereas markets in the Salt Lake City, Utah, area has the single highest percentage of consumers who rely on over-the-air television signals among major cities in the United States, with nearly 23 percent of all households with television sets, more than 200,000 homes, relying on free analog television signals;

Whereas more than 20 percent of homes with television sets in Fresno, California, and Minneapolis, Minnesota, also rely solely on free over-the-air television signals;

Whereas markets in the Salt Lake City, Utah, area has the single highest percentage of consumers who rely on over-the-air television signals among major cities in the United States, with nearly 23 percent of all households with television sets, more than 200,000 homes, relying on free analog television signals;

Whereas television markets in the West and Midwest have the highest percentage of consumers who rely on over-the-air television signals. In Utah alone, Salt Lake City has the highest percentage of homes in a major metropolitan area, with almost one in four relying on free analog television signals.

The Federal Communications Commission, FCC, recently adopted a proposal to educate consumers about the impending transition. In addition, there are many sources of information on the transition, coupon program and consumer options available on the Internet. These Web sites are comprehensive and provide links to the Government coupon web site where consumers must register to receive the coupons. However, these sites do not reach certain populations, those most likely to be affected by the transition, as effectively.

The President should do more, not only to educate consumers, but also to foster local outreach programs to assist these consumers as they obtain coupons or choose and install converter boxes. Designating August 2008 as Digital Television Transition Awareness Month, timed specifically to take advantage of the congressional recess, will place particular emphasis on educating consumers well in advance of the transition, and will be an integral part of the overall educational program endorsed by the FCC.

I hope that this resolution will be passed and my colleagues will join me in doing all they can to make the transition to digital television easier for those most affected across our Nation.

SEVENATE RESOLUTION 577—TO EXPRESS THE SENSE OF THE SENATE REGARDING THE USE OF GASOLINE AND OTHER FUELS BY FEDERAL DEPARTMENTS AND AGENCIES

Mr. WARNER (for himself, Mr. BINGAMAN, Mr. HERR, Mr. CHAMBLISS, Ms. SNOWE, Mr. CARPER, Ms. BURR, Mr. SUNUNU, Ms. MURKOWSKI, Mr. ALEXANDER, Mr. ISAACSON, Mr. REID, and Mr. DORGAN) submitted the following resolution; which was considered and agreed to:

S. Res. 577

Whereas each day, as Americans contend with rising gasoline prices, personal stories reflect the ways in which—

(1) family budgets are suffering; and

(2) the cost of gasoline is impacting the way Americans cope with that serious problem in family and work environments; and

Whereas, as a consequence of economic pressures, Americans are finding ways to reduce consumption of gasoline, such as—

(1) driving less frequently; and

(2) altering daily routines; and

(3) even changing family vacation plans; and

Whereas those conservation efforts bring hardships but save funds that can be redirected to meet essential family needs; and

Whereas, just as individuals are reducing energy consumption, the Federal Government, including Congress, should take steps to conserve energy: Whereas a Government-wide initiative to conserve energy would send a signal to Americans that the Federal Government—

(1) recognizes the burdens imposed by unprecedented energy costs; and

(2) will participate in activities to reduce energy consumption; and

(3) are an overall reduction of gasoline consumption by the Federal Government by even a few percentage points would send a strong signal that, as a nation, the United States is joining to conserve energy: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President should require all Federal departments and agencies to take initiatives to reduce daily consumption of gasoline and other fuels by the departments and agencies.

SENNATE RESOLUTION 578—RECOGNIZING THE 100TH ANNIVERSARY OF THE FOUNING OF THE CONGRESSIONAL CLUB

Mr. ENZI (for himself, Mr. NELSON of Florida, Mr. WICKER, and Mr. NELSON of Nebraska) submitted the following resolution; which was considered and agreed to:
Whereas the Congressional Club was organized in 1908 by 25 women who were influential in Washington's official life and who wanted to establish a nonsectarian and nonpolitical women's club that would promote friendship and cordiality in public life;

Whereas those women founded the Club to bring the wives of Members of Congress together to discuss and develop a compatible environment in the Nation's Capital;

Whereas the Congressional Club was officially established in 1908 by a unanimous vote of the Senate and the House of Representatives and is the only club in the world to be founded by an Act of Congress;

Whereas the Act entitled "An Act to incorporate a National Club" (35 Stat. 476, chapter 226) was signed by President Theodore Roosevelt on May 30, 1908;

Whereas the Congressional Club's founding was secured by the enactment of that Act unanimously on May 28, 1908, in order to overcome the opposition of Representative John Sharp Williams of Mississippi, who opposed all women's organizations;

Whereas, when Representative Williams was called out of the chamber by Mrs. Williams, the good-mannered representative obligingly instructed his opponents and asked for a recorded vote, saying, "upon this particular bill there will not be a roll call, because it would cause a great deal of domestic unhappiness in Washington if there were";

Whereas the first Congressional Clubhouse was at 1322 K Street Northwest in Washington, District of Columbia, and opened on December 11, 1908, with a reception for President-elect and Mrs. William Taft;

Whereas, after Mrs. John B. Henderson of Missouri donated land on the corner of New Hampshire Avenue and U Street Northwest, the cornerstone of the current Clubhouse was laid on that site on May 21, 1914;

Whereas that Clubhouse was built by George Totten in the Beaux Arts style and is listed on the National Register of Historic Places;

Whereas the mortgage on the Clubhouse was paid for by the sales of the Club's cookbook and the mortgage document was burned by Mrs. John Sharp Williams in a silver bowl on the 40th anniversary of the Club's founding;

Whereas the Congressional Club has remained a good neighbor on the U Street corridor for over a century, encouraging the revitalization of the area during a time of socioeconomic challenges and leading the way in upkeep and maintenance of historic property;

Whereas the Congressional Club honors and supports the people in its neighborhood by inviting the local police and fire departments to the Clubhouse for lunch and delivering trays of Member-made cookies and candies to them during the holidays, by hosting an annual Senior Citizens Appreciation Luncheon for residents of a neighborhood nursing home, and by hosting an annual holiday brunch for neighborhood children each December that includes a festive meal, from Santa Claus;

Whereas the Congressional Club has hosted the annual First Lady's Luncheon every spring since 1912 and annually donates tens of thousands of dollars and charities in the name of the First Lady;

Whereas, among its many charitable recipients, the Congressional Club has chosen to honor United Nations Indian Tribal Youth, literacy programs, the White House library, youth dance troupes, domestic shelters, and child care centers;

Whereas, Clubhouse and Club members, upon the suggestion of Mrs. Eleanor Roosevelt, have been encouraged to become discussion leaders on national security in their home States, from the trials of World War II to the threats of terrorism;

Whereas the Congressional Club extends the hand of friendship and goodwill globally by honoring the spouses of ambassadors to the United States;

Whereas the Congressional Club is solely supported by membership dues and the sale of cookbooks and has never received any Federal funding;

Whereas the 14 editions of the Congressional Club cookbook, first published in 1928, reflect the history and times of the United States with recipes and signatures of Members of Congress, First Ladies, Ambassadors, and members of the Club;

Whereas the Congressional Club membership has expanded to include spouses and daughters of Representatives, Senators, Supreme Court Justices, and Cabinet members;

Whereas 7 members of the Congressional Club have become First Lady: Mrs. Florence Harding, Mrs. Lou Hoover, Mrs. Bess Truman, Mrs. Jacqueline Kennedy, Mrs. Patricia Nixon, Mrs. Betty Ford, and Mrs. Barbara Bush;

Whereas several members of the Congressional Club have been elected to Congress, including Mrs. Jo Ann Emerson, Mrs. Lois Capps, and Mrs. Mary Bono, and former presidents of the Congressional Club Mrs. Lindy Boggs and Mrs. Portia Marsh;

Whereas leading figures in politics, the arts, and the media have visited the Clubhouse throughout the past 100 years;

Whereas the Congressional Club is home to the First Lady's gown display, a museum with replica inaugural and ball gowns of the First Ladies from Mrs. Mary Todd Lincoln to Mrs. Laura Bush;

Whereas the Congressional Club is charged with receiving the Presidential couple, honoring the Vice President and spouse, the Speaker of the House of Representatives and spouse, and the Chief Justice and spouse, and providing the orientation for spouses of new Members of Congress; and

Whereas the Congressional Club will celebrate its 100th anniversary with festivities and ceremonies to include the ringing of the official bells of the United States Congress, a Founder's Day program, a birthday cake at the First Lady's Luncheon, an anniversary postage stamp and cancellation, and an edition of the Club's magazine, the Dorchester, that is signed by former President George W. Bush, and invitations to President and Mrs. Bush, Speaker and Mr. Pelosi, and Chief Justice and Mrs. Roberts to visit and celebrate 100 years of public service, civility, and growth at the Congressional Club: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 100th anniversary of the founding of the Congressional Club;

(2) acknowledges the contributions of political spouses to public life in the United States and around the world through the Congressional Club for the past 100 years;

(3) honors present membership of the Congressional Club; and

(4) encourages the people of the United States—

(A) to strive for greater friendship, civility, and generosity in order to heighten public service, elevate the culture, and enrich humanity; and

(B) to seek opportunities to give financially and by volunteering to assist charitable organizations and their own communities,

Whereas, as hurricane season approaches, National Hurricane Preparedness Week provides an opportunity to raise awareness of steps that can be taken to help protect citizens, their communities, and property;

Whereas the official 2008 Atlantic hurricane season occurs in the period beginning June 1, 2008, and ending November 30, 2008;

Whereas hurricanes are among the most powerful forces of nature, causing destructive winds, tornadoes, floods, and storm surges that can result in numerous fatalities and cost billions of dollars in damage;

Whereas, in 2005, a record-setting Atlantic hurricane season caused 28 storms, including 15 hurricanes, of which 7 major hurricanes, including Hurricanes Katrina, Rita, and Wilma;

Whereas, for 2008, the National Oceanic and Atmospheric Administration announced that the outlook for the hurricane season was near to above normal, with a 60 to 70 percent chance of 12 to 16 named storms, including 6 to 10 hurricanes and 2 to 5 major hurricanes;

Whereas the National Oceanic and Atmospheric Administration reports that over 50 percent of the population of the United States lives in coastal counties that are vulnerable to the dangers of hurricanes;

Whereas, because the impact from hurricanes extends far beyond coastal areas, it is vital for individuals in hurricane-prone areas to prepare in advance of the hurricane season;

Whereas cooperation between individuals and Federal, State, and local officials can help increase preparedness, save lives, reduce the impact of each hurricane, and provide a more effective response to those storms;

Whereas the National Hurricane Center within the National Oceanic and Atmospheric Administration recommends that each at-risk family in the United States develop a disaster supply kit, secure their house, and stay aware of current weather situations to improve preparedness and help save lives, and

Whereas the designation of the week beginning May 26, 2008, as "National Hurricane Preparedness Week" will help raise the awareness of the people of the United States to protect them in preparation for the upcoming hurricane season: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning May 26, 2008, as "National Hurricane Preparedness Week";

(2) encourages the people of the United States—

(A) to be prepared for the upcoming hurricane season; and

(B) to promote awareness of the dangers of hurricanes to help save lives and protect communities; and

Whereas the threats posed by hurricanes; and

(B) the need for the people of the United States to learn more about preparedness so that they may minimize the impacts of, and provide a more effective response to, hurricanes.
SENATE CONCURRENT RESOLUTION 84—HONORING THE MEMORY OF ROBERT MONDAVI

Whereas Robert Mondavi, a much-loved and admired man of many talents, passed away on May 16, 2008, at the age of 94; 

Whereas Mondavi will be best and most famously remembered for his work in producing and promoting California wines on an international scale; 

Whereas Robert Mondavi was born to Italian immigrant parents, Cesare and Rosa, on June 18, 1913, in Virginia, Minnesota, and his family later moved to Lodi, California, where he attended Lodi High School; 

Whereas, after graduating from Stanford University in 1937 with a degree in economics and business administration, Robert Mondavi joined his father and younger brother Peter in running the Charles Krug Winery in the Napa Valley of California; 

Whereas Mondavi left Krug Winery in 1965 to establish his own winery in the Napa Valley, and, in 1966, motivated by his vision that California could produce world-class wines, he founded the first major winery built in Napa Valley since Prohibition: the Robert Mondavi Winery; 

Whereas, in the late 1960s, the release of the Robert Mondavi Winery’s Cabernet Sauvignon opened the eyes of the world to the potential of the Napa Valley region; 

Whereas Robert Mondavi introduced new and innovative techniques of wine production, such as the use of stainless steel tanks to produce wines like his now-legendary Fume Blanc; 

Whereas, as a tireless advocate for California wine and food, and the Napa Valley, Robert Mondavi was convinced that California wines could compete with established European brands, and his confidence in the potential of Napa Valley wines was confirmed in 1976 when California wines defeated some well-known French vintages at the historic Judgment of Paris, or “Judgment of Paris”, wine competition; 

Whereas, in the late 1970s, Robert Mondavi created the first French-American wine venture with Baron Phillipe de Rothschild in creating the Opus One Winery in Oakville, which produced its first vintage in 1979; 

Whereas the success of the Robert Mondavi Winery, and the many international ventures Robert Mondavi pursued, allowed him to donate generously to various charitable causes, including the Robert Mondavi Institute for Wine and Food Science and Robert and Margrit Mondavi Center for the Performing Arts, both affiliated with the University of California, Davis, and the establishment of the American Center for Wine, Food and the Arts; 

Whereas those who knew Robert Mondavi recognized him as a uniquely passionate and brilliant man who took pride in promoting causes that he held close to his heart; 

Whereas Robert Mondavi’s work as an ambassador for California will be remembered by all those whose lives he touched; and 

Whereas Robert Mondavi will be deeply missed in the Napa Valley, in California, and throughout the world; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), that Congress honors the life of Robert Mondavi, a true pioneer and a patriarch of the California wine industry.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4815. Mr. Reid (for Mr. Webb) submitted an amendment intended to be proposed by Mr. Reid to the bill S. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table.

SA 4816. Mr. Reid proposed an amendment to the amendment of the House numbered 1 to the amendment of the Senate to the bill S. 2642, supra.

SA 4817. Mr. Reid proposed an amendment to the amendment of the House amendment numbered 2 to the amendment of the Senate to the bill H.R. 2642, supra.

SA 4818. Mr. Reid proposed an amendment to the amendment of the House amendment numbered 3 to the amendment of the Senate to the bill H.R. 2642, supra.

SA 4819. Mr. Reid (for Mr. Stevens) proposed an amendment to the bill S. 2642, to protect children from cybercrimes, including crimes by online predators, to enhance efforts to identify and eliminate child pornography, and to help parents shield their children from material that is inappropriate for minors.

SA 4820. Mr. Reid (for Mr. Dodd (for himself and Mr. Frank)) proposed an amendment to the bill S. 2642, to amend the Native American Housing Assistance and Self-Determination Act of 1996 to reauthorize that Act, and for other purposes.

TEXT OF AMENDMENTS

SA 4815. Mr. Reid (for Mr. Webb) submitted an amendment intended to be proposed by Mr. Reid to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the language proposed to be inserted, insert the following:

TEXT OF AMENDMENTS

SA 4815. Mr. Reid (for Mr. Webb) submitted an amendment intended to be proposed by Mr. Reid to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the language proposed to be inserted, insert the following:

Section 1. Honoring Frank W. Buckles.

(a) In General.—The Rotunda of the Capitol is authorized to be used at any time on June 18, 2008 for a ceremony to honor the only living veteran of the First World War, Mr. Frank Woodruff Buckles, as a tribute and recognition of all United States military members who served in the First World War.

(b) Procedures.—Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

SEC. 2. Finding.

Whereas Robert Mondavi will be fondly and most famously remembered for his work in promoting California wines on an international scale; 

Whereas Robert Mondavi joined his father and younger brother Peter in running the Charles Krug Winery in the Napa Valley of California; 

Whereas Mondavi left Krug Winery in 1965 to establish his own winery in the Napa Valley, and, in 1966, motivated by his vision that California could produce world-class wines, he founded the first major winery built in Napa Valley since Prohibition: the Robert Mondavi Winery; 

Whereas, in the late 1960s, the release of the Robert Mondavi Winery’s Cabernet Sauvignon opened the eyes of the world to the potential of the Napa Valley region; 

Whereas Robert Mondavi introduced new and innovative techniques of wine production, such as the use of stainless steel tanks to produce wines like his now-legendary Fume Blanc; 

Whereas, as a tireless advocate for California wine and food, and the Napa Valley, Robert Mondavi was convinced that California wines could compete with established European brands, and his confidence in the potential of Napa Valley wines was confirmed in 1976 when California wines defeated some well-known French vintages at the historic Judgment of Paris, or “Judgment of Paris”, wine competition; 

Whereas, in the late 1970s, Robert Mondavi created the first French-American wine venture with Baron Phillipe de Rothschild in creating the Opus One Winery in Oakville, which produced its first vintage in 1979; 

Whereas the success of the Robert Mondavi Winery, and the many international ventures Robert Mondavi pursued, allowed him to donate generously to various charitable causes, including the Robert Mondavi Institute for Wine and Food Science and Robert and Margrit Mondavi Center for the Performing Arts, both affiliated with the University of California, Davis, and the establishment of the American Center for Wine, Food and the Arts; 

Whereas those who knew Robert Mondavi recognized him as a uniquely passionate and brilliant man who took pride in promoting causes that he held close to his heart; 

Whereas Robert Mondavi’s work as an ambassador for California will be remembered by all those whose lives he touched; and 

Whereas Robert Mondavi will be deeply missed in the Napa Valley, in California, and throughout the world; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), that Congress honors the life of Robert Mondavi, a true pioneer and a patriarch of the California wine industry.

Title 5—Veterans Educational Assistance

SEC. 101. Short Title.

This title may be cited as the “Post-9/11 Veterans Educational Assistance Act of 2008.”

SEC. 902. Findings.

Congress makes the following findings:

(1) On September 11, 2001, terrorists attacked the United States, and the brave members of the Armed Forces of the United States were called to the defense of the Nation.

(2) Service on active duty in the Armed Forces has been especially arduous for the members of the Armed Forces since September 11, 2001.

(3) The United States has a proud history of offering educational assistance to millions of veterans, as demonstrated by the many “ GI Bills” enacted since World War II. Educational assistance for veterans helps reduce the costs of war, assist veterans in readjusting to civilian life after wartime service, and boost the United States economy, and has a positive effect on recruitment for the Armed Forces.

(4) The current educational assistance program for veterans is outdated and designed for peacetime service in the Armed Forces.

(5) The people of the United States greatly value military service and recognize the difficult challenges involved in readjusting to civilian life after wartime service in the Armed Forces.

(6) It is in the national interest for the United States to provide veterans who serve on active duty in the Armed Forces after September 11, 2001, with enhanced educational assistance benefits that are worthy of such service and are commensurate with the educational assistance benefits provided to a grateful Nation to veterans of World War II.


(a) Educational Assistance Authorized.—

(1) In General.—Part III of title 38, United States Code, is amended by inserting after chapter 32 the following new chapter:

“CHAPTER 33—Post-9/11 Educational Assistance

“SUBCHAPTER I—Definitions

“Sec. 3301. Definitions.

“SUBCHAPTER II—Educational Assistance

“Sec. 3311. Educational assistance for service in the Armed Forces commencing on or after September 11, 2001.

“Sec. 3312. Educational assistance: duration.

“Sec. 3313. Educational assistance: amount; payment.

“Sec. 3314. Tutorial assistance.

“Sec. 3315. Licensure and certification tests.

“Sec. 3316. Supplemental educational assistance: members of the Armed Forces who are not members of the Armed Forces of the United States; members serving as draftees; members serving additional service.

“Sec. 3317. Public-privatization provisions for additional educational assistance.

“Sec. 3318. Additional assistance: relocation or travel assistance for individual relocating or traveling significant distance for a continuing period of a program of education.

“SUBCHAPTER III—Administrative Provisions

“Sec. 3321. Time limitation for use of eligibility for entitlement.

“Sec. 3322. Bar to duplication of educational assistance benefits.

“Sec. 3323. Administration.”
§3301. Definitions

In this chapter:

(1) The term ‘active duty’ has the meanings as specified in sections 3002(d) and 3131(b) of this title;

(2) The term ‘cover service’ means the term given such term in section 101(21)(A) of this title.

(3) The term ‘entity’ means the following:

(a) The term ‘entity’ means the Armed Forces, the Department of Defense, or the National Guard;

(b) The term ‘entity’ means a State or the District of Columbia.

(4) The term ‘Secretary of Defense’ has the meaning given in section 3131 of this title.

(5) The term ‘Secretary’ means the Secretary of Defense.

(6) The term ‘Secretary concerned’ means the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force.

§3311. Educational assistance for service in the Armed Forces commencing on or after September 11, 2001: entitlement

(a) Eligibility.—Subject to subsections (d) and (e), each individual described in subsection (b) is entitled to educational assistance under this chapter.

(b) Covered Individuals.—An individual described in this subsection is any individual as follows:

(1) An individual who—

(A) commencing on or after September 11, 2001, serves an aggregate of at least 36 months on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

(B) after completion of service described in subparagraph (A)—

(i) continues on active duty for an aggregate of less than 2 years; or

(ii) before completion of service on active duty of an aggregate of 36 months, is discharged or released from active duty as described in subsection (c).

(2) An individual who—

(A) commencing on or after September 11, 2001, serves an aggregate of at least 18 months, but less than 24 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

(B) after completion of service described in subparagraph (A)—

(i) continues on active duty for an aggregate of less than 18 months; or

(ii) before completion of service on active duty of an aggregate of 18 months, is discharged or released from active duty as described in subsection (c).

(3) An individual who—

(A) commencing on or after September 11, 2001, serves an aggregate of at least 6 months, but less than 12 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

(B) after completion of service described in subparagraph (A)—

(i) continues on active duty for an aggregate of less than 6 months; or

(ii) before completion of service on active duty of an aggregate of 6 months, is discharged or released from active duty as described in subsection (c).

(4) An individual who—

(A) commencing on or after September 11, 2001, serves an aggregate of at least 24 months, but less than 30 months, on active duty in the Armed Forces (including service on active duty in entry level and skill training); and

(B) after completion of service described in subparagraph (A)—

(i) continues on active duty for an aggregate of less than 24 months; or

(ii) before completion of service on active duty of an aggregate of 24 months, is discharged or released from active duty as described in subsection (c).

(5) An individual who—

(A) commencing on or after September 11, 2001, serves an aggregate of at least 18 months, but less than 24 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

(B) after completion of service described in subparagraph (A)—

(i) continues on active duty for an aggregate of less than 18 months; or

(ii) before completion of service on active duty of an aggregate of 18 months, is discharged or released from active duty as described in subsection (c).

(6) An individual who—

(A) commencing on or after September 11, 2001, serves an aggregate of at least 12 months, but less than 18 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

(B) after completion of service described in subparagraph (A)—

(i) continues on active duty for an aggregate of less than 12 months; or

(ii) before completion of service on active duty of an aggregate of 12 months, is discharged or released from active duty as described in subsection (c).

(7) An individual who—

(A) commencing on or after September 11, 2001, serves an aggregate of at least 6 months, but less than 12 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

(B) after completion of service described in subparagraph (A)—

(i) continues on active duty for an aggregate of less than 6 months; or

(ii) before completion of service on active duty of an aggregate of 6 months, is discharged or released from active duty as described in subsection (c).

(8) An individual who—

(A) commencing on or after September 11, 2001, serves an aggregate of at least 90 days, but less than 6 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

(B) after completion of service described in subparagraph (A)—

(i) continues on active duty for an aggregate of less than 90 days; or

(ii) before completion of service on active duty of an aggregate of 90 days, is discharged or released from active duty as described in subsection (c).

(c) Covered Discharges and Releases.—A discharge or release from active duty of an individual described in this subsection is a discharge or release as follows:

(1) A discharge from active duty in the Armed Forces with an honorable discharge.

(2) A discharge from active duty in the Armed Forces, characterized under the circumstances described in section 3131(c) of this title, for failure to meet the performance or the qualification standards prescribed by the Secretary of Defense.

(d) Discontinuation of Education for Active Duty.—(1) Any payment of educational assistance described in paragraph (2) shall not—

(A) be charged against any entitlement to educational assistance under this chapter or any other chapter of this title to which the individual is entitled; or

(B) be paid more than once with respect to any period of aggregate active duty of an individual described in this subsection.

(2) Subject to paragraph (3), the payment of educational assistance described in this paragraph is the payment of such assistance to an individual upon completion of the course or courses under this chapter if the Secretary finds that the individual has not been discharged or released from active duty.

(3) In the case of an individual not serving on active duty, had to discontinue such course pursuant to a letter of being...
called or ordered to serve on active duty under section 688, 12301(a), 12301(d), 12303(g), 12302, or 12304 of title 10; or

(ii) in the case of an individual serving on active duty, to discontinue such course as a result of being ordered to a new duty location or assignment or to perform an increased amount of work; and

(B) the credit or lost training time toward completion of the individual’s approved education, professional, or vocational objective as a result of having to discontinue courses from which the individual failed to receive credit or with respect to which the individual lost training time, as determined under paragraph (3)(B).

* § 3313. Educational assistance: amount; payment

(a) Payment. — The Secretary shall pay to each individual entitled to educational assistance under this chapter who is pursuing an approved program of education under this chapter the amount of the established charges which the individual would be required to pay; or

(B) the amounts specified in subsections (f)(2) and (g)(2) of this title for which amounts are paid an individual under subsection (b) rather than this paragraph.

(iii) the maximum amount that would be payable to the individual for the program of education involved would be required to pay; or

(ii) in the case of a program of education, means the portion of a complete academic year under the program of education that such quarter, semester, or term constitutes.

(2) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(3) of this title, amounts equal to 90 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

(3) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(4) of this title, amounts equal to 80 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

(4) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(5) of this title, amounts equal to 60 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

(5) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(6) of this title, amounts equal to 50 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

(6) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(7) of this title, amounts equal to 40 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

(7) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(8) of this title, amounts equal to 30 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

(b) Frequency of payment. —

(1) Payment of the amounts payable under subsection (a)(1)(A), and of similar amounts payable under paragraphs (2) through (7) of subsection (c), for pursuit of a program of education shall be made for the entire quarter, semester, or term, as applicable, of the program of education.

(2) Payment of the amount payable under subsection (a)(1)(B), and of similar amounts payable under paragraphs (2) through (7) of subsection (c), for pursuit of a program of education shall be made on a monthly basis.

(3) The Secretary shall prescribe in regulations methods for determining the number of months (including fractions thereof) of entitlement of an individual to educational assistance under this chapter that are chargeable to a pursuit of a program of education under paragraph (1) for purposes of paragraph (a) of section 3313(a) of this title, amounts as follows:

(a) The amount equal to the lesser of—

(i) the established charges which similarly circumstanced nonveterans enrolled in the program of education involved would be required to pay; or

(ii) the maximum amount that would be payable to the individual for the program of education involved would be required to pay; or

(iii) the maximum amount that would be payable to the individual for the program of education involved would be required to pay; or

(iv) the maximum amount that would be payable to the individual for the program of education involved would be required to pay.

(iv) the maximum amount that would be payable to the individual for the program of education involved would be required to pay.

(v) the maximum amount that would be payable to the individual for the program of education involved would be required to pay.

(vi) the maximum amount that would be payable to the individual for the program of education involved would be required to pay.

(vii) the maximum amount that would be payable to the individual for the program of education involved would be required to pay.

(viii) the maximum amount that would be payable to the individual for the program of education involved would be required to pay.

(ix) the maximum amount that would be payable to the individual for the program of education involved would be required to pay.

(x) the maximum amount that would be payable to the individual for the program of education involved would be required to pay.

(xi) the maximum amount that would be payable to the individual for the program of education involved would be required to pay.

(xii) the maximum amount that would be payable to the individual for the program of education involved would be required to pay.

(xiii) the maximum amount that would be payable to the individual for the program of education involved would be required to pay.

(xiv) the maximum amount that would be payable to the individual for the program of education involved would be required to pay.

(xv) the maximum amount that would be payable to the individual for the program of education involved would be required to pay.

(xvi) the maximum amount that would be payable to the individual for the program of education involved would be required to pay.
“(2) Established charges shall be determined for purposes of this subsection on the following basis: 

(A) In the case of an individual enrolled in a program of education not offered on a term, quarter, or semester basis, the tuition and fees charged for the individual for the term, quarter, or semester.

(B) For an individual enrolled in a program of education not offered on a term, quarter, or semester basis, the tuition and fees charged for the individual for the entire program.

§ 3314. Tutorial assistance

(a) In General.—Subject to subsection (b), an individual entitled to educational assistance under this chapter shall also be entitled to educational assistance under this chapter of supplemental educational assistance for additional service authorized by subsection III of chapter 30 of this title.

(b) CONDITIONS.—(1) The provision of benefits under subsection (a) shall be subject to the conditions applicable to an eligible veteran under section 3492 of this title.

(2) In addition to the conditions specified in paragraphs (2) through (7) of such section (as applicable), the Secretary of Defense shall prescribe for purposes of this chapter.

§ 3315. Licensure and certification tests

(a) An individual entitled to educational assistance under this chapter shall also be entitled to payment for one licensing or certification test described in section 3315(c) of this title.

(b) LIMITATION ON AMOUNT.—The amount payable under subsection (a) for a licensing or certification test may not exceed the lesser of—

(1) $2,000; or

(2) The fee charged for the test.

(c) NO CHARGE AGAINST ENTITLEMENT.—Any amount paid an individual under subsection (a) in addition to any other educational assistance benefits provided the individual under this chapter.

§ 3316. Administrative educational assistance: members with critical skills or specialty; members serving additional service

(a) INCREASED ASSISTANCE FOR MEMBERS WITH CRITICAL SKILLS OR SPECIALTY.—In the case of an individual who has a skill or specialty designated by the Secretary concerned as a skill or specialty in which there is a critical shortage of personnel or for which it is difficult to recruit or, in the case of critical units, retain personnel, the Secretary concerned may increase the monthly amount of educational assistance otherwise payable to the individual under paragraph (1) of section 3315(c) of this title, or under paragraphs (2) through (7) of such section (as applicable).

(2) The amount of the increase in educational assistance authorized by paragraph (1) may not exceed the amount equal to the monthly amount of increased basic educational assistance provided under section 3015(d)(1) of this title at the time of the increase payable under paragraph (1) of section 3315(c) of this title.

(b) SUPPLEMENTAL ASSISTANCE FOR ADDITIONAL SERVICE.—(1) The Secretary concerned may provide for the payment of an additional amount of educational assistance under this chapter of supplemental educational assistance for additional service authorized by subsection III of chapter 30 of this title.

(2) Eligibility for supplemental educational assistance under this subsection shall be determined in accordance with the provisions of subsection III of chapter 30 of this title, except that any reference in such provisions to eligibility for educational assistance under a provision of subchapter II of chapter 30 of this title shall be treated as a reference to eligibility for educational assistance under the appropriate provision of this chapter.

(3) The amount of supplemental educational assistance under this subsection shall be the amount equal to the monthly amount of supplemental educational payable under section 3322 of this title.

(c) REGULATIONS.—The Secretary concerned shall administer this section in accordance with such regulations as the Secretary of Defense may prescribe.

§ 3317. Public-private contributions for additional educational assistance

(a) ESTABLISHMENT OF PROGRAM.—In instances where the educational assistance provided pursuant to section 3315(c)(1)(A) does not cover the full cost of established charges (as specified in section 3315(c) of this title), the Secretary shall carry out a program under which colleges and universities may make contributions in any given academic year, toward the cost of educational assistance under this subsection in accordance with such regulations as the Secretary shall prescribe for purposes of this section.

(b) DESIGNATION OF PROGRAM.—The program under this section shall be known as the ‘Yellow Ribbon G.I. Education Enhancement Program’.

(c) AGREEMENTS.—The Secretary shall enter into an agreement with each college or university seeking to participate in the program under this section. Each agreement shall specify the following:

(1) The manner (whether by direct grant, scholarship, or otherwise) of the contribution to be made by the college or university concerned.

(2) The maximum amount of the contribution to be made by the college or university concerned with respect to any particular individual in any given academic year.

(3) The maximum number of individuals for whom the college or university concerned will make contributions in any given academic year.

(4) Such other matters as the Secretary and the college or university concerned jointly consider appropriate.

(d) MATCHING CONTRIBUTIONS.—(1) In instances where the educational assistance provided pursuant to section 3315(c)(1)(A) of this title does not cover the full cost of tuition and mandatory fees at a college or university, the Secretary shall provide up to 50 percent of the remaining costs for tuition and mandatory fees if the college or university voluntarily enters into an agreement with the Secretary to match an equal percentage of any of the remaining costs for such tuition and fees.

(2) Amounts available to the Secretary under subsection (b) shall be in addition to any other additional assistance under this section in the amount of $500.

§ 3318. Additional assistance: relocation or travel assistance for individual relocating or traveling significant distance for pursuit of a program of education

(a) ADDITIONAL ASSISTANCE.—Each individual described in subsection (b) shall be entitled to additional assistance under this section.

(b) COVERED INDIVIDUALS.—An individual described in this subsection is any individual eligible to educational assistance under this chapter.

(1) who resides in a highly rural area (as determined by the Bureau of the Census); and

(2) who—

(A) physically relocated a distance of at least 50 miles in order to pursue a program of education for which the individual utilizes educational assistance under this chapter; or

(B) travels by air to physically attend an institution of higher education for pursuit of a program for which the individual cannot travel to such institution by automobile or other established form of transportation due to an absence of road or other infrastructure.

(c) PROOF OF RESIDENCE.—For purposes of subsection (b)(1), an individual may demonstrate the individual’s place of residence using any of the following:

(1) DD Form 214, Certification of Release or Discharge from Active Duty.

(2) The most recent Federal income tax return.

(3) Such other evidence as the Secretary shall prescribe for purposes of this section.

(d) SINGLE PAYMENT.—An individual is entitled to only one payment of additional assistance under this section.

(e) NO CHARGE AGAINST ENTITLEMENT.—Any amount paid an individual under this section is in addition to any other educational assistance benefits provided the individual under this chapter.

SUBCHAPTER III—ADMINISTRATIVE PROVISIONS

§ 3321. Time limitation for use of and eligibility for entitlement

(a) IN GENERAL.—Except as provided in this section, the period during which an individual entitled to educational assistance under this chapter may use such individual’s entitlement expires at the end of the 15-year period described in section 3321(a) of this title.

(b) EXCEPTIONS.—(1) Subsections (b), (c), and (d) of section 3321(a) of this title shall apply with respect to the running of the 15-year period described in subsection (a) of this section in the same manner as such subsections apply with respect to the running of the 10-year period described in section 3321(a) of this title.
"(2) Section 3031(f) of this title shall apply with respect to the termination of an individual’s entitlement to educational assistance under this chapter in the same manner as with respect to the termination of an individual’s entitlement to educational assistance under chapter 30 of this title, except that, in the administration of such section, the reference to section 3415(f) of this title shall be deemed to be a reference to section 3313 of this title.

(3) For purposes of subsection (a), an individual entitled to educational assistance under chapter 30 of this title, chapter 107, 1606, or 1607 of title 10, or the provisions of the Hostage Relief Act of 1980 (Public Law 96–449; 5 U.S.C. 5561 note) may not receive assistance under two or more such programs concurrently, but shall elect in such form and manner as the Secretary may prescribe, under which chapter such service is to be credited.

"(d) INAPPLICABILITY OF SERVICE TREATED UNDER EDUCATIONAL LOAN REPAYMENT PROGRAMS.—A period of service counted for purposes of repayment of an educational loan under chapter 109 of title 10 may not be counted as a period of service for entitlement to educational assistance under this chapter such service is to be credited.

"(d) ADDITIONAL COORDINATION MATTERS.—In the case of an individual entitled to educational assistance under chapter 30, 31, 32, or 35 of this title, chapter 107, 1606, or 1607 of title 10, and chapter 33 of title 38, as of August 1, 2009, coordination of entitlement to educational assistance under this chapter, on the one hand, and such chapters or provisions, on the other, shall be governed by the provisions of section 3323 of the Post-9-11 Veterans Educational Assistance Act of 2008.

"(e) ADMINISTRATION.—(1) Except as otherwise provided in this chapter, the provisions specified in section 3323(a)(1) of this title shall apply to the provision of educational assistance under this chapter or (A)(v) of paragraph (1) makes an election under that paragraph, a transfer of the entitlement of the individual to basic educational assistance under section 3302 of such title, is in effect and a number of months of the entitlement so transferred remain unutilized, the individual shall cease, and the requirements of such section shall be deemed to be no longer applicable to the individual.

"(f) ELECTION TO REVOKE.—(1) After the date of a change in designation under this section, an individual may elect to revoke all or a portion of the basic educational assistance allowance under this chapter for purposes of this section—

"(2) ADDITIONAL CONFORMING AMENDMENTS.—(A) Title 38, United States Code, is further amended by inserting "33," after "32," and (B) in section 3485 of this title.

"(C) APPICLABILITY TO INDIVIDUALS UNDER MONTGOMERY GI BILL PROGRAM.—(1) INDIVIDUALS ELIGIBLE TO ELECT PARTICIPATION IN POST-SERVICE EDUCATIONAL ASSISTANCE.—An individual may elect to receive educational assistance under chapter 33 of title 38, United States Code (as added by subsection (a)), if such individual—

"(A) as of August 1, 2009—

"(B) Section 3011(b) or 3012(c) of title 38, United States Code, and has used, but retains unused, entitlement under that chapter;

"(C) is entitled to educational assistance under chapter 30, 31, 32, United States Code, but has not used any entitlement under that chapter;

"(D) as of the date of the individual’s election under this paragraph, meets the requirements for entitlement to educational assistance under chapter 33 of title 38, United States Code, as applicable, or

"(E) CESSATION OF CONTRIBUTIONS TOWARD GI BILL.—Effective as of the first month beginning on or after the date of an election under subparagraph (A) of this subsection, contributions under section 3011(c)(1) or 3012(d)(1) of title 38, United States Code, by reason of an election under section 3011(c)(1) or 3012(d)(1) of title 38, United States Code, as applicable, shall cease, and the requirements of such section shall be deemed to be no longer applicable to the individual.

"(F) REVOCATION OF REMAINING TRANSFERRED ENTITLEMENT.—(1) ELECTION TO REVOKE.—If, on the date an individual described in subparagraph (A) of this paragraph makes an election under that paragraph, a transfer of the entitlement of the individual to basic educational assistance under section 3302 of such title, is in effect and a number of months of the entitlement so transferred remain unutilized, the individual may elect to revoke all or a portion of the entitlement so transferred that remains unutilized.

"(G) AVAILABILITY OF REVOKED ENTITLEMENT.—Any entitlement revoked by an individual under this paragraph shall no longer be available to the dependent to whom transferred, but shall be available to the individual instead for educational assistance under chapter 33 of title 38, United States Code (as so added), in accordance with the provisions of this subsection.
(C) MODIFICATION OF MECHANISM FOR COST-OF-LIVING ADJUSTMENTS.—Subsection (b)(1) of such section is amended by striking subparagraphs (A) and (B) and inserting the following in lieu of such subparagraphs:

“(A) the average cost of undergraduate tuition in the United States, as determined by the National Center for Education Statistics, for the first academic year following the beginning of the fiscal year for which the increase is made, exceeds

(B) the average cost of undergraduate tuition in the United States, as so determined, for the academic year described in subparagraph (A).”.

(iii) EFFECTIVE DATE.—In general.—The amendments made by this section shall take effect on August 1, 2008.

(ii) Periodic Costs—

(1) by striking subparagraphs (A) through (C) of such section and inserting the following in lieu of such subparagraphs:

“(A) for months occurring during the period beginning on August 1, 2008, and ending on the last day of fiscal year 2009, $1,321; and:

(B) for months occurring during the period beginning on August 1, 2009, and ending on the last day of fiscal year 2010, $1,355,544,000.

(iii) MODIFICATION OF AMOUNT AVAILABLE FOR REIMBURSEMENT OF STATE AND LOCAL AGENCIES ADMINISTERING VETERANS EDUCATION BENEFITS.—The adjustment required by subsection (h) of section 3015 of title 38, United States Code, is amended by striking “$69,000,000” and all that follows the end and inserting “$19,000,000.”.

(iv) For an additional amount for Department of Veterans Affairs, “General Operating Expenses”, $100,000,000, to remain available until expended.

(v) The amendment made by subsection (b)(1) of section 3015 of title 38, United States Code (as amended by this section), in rates of basic educational assistance payable under subsections (a) and (b) of such section (as so amended) shall not be made for fiscal year 2009.

SEC. 1005. MODIFICATION OF AMOUNT AVAILABLE FOR DEFENSE MATTERS

TITLE XI
DEFENSE MATTERS
CHAPTER 1
DEFENSE SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2008

DEPARTMENT OF DEFENSE, MIGHTY MARYLAND PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for “Military Personnel, Army”, $12,216,715,000.

MILITARY PERSONNEL, NAVY

For an additional amount for “Military Personnel, Navy”, $894,185,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for “Military Personnel, Marine Corps”, $1,826,688,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for “Military Personnel, Air Force”, $1,355,544,000.

RESERVE PERSONNEL, ARMY

For an additional amount for “Reserve Personnel, Army”, $304,200,000.
For an additional amount for "Operation and Maintenance, Marine Corps Reserve", $156,943,000, to remain available until September 30, 2010.

For an additional amount for "Operation and Maintenance, Air Force Reserve", $3,563,254,000, to remain available until September 30, 2010.

For an additional amount for "Operation and Maintenance, Air National Guard", $70,256,000, to remain available until September 30, 2010.

For an additional amount for "Operation and Maintenance, Marine National Guard", $165,994,000, to remain available until September 30, 2010.

For an additional amount for "Operation and Maintenance, Army National Guard", $287,369,000, to remain available until September 30, 2010.

For an additional amount for "Iraq Freedom Fund" (including transfer of funds), $50,000,000, to remain available until September 30, 2009, notwithstanding any other provision of law: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for transfer until September 30, 2009, notwithstanding any other provision of law, for the purpose of allowing the Commander, Multi-National Security Transition Command -- Iraq, at the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and furnishing, and for such purposes as the Secretary may determine in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately equitably account for the support provided, and such determination is final and conclusive as to the extent of such support provided, for not more than 15 days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer.

For an additional amount for "Aircraft Procurement, Army", $854,111,000, to remain available for obligation until September 30, 2010.

For an additional amount for "Aircraft Procurement, Army Reserve", $6,397,864,000, to remain available for obligation until September 30, 2010.

For an additional amount for "Aircraft Procurement, Navy", $561,656,000, to remain available for obligation until September 30, 2010.

For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", $434,900,000, to remain available for obligation until September 30, 2010.

For an additional amount for "Procurement of Ammunition, Army", $563,254,000, to remain available for obligation until September 30, 2010.

For an additional amount for "Procurement of Ammunition, Navy and Marine Corps", $317,456,000, to remain available for obligation until September 30, 2010.

For an additional amount for "Procurement of Ammunition, Navy", $1,399,135,000, to remain available for obligation until September 30, 2010.

For an additional amount for "Procurement of Ammunition, Marine Corps", $2,197,390,000, to remain available for obligation until September 30, 2010.

For an additional amount for "Procurement, Marine Corps Reserve", $165,396,000, to remain available for obligation until September 30, 2010.

For an additional amount for "Procurement, Air Force Reserve", $165,396,000, to remain available for obligation until September 30, 2010.

For an additional amount for "Procurement, Air Force", $7,103,923,000, to remain available for obligation until September 30, 2010.

For an additional amount for "Missile Procurement, Air Force", $66,943,000, to remain available for obligation until September 30, 2010.

For an additional amount for "Procurement of Ammunition, Air Force", $2,197,390,000, to remain available for obligation until September 30, 2010.

For an additional amount for "Procurement of Ammunition, Air National Guard", $1,400,000,000, to remain available for obligation until September 30, 2010.

For an additional amount for "Procurement of Ammunition, Navy Reserve", $317,456,000, to remain available for obligation until September 30, 2010.

For an additional amount for "Procurement of Ammunition, Marine Reserve", $85,068,000, to remain available for obligation until September 30, 2010.

For an additional amount for "Procurement of Ammunition, Marine Corps Reserve", $66,943,000, to remain available for obligation until September 30, 2010.

For an additional amount for "Procurement of Ammunition, Air National Guard", $1,400,000,000, to remain available for obligation until September 30, 2010.

For an additional amount for "Procurement of Ammunition, Air Force Reserve", $165,396,000, to remain available for obligation until September 30, 2010.

For an additional amount for "Procurement of Ammunition, Air Force", $7,103,923,000, to remain available for obligation until September 30, 2010.

For an additional amount for "Procurement of Ammunition, Reserve Components", $85,749,000, to remain available for obligation until September 30, 2010.

For an additional amount for "Procurement, Army Reserve", $165,943,000, to remain available for obligation until September 30, 2010.

For an additional amount for "Procurement, Navy Reserve", $165,943,000, to remain available for obligation until September 30, 2010.

For an additional amount for "Procurement, Marine Reserve", $165,943,000, to remain available for obligation until September 30, 2010.

For an additional amount for "Procurement, Air Force Reserve", $165,396,000, to remain available for obligation until September 30, 2010.

For an additional amount for "Procurement, Air Force", $7,103,923,000, to remain available for obligation until September 30, 2010.

For an additional amount for "Missile Procurement, Air Force", $66,943,000, to remain available for obligation until September 30, 2010.

For an additional amount for "Procurement of Ammunition, Air National Guard", $1,400,000,000, to remain available for obligation until September 30, 2010.

For an additional amount for "Procurement of Ammunition, Air Force Reserve", $165,396,000, to remain available for obligation until September 30, 2010.

For an additional amount for "Procurement of Ammunition, Air Force", $7,103,923,000, to remain available for obligation until September 30, 2010.

For an additional amount for "Procurement of Ammunition, Reserve Components", $85,749,000, to remain available for obligation until September 30, 2010.

For an additional amount for "Procurement, Army Reserve", $165,943,000, to remain available for obligation until September 30, 2010.

For an additional amount for "Procurement, Navy Reserve", $165,943,000, to remain available for obligation until September 30, 2010.

For an additional amount for "Procurement, Marine Reserve", $165,943,000, to remain available for obligation until September 30, 2010.

For an additional amount for "Procurement, Air Force Reserve", $165,396,000, to remain available for obligation until September 30, 2010.

For an additional amount for "Procurement, Air Force", $7,103,923,000, to remain available for obligation until September 30, 2010.

For an additional amount for "Missile Procurement, Air Force", $66,943,000, to remain available for obligation until September 30, 2010.

For an additional amount for "Procurement of Ammunition, Air National Guard", $1,400,000,000, to remain available for obligation until September 30, 2010.

For an additional amount for "Procurement of Ammunition, Air Force Reserve", $165,396,000, to remain available for obligation until September 30, 2010.

For an additional amount for "Procurement of Ammunition, Air Force", $7,103,923,000, to remain available for obligation until September 30, 2010.

For an additional amount for "Procurement of Ammunition, Reserve Components", $85,749,000, to remain available for obligation until September 30, 2010.
$205,455,000, to remain available for obligation until September 30, 2010.

**OTHER PROCUREMENT, AIR FORCE**
For an additional amount for “Other Procurement, Air Force”, $1,837,450,000, to remain available for obligation until September 30, 2010.

**PROCUREMENT, DEFENSE-WIDE**
For an additional amount for “Procurement, Defense-Wide”, $496,209,000, to remain available for obligation until September 30, 2010.

**NATIONAL GUARD AND RESERVE EQUIPMENT**
For an additional amount for “National Guard and Reserve Equipment”, $825,000,000, to remain available for obligation until September 30, 2010: Provided, That the Chief of the National Guard and Reserve components shall, upon execution of funds, and not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees an equipment modernization priority assessment with a detailed plan for the expenditure of funds for their respective National Guard and Reserve components.

**RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMED SERVICES**
For an additional amount for “Research, Development, Test and Evaluation, Army”, $162,958,000, to remain available until September 30, 2010.

**RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY**
For an additional amount for “Research, Development, Test and Evaluation, Navy”, $366,110,000, to remain available until September 30, 2010.

**RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE**
For an additional amount for “Research, Development, Test and Evaluation, Air Force”, $390,817,000, to remain available until September 30, 2010.

**RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE**
For an additional amount for “Research, Development, Test and Evaluation, Defense-Wide”, $186,596,000, to remain available until September 30, 2009.

**REVOLVING AND MANAGEMENT FUNDS**
**DEFENSE WORKING CAPITAL FUNDS**
For an additional amount for “Defense Working Capital Funds”, $1,837,450,000, to remain available for obligation until expended.

**NATIONAL DEFENSE SEALIFT FUND**
For an additional amount for “National Defense Sealift Fund”, $5,110,000, to remain available for obligation until expended.

**OTHER DEPARTMENT OF DEFENSE PROGRAMS**
**DEFENSE HEALTH PROGRAM**
For an additional amount for “Defense Health Program”, $1,413,864,000, of which $957,064,000 shall be for operation and maintenance; of which $91,500,000 is for procurement, to remain available until September 30, 2010; of which $394,900,000 shall be for research, development, test and evaluation, to remain available until September 30, 2009: Provided, That in addition to amounts otherwise contained in this paragraph, $75,000,000 is hereby appropriated to the “Defense Health Program” for operation and maintenance, and $25,000,000 for behavioral health and traumatic brain injury, to remain available until September 30, 2009.

**DRUG INTERDICTIOIN AND COUNTER-DRUG ACTIVITIES, DEFENSE**
*(INCLUDING TRANSFER OF FUNDS)*
For an additional amount for “Drug Interdiction and Counter-Drug Activities, Defense”, $65,317,000, to remain available until September 30, 2009.

**OFFICE OF THE INSPECTOR GENERAL**
For an additional amount for “Office of the Inspector General”, $5,394,000, of which $2,000,000 is for personnel development, test and evaluation, to remain available until September 30, 2009.

**GENERAL PROVISIONS—THIS CHAPTER**
**Sec. 11101.** Appropriations provided in this chapter are available for obligation until September 30, 2008, unless otherwise provided in this chapter.

**Sec. 11102.** Notwithstanding any other provision of law, funds made available in this chapter are in addition to amounts appropriated or otherwise made available for the Department of Defense for fiscal year 2008.

*(INCLUDING TRANSFER OF FUNDS)*
**Sec. 11103.** Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer between appropriations up to $2,500,000,000 of the funds made available to the Department of Defense in this chapter: Provided, That the Secretary shall notify the Congress promptly of each transfer.

**SEC. 11104.** (a) From funds made available for operation and maintenance in this chapter to the Department of Defense, not to exceed $1,200,000,000: Provided, That there shall be transferred to the Commander of the Army National Guard and Reserve Program for administration of the National Guard and Reserve components for fiscal years 2009 and 2010 a total of $400,000,000: Provided, That the Secretary of Defense may transfer not to exceed $2,500,000,000 of the funds made available in this chapter to the Department of Defense for the Commander’s Emergency Response Program, for the purpose of enabling military commanders in Iraq, Afghanistan, and the Philippines, to conduct humanitarian and civic action projects.

**SEC. 11105.** During fiscal year 2008, the Secretary may transfer between appropriations funds made available in this chapter.

**SARCOSS**
For an additional amount for “SarcoSS Research and Development”, $5,110,000, under the heading “Defense Working Capital Fund”, to remain available for obligation under the Secretary of Defense.

**DEFENSE BRIDGE FUND**
**APPROPRIATIONS FOR FISCAL YEAR 2009**
**DEPARTMENT OF DEFENSE—MILITARY PERSONNEL**
**MILITARY PERSONNEL, ARMY**
For an additional amount for “Military Personnel, Army”, $389,000,000.

**MILITARY PERSONNEL, NAVY**
For an additional amount for “Military Personnel, Navy”, $75,000,000.

**MILITARY PERSONNEL, MARINE CORPS**
For an additional amount for “Military Personnel, Marine Corps”, $55,000,000.

**MILITARY PERSONNEL, AIR FORCE**
For an additional amount for “Military Personnel, Air Force”, $75,000,000.

**NATIONAL GUARD PERSONNEL, ARMY**
For an additional amount for “National Guard Personnel, Army”, $150,000,000.

**OPERATION AND MAINTENANCE**
**ARMY**
**OPERATION AND MAINTENANCE, ARMY**
For an additional amount for “Operation and Maintenance, Army”, $37,300,000.

**OPERATION AND MAINTENANCE, NAVY**
*(INCLUDING TRANSFER OF FUNDS)*
For an additional amount for “Operation and Maintenance, Navy”, $3,500,000,000: Provided, That up to $1,100,000,000 of the funds shall be transferred to the Coast Guard “Operating Expenses” account.
AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for “Aircraft Procurement, Air Force”, $301,842,000, to remain available for obligation until September 30, 2011.

PROTECTION PROCUREMENT, AIR FORCE

For an additional amount for “Other Procurement, Air Force”, $1,500,044,000, to remain available for obligation until September 30, 2011.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for “Other Procurement, Defense-Wide”, $477,237,000, to remain available for obligation until September 30, 2011.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for “Research, Development, Test and Evaluation, Navy”, $113,228,000, to remain available until September 30, 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for “Research, Development, Test and Evaluation, Defense-Wide”, $202,559,000, to remain available until September 30, 2010.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for “Defense Health Program”, $1,100,000,000 for operation and maintenance.

DRUG INTERDICATION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Drug Interdiction and Counter-Drug Activities, Defense”, $188,000,000.

JOINT IMPROVED EXPLOSIVE DEVICE DEFECT FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Joint Improved Explosive Device Defect Fund”, $2,000,000,000, to remain available until September 30, 2011: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improved Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of improvised explosive devices: Provided further, That within 60 days of the enactment of this Act, a plan for the intended management and use of the amounts provided under this heading shall be submitted to the congressional defense committees providing assessment of the evolving threats, individual service requirements to counter the threats, the current strategy for predeployment training of members of the forces on improvised explosive devices, and details on the execution of the Fund: Provided further, That the Secretary of Defense shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.
and defense working capital funds to accomplish the purpose provided herein: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense; Provided further, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation, notify the congressional committees in writing of the details of any such transfer.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 11201. Appropriations provided in this chapter are not available for obligation until October 1, 2008.

SEC. 11202. Appropriations provided in this chapter are available for obligation until September 30, 2009, unless otherwise provided in this chapter.

(INCLUDING TRANSFER OF FUNDS)

SEC. 11203. Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer between appropriations up to $1,000,000,000 of the funds made available to the Department of Defense in this chapter: Provided, That the Secretary shall notify the Congress promptly of each transfer.

SEC. 11204. (a) Not later than December 5, 2007, the Secretary of Defense shall submit to the congressional defense committees a report that includes:

(1) With respect to stability and security in Iraq, including a description of amounts budgeted for support of Iraqi security and police forces and an assessment of how these funds are expected to influence training, equipping and overall readiness of those forces.

(G) The criteria the Administration will use to determine when it is safe to begin withdrawing United States forces from Iraq.

(2) With respect to the training and performance of security forces in Iraq, the following:

(A) The training provided Iraqi military and other Ministry of Defense forces and the equipment used by such forces.

(B) Key criteria for assessing the capabilities and readiness of the Iraqi military and other Ministry of Defense forces, goals for achieving such capabilities and readiness levels (as well as for recruiting, training, and equipping these forces), and the milestones and notional timetable for achieving these goals.

(C) The operational readiness status of the Iraqi military forces, including the number, size, and organizational structure of Iraqi battalions that are—

(i) capable of conducting counter insurgency operations independently without any support from Coalition Forces;

(ii) capable of conducting counter insurgency operations with the support of United States or coalition forces; or

(iii) not ready to conduct counter insurgency operations.

(D) The amount and type of support provided by Coalition Forces to the Iraqi Security Forces at each level of operational readiness.

(E) The number of Iraqi battalions in the Iraqi Army currently conducting operations and the equipment used by such forces.

(F) The rates of absenteeism in the Iraqi military forces and the extent to which insurgents have infiltrated such forces.

(G) The training provided Iraqi police and other Ministry of Interior forces and the equipment used by such forces.

(H) The key indicators of economic activity that should be considered the most important for determining the prospects of stability in Iraq, including—

(1) unemployment level, size, equipment strength, military effectiveness, sources of support, legal status, and efforts to disarm or reintegrate each militia.

(E) Key indicators of economic activity that should be considered the most important for determining the prospects of stability in Iraq, including—

(1) unemployment level, size, equipment strength, military effectiveness, sources of support, legal status, and efforts to disarm or reintegrate each militia.

(2) The most recent annual budget for the Iraqi police, trends relating to numbers and types of ethnic and religious-based hostile encounters, and progress made in the transition of responsibility for the security of Iraqi provinces to the Iraqi Security Forces under the Provincial Iraqi Control (PIC) process.

(C) An assessment of the estimated strength and is subject to the terms and conditions as the authority provided in section 8005 of Public Law 110–182.

(b) In specific, the report requires, at a minimum, the following:

(1) The number of police recruits that have received classroom training and the duration of such instruction;

(2) The number of veteran police officers who have received classroom instruction and the duration of such instruction;

(3) The number of police candidates screened by the Iraqi Police Screening Service, the source of the candidates referred to in paragraph (1) of the costs required to complete each project.

(C) An estimated total cost to train and equip the Iraqi and Afghan security forces, disaggregated by major program and sub-elements by force, arrayed by fiscal year.

NOTIFICATION.—The Secretary of Defense shall notify the congressional defense committees of any proposed new projects or transfers of funds between sub-activity groups in excess of $15,000,000 using funds appropriated by this Act under the headings “Iraq Security Forces Fund” and “Afghanistan Security Forces Fund” on a project-by-project basis, for which the obligation of funds is anticipated during the 3-month period from such date, including estimates by the commanders referred to in this paragraph of the costs required to complete each such project.

(b) The report required by this subsection shall include the following:

(1) The use of all funds on a project-by-project basis for which funds appropriated under the headings referred to in paragraph (1) were obligated prior to the submission of the report, including estimates by the commanders referred to in paragraph (1) of the costs to complete each project.

(2) An estimated total cost to train and equip the Iraqi and Afghan security forces, disaggregated by major program and sub-elements by force, arrayed by fiscal year.

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SEC. 11307. None of the funds appropriated in the National Defense Authorization Act, Fiscal Year 2007 or 2008 appropriations to the Department of Defense may be used to purchase items having an investment unit cost of not more than $500,000.

SEC. 11312. H-2B NONIMMIGRANTS. (a) SHORT TITLE.—This section may be cited as the “Save Our Small and Seasonal Businesses Act of 2007.”

(b) EXTENSION OF RETURNING WORKER EXEMPTION TO H-2B NUMERICAL LIMITATION.—Section 214(g)(9)(A) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)) is amended by striking “an alien who has already been counted toward the numerical limitation of paragraph (1)(B)” during fiscal years 2003, 2004, and 2005, or fiscal year 2007,” and inserting “an alien who has been present in the United States as an H-2B nonimmigrant during any of the 3 fiscal years immediately preceding the fiscal year of the approved start date of a petition for a nonimmigrant worker described in section 101(a)(15)(H)(ii) shall not be counted toward such limitation during fiscal year 2007,” and inserting “an alien who has been present in the United States as an H-2B nonimmigrant during any of the 3 fiscal years immediately preceding the fiscal year of the approved start date of a petition for a nonimmigrant worker described in section 101(a)(15)(H)(ii)”.

(c) EFFECTIVE DATE.—The amendment made by subsection (b) shall be effective during the 3-year period beginning on October 1, 2007.

TITLE XII
POLICY REGARDING OPERATIONS IN IRAQ
UNITS DEPLOYED FOR COMBAT TO BE FULLY MISSION CAPABLE

SEC. 12001. (a) The Congress finds that it is the policy of the Department of Defense that units should not be deployed for combat unless they are rated “fully mission capable.”

(b) None of the funds made available by this Act, or any other funds available to the United States Armed Forces, may be used to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

(c) The Secretary of Defense shall, upon request, report to the congressional defense committees a plan to procure and sustain personnel and equipment to meet the security needs of the United States.

(d) SEC. 12002. Of the funds made available in this Act, $231,641,000 shall be available to the Secretary of Defense to procure equipment and support for the continued deployment of U.S. military forces to Iraq.

(e) SEC. 12003. Of the funds made available in this Act, $215,000,000 shall be available to the Secretary of Defense for the procurement, development, test and evaluation of programs necessary to maintain a state of readiness for any contingency military operations.

(f) SEC. 12004. Of the funds made available in this Act, $231,641,000 shall be available to the Secretary of Defense to procure equipment and support for the continued deployment of U.S. military forces to Iraq.

(g) SEC. 12005. Of the funds made available in this Act, $215,000,000 shall be available to the Secretary of Defense for the procurement, development, test and evaluation of programs necessary to maintain a state of readiness for any contingency military operations.

(h) SEC. 12006. None of the funds made available in this Act shall be used to deploy any unit of the Armed Forces to Iraq unless the President has certified in writing to the Committees on Appropriations and the Committees on Armed Services of the House of Representatives and the Senate at least 15 days in advance of the deployment that the unit is fully mission capable in advance of entry into combat.

(i) (1) For purposes of subparagraph (b), the term “fully mission capable” means capable of performing assigned mission essential tasks and associated support tasks prescribed in the “Iraq Freedom Fund,” $150,000,000 is only for the Joint Rapid Acquisition Cell, and $1,000,000 is only for the transportation of fallen service members.

 SEC. 11310. None of the funds available to the Department of Defense from the IRAQ SECURITY MINUS 2007 Resilience Fund” or “Iraq Security Forces Fund” provided in this chapter, and executed in direct support of the Global War on Terrorism only in Iraq and Afghanistan, may be obligated or expended under the Act until the time a contract is awarded: Provided, That for the purpose of this section, supervision and administration costs include all in-house Government

(INCLUDING TRANSFER OF FUNDS)

SEC. 11308. (a) Notwithstanding any other provision of law, and in addition to amounts otherwise made available by this Act, there is appropriated for the Mine Resistant Ambush Protected Vehicle Fund, to remain available until September 30, 2009.

(b) The funds provided by subsection (a) shall be available to the Secretary of Defense to continue technological research and development and upgrades, to procure Mine Resistant Ambush Protected vehicles and associated support equipment, and to sustain, transport, and field Mine Resistant Ambush Protected vehicles.

(c)(1) The Secretary of Defense shall transfer funds on a rolling basis to the Mine Resistant Ambush Protected Vehicle Fund, to remain available until September 30, 2009.

SEC. 11304. (a) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Appropriations of the Senate, and the Committees on Appropriations of the House of Representatives, the Armed Services of the House of Representatives, the Architect of the Capitol, the Clerk of the House of Representatives, and the Chairman of the Joint Chiefs of Staff the report setting forth the global strategy of the United States to combat al Qaeda and its affiliates.

(b) ELEMENTS OF STRATEGY.—The strategy set forth in the report required under subsection (a) shall include the following elements:

(1) An analysis of the global threat posed by al Qaeda and its affiliates, including an assessment of the relative threat posed in particular regions or countries.

(2) Recommendations regarding the distribution and deployment of United States military, intelligence, diplomatic, and other assets to meet the relative regional and country-specific threats described in paragraph (1).

(3) Recommendations to ensure that the global deployment of United States military personnel and equipment best meet the threat identified and described in paragraph (1) and:

(A) does not undermine the military readiness or homeland security of the United States;

(B) ensures adequate time between military deployments for rest and training; and

(C) does not extend or re-task deployments to the extent practicable.

(c) CLASSIFIED ANNEX.—The report required by subsection (a) shall be submitted in an unclassified form, but shall include a classified annex.

SEC. 11305. None of the funds provided in this title may be used to finance programs or activities denied by Congress in fiscal years 2007 or 2008 appropriations to the Department of Defense to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

SEC. 11306. Section 1002(c)(2) of the National Defense Authorization Act, Fiscal Year 2008 (Public Law 110–114) is amended by striking “$362,159,000” and inserting “$435,259,000”.

SEC. 11307. None of the funds appropriated or otherwise made available by this title may be obligated or expended to provide award fees to any defense contractor contrary to the provisions of section 814 of the National Defense Authorization Act, Fiscal Year 2007 (Public Law 110–129).
dwelling time between combat deployments

SEC. 12003. (a) The Congress finds that it is the policy of the Department of Defense that Army, Army Reserve, and National Guard units should not be deployed for combat beyond 365 days or that Marine Corps and Marine Corps Reserve units should not be deployed for combat beyond 210 days.

(b) None of the funds made available in this or any other Act may be obligated or expended to continue the development of, or execute any order that has the effect of extending the deployment for Operation Iraqi Freedom of:

(1) any unit of the Army, Army Reserve, or National Guard beyond 365 days; or

(2) any unit of the Marine Corps or Marine Corps Reserve beyond 210 days.

(c) The limitation prescribed in subsection (b) shall not be construed to require force levels in Iraq to be decreased below the total United States force levels in Iraq as of January 9, 2007.

(d) The President may waive the limitations prescribed in subsection (b) on a unit-by-unit basis if the President certifies in writing to the Committees on Appropriations of the House of Representatives and the Senate that the extension of a unit’s deployment in Iraq beyond the period applicable to the unit under such subsection is required for reasons of national security. The certification shall include a report, in classified and unclassified form, detailing the particular reasons why the unit’s deployment is necessary.

Sec. 12003. (a) The Congress finds that it is the policy of the Department of Defense that Army, Army Reserve, and National Guard units should not be deployed for combat beyond 365 days or that Marine Corps and Marine Corps Reserve units should not be deployed for combat beyond 210 days.

(b) None of the funds made available in this or any other Act may be obligated or expended to continue the development of, or execute any order that has the effect of extending the deployment for Operation Iraqi Freedom of:

(1) any unit of the Army, Army Reserve, or National Guard beyond 365 days; or

(2) any unit of the Marine Corps or Marine Corps Reserve beyond 210 days.

(c) The limitation prescribed in subsection (b) shall not be construed to require force levels in Iraq to be decreased below the total United States force levels in Iraq as of January 9, 2007.

(d) The President may waive the limitations prescribed in subsection (b) on a unit-by-unit basis if the President certifies in writing to the Committees on Appropriations of the House of Representatives and the Senate that the extension of a unit’s deployment in Iraq beyond the period applicable to the unit under such subsection is required for reasons of national security. The certification shall include a report, in classified and unclassified form, detailing the particular reasons why the unit’s deployment is necessary.

Sec. 12003. (a) The Congress finds that it is the policy of the Department of Defense that Army, Army Reserve, and National Guard units should not be deployed for combat beyond 365 days or that Marine Corps and Marine Corps Reserve units should not be deployed for combat beyond 210 days.

(b) None of the funds made available in this or any other Act may be obligated or expended to continue the development of, or execute any order that has the effect of extending the deployment for Operation Iraqi Freedom of:

(1) any unit of the Army, Army Reserve, or National Guard beyond 365 days; or

(2) any unit of the Marine Corps or Marine Corps Reserve beyond 210 days.

(c) The limitation prescribed in subsection (b) shall not be construed to require force levels in Iraq to be decreased below the total United States force levels in Iraq as of January 9, 2007.

(d) The President may waive the limitations prescribed in subsection (b) on a unit-by-unit basis if the President certifies in writing to the Committees on Appropriations of the House of Representatives and the Senate that the extension of a unit’s deployment in Iraq beyond the period applicable to the unit under such subsection is required for reasons of national security. The certification shall include a report, in classified and unclassified form, detailing the particular reasons why the unit’s deployment is necessary.

Sec. 12003. (a) The Congress finds that it is the policy of the Department of Defense that Army, Army Reserve, and National Guard units should not be deployed for combat beyond 365 days or that Marine Corps and Marine Corps Reserve units should not be deployed for combat beyond 210 days.

(b) None of the funds made available in this or any other Act may be obligated or expended to continue the development of, or execute any order that has the effect of extending the deployment for Operation Iraqi Freedom of:

(1) any unit of the Army, Army Reserve, or National Guard beyond 365 days; or

(2) any unit of the Marine Corps or Marine Corps Reserve beyond 210 days.

(c) The limitation prescribed in subsection (b) shall not be construed to require force levels in Iraq to be decreased below the total United States force levels in Iraq as of January 9, 2007.

(d) The President may waive the limitations prescribed in subsection (b) on a unit-by-unit basis if the President certifies in writing to the Committees on Appropriations of the House of Representatives and the Senate that the extension of a unit’s deployment in Iraq beyond the period applicable to the unit under such subsection is required for reasons of national security. The certification shall include a report, in classified and unclassified form, detailing the particular reasons why the unit’s deployment is necessary.

Sec. 12003. (a) The Congress finds that it is the policy of the Department of Defense that Army, Army Reserve, and National Guard units should not be deployed for combat beyond 365 days or that Marine Corps and Marine Corps Reserve units should not be deployed for combat beyond 210 days.

(b) None of the funds made available in this or any other Act may be obligated or expended to continue the development of, or execute any order that has the effect of extending the deployment for Operation Iraqi Freedom of:

(1) any unit of the Army, Army Reserve, or National Guard beyond 365 days; or

(2) any unit of the Marine Corps or Marine Corps Reserve beyond 210 days.

(c) The limitation prescribed in subsection (b) shall not be construed to require force levels in Iraq to be decreased below the total United States force levels in Iraq as of January 9, 2007.

(d) The President may waive the limitations prescribed in subsection (b) on a unit-by-unit basis if the President certifies in writing to the Committees on Appropriations of the House of Representatives and the Senate that the extension of a unit’s deployment in Iraq beyond the period applicable to the unit under such subsection is required for reasons of national security. The certification shall include a report, in classified and unclassified form, detailing the particular reasons why the unit’s deployment is necessary.

Sec. 12003. (a) The Congress finds that it is the policy of the Department of Defense that Army, Army Reserve, and National Guard units should not be deployed for combat beyond 365 days or that Marine Corps and Marine Corps Reserve units should not be deployed for combat beyond 210 days.

(b) None of the funds made available in this or any other Act may be obligated or expended to continue the development of, or execute any order that has the effect of extending the deployment for Operation Iraqi Freedom of:

(1) any unit of the Army, Army Reserve, or National Guard beyond 365 days; or

(2) any unit of the Marine Corps or Marine Corps Reserve beyond 210 days.

(c) The limitation prescribed in subsection (b) shall not be construed to require force levels in Iraq to be decreased below the total United States force levels in Iraq as of January 9, 2007.

(d) The President may waive the limitations prescribed in subsection (b) on a unit-by-unit basis if the President certifies in writing to the Committees on Appropriations of the House of Representatives and the Senate that the extension of a unit’s deployment in Iraq beyond the period applicable to the unit under such subsection is required for reasons of national security. The certification shall include a report, in classified and unclassified form, detailing the particular reasons why the unit’s deployment is necessary.
(d) RICO.—Section 1961(t) of title 18, United States Code, is amended—

(1) IN GENERAL.—The United States Government shall take actions to ensure that Iraq funds are used to pay the following:

(A) The costs of the salaries, training, equipping, and sustainment of Iraqi Security Forces.

(B) The costs associated with the Sons of Iraq.

(2) REPORTS.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to Congress a report setting forth an assessment of the progress made in meeting the requirements of paragraph (1).

SEC. 13001. SHORT TITLE.

This title may be cited as the “MEJA Expansion and Enforcement Act of 2008”.

SEC. 13002. LEGAL STATUS OF CONTRACT PERSONNEL.

(a) CLARIFICATION OF MILITARY EXTRATERRITORIAL JURISDICTION ACT.—

(1) INCLUSION OF EMPLOYERS AND CONTRACTORS.—Section 2601(a) of title 18, United States Code, is amended—

(1) to create or otherwise imply the authority to detain; or

(2) to limit or otherwise affect any other rights or obligations which may arise under the Geneva Conventions or other laws, or to state all of the information which was not notification to and access for the International Committee of the Red Cross is required or allowed.

(b) INSTRUMENTALITY DEFINED.—In this section, the term “instrumentality”, with respect to an element of the intelligence community, means a contractor or subcontractor at any tier of the element of the intelligence community.

(c) EXEMPTION.—This section shall not apply to amounts appropriated by this Act for the Commander’s Emergency Response Program (CERP).

SEC. 12013. REQUIREMENT.

None of the funds appropriated under this Act, other than the funds appropriated under subsection (a), shall be obligated or expended for any large-scale infrastructure project in Iraq that is commenced after the date of the enactment of this Act.

SEC. 12012. LARGE-SCALE INFRASTRUCTURE PROJECTS.—

(1) LIMITATION ON AVAILABILITY OF UNITED STATES FUNDS FOR PROJECTS.—Amounts appropriated by this Act for the Department of Defense for United States assistance (other than amounts described in paragraph (3)) may be obligated or expended for any large-scale infrastructure project in Iraq that is commenced after the date of the enactment of this Act.

(2) LIMITATION ON AVAILABILITY OF UNITED STATES FUNDS FOR PROJECTS.—

(a) IN GENERAL.—The Secretary of Defense shall work with the Government of Iraq to provide that the Government of Iraq shall obligate and expend funds of the Government of Iraq for reconstruction projects in Iraq that are not large-scale infrastructure projects before obligating and expending funds of the United States for reconstruction projects in Iraq that is commenced after the date of the enactment of this Act.

(b) EXCEPTION FOR CERP.—The limitations in paragraphs (1) and (2) do not apply to amounts appropriated by this Act for the Commander’s Emergency Response Program (CERP).

(c) LARGE-SCALE INFRASTRUCTURE PROJECT OPERATIONS.—

(1) IN GENERAL.—The Secretary of Defense shall initiate negotiations with the Government of Iraq on an agreement under which the Government of Iraq shall share with the United States Government the costs of combined operations of the Government of Iraq and the United States Forces Iraq undertaken as part of Operation Iraqi Freedom.

(2) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report describing the status of negotiations under paragraph (1).

SEC. 12015. SECURITY OF PERSONNEL.

(1) LIMITATION ON AVAILABILITY OF UNITED STATES FUNDS FOR PROJECTS.—Amounts appropriated by this Act for the Department of Defense, up to $3,000,000,000 shall be available to a Federally Funded Research and Development Center (FFRDC) to conduct an examination and analysis of the feasibility and mechanisms of implementing a safe and orderly phased redeployment of United States military forces from Iraq over a 12-month to a 15-month time period. The examination and analysis of a safe and orderly phased redeployment pursuant to this section shall (1) ascertain whether the United States military forces remain in Iraq for such purpose.

(b) LIMITATION ON AVAILABILITY OF UNITED STATES FUNDS FOR PROJECTS.—

(1) LIMITATION ON AVAILABILITY OF UNITED STATES FUNDS FOR PROJECTS.—Amounts appropriated by this Act for the Department of Defense shall be available to implement a safe and orderly phased redeployment of United States military forces from Iraq over a 12-month to a 15-month time period. The examination and analysis of a safe and orderly phased redeployment pursuant to this section shall (1) ascertain whether the United States military forces remain in Iraq for such purpose.

(2) LIMITATION ON AVAILABILITY OF UNITED STATES FUNDS FOR PROJECTS.—

(1) LIMITATION ON AVAILABILITY OF UNITED STATES FUNDS FOR PROJECTS.—Amounts appropriated by this Act for the Department of Defense shall be available to implement a safe and orderly phased redeployment of United States military forces from Iraq over a 12-month to a 15-month time period. The examination and analysis of a safe and orderly phased redeployment pursuant to this section shall (1) ascertain whether the United States military forces remain in Iraq for such purpose.

(3) LIMITATION ON AVAILABILITY OF UNITED STATES FUNDS FOR PROJECTS.—

SEC. 12014. REPORTS.

(1) IN GENERAL.—The term “large-scale infrastructure project” means any construction, alteration, or renovation project for infrastructure in Iraq that is estimated by the United States Government at the time of the commencement of the project to cost at least $2,000,000,000.

SEC. 12016. SECURITY OF PERSONNEL.

(1) LIMITATION ON AVAILABILITY OF UNITED STATES FUNDS FOR PROJECTS.—Amounts appropriated by this Act for the Department of Defense shall be available to a Federally Funded Research and Development Center (FFRDC) to conduct an examination and analysis of the feasibility and mechanisms of implementing a safe and orderly phased redeployment of United States military forces from Iraq over a 12-month to a 15-month time period. The examination and analysis of a safe and orderly phased redeployment pursuant to this section shall (1) ascertain whether the United States military forces remain in Iraq for such purpose.

SEC. 12017. SECURITY OF PERSONNEL.

(1) LIMITATION ON AVAILABILITY OF UNITED STATES FUNDS FOR PROJECTS.—Amounts appropriated by this Act for the Department of Defense shall be available to implement a safe and orderly phased redeployment of United States military forces from Iraq over a 12-month to a 15-month time period. The examination and analysis of a safe and orderly phased redeployment pursuant to this section shall (1) ascertain whether the United States military forces remain in Iraq for such purpose.

SEC. 12010. SECURITY OF PERSONNEL.

(1) LIMITATION ON AVAILABILITY OF UNITED STATES FUNDS FOR PROJECTS.—Amounts appropriated by this Act for the Department of Defense shall be available to implement a safe and orderly phased redeployment of United States military forces from Iraq over a 12-month to a 15-month time period. The examination and analysis of a safe and orderly phased redeployment pursuant to this section shall (1) ascertain whether the United States military forces remain in Iraq for such purpose.

SEC. 12011. SECURITY OF PERSONNEL.

(1) LIMITATION ON AVAILABILITY OF UNITED STATES FUNDS FOR PROJECTS.—Amounts appropriated by this Act for the Department of Defense shall be available to implement a safe and orderly phased redeployment of United States military forces from Iraq over a 12-month to a 15-month time period. The examination and analysis of a safe and orderly phased redeployment pursuant to this section shall (1) ascertain whether the United States military forces remain in Iraq for such purpose.

(2) LIMITATION ON AVAILABILITY OF UNITED STATES FUNDS FOR PROJECTS.—

(1) LIMITATION ON AVAILABILITY OF UNITED STATES FUNDS FOR PROJECTS.—Amounts appropriated by this Act for the Department of Defense shall be available to implement a safe and orderly phased redeployment of United States military forces from Iraq over a 12-month to a 15-month time period. The examination and analysis of a safe and orderly phased redeployment pursuant to this section shall (1) ascertain whether the United States military forces remain in Iraq for such purpose.

(3) LIMITATION ON AVAILABILITY OF UNITED STATES FUNDS FOR PROJECTS.—

SEC. 12012. SECURITY OF PERSONNEL.

(1) LIMITATION ON AVAILABILITY OF UNITED STATES FUNDS FOR PROJECTS.—Amounts appropriated by this Act for the Department of Defense shall be available to implement a safe and orderly phased redeployment of United States military forces from Iraq over a 12-month to a 15-month time period. The examination and analysis of a safe and orderly phased redeployment pursuant to this section shall (1) ascertain whether the United States military forces remain in Iraq for such purpose.

SEC. 12013. SECURITY OF PERSONNEL.

(1) LIMITATION ON AVAILABILITY OF UNITED STATES FUNDS FOR PROJECTS.—Amounts appropriated by this Act for the Department of Defense shall be available to implement a safe and orderly phased redeployment of United States military forces from Iraq over a 12-month to a 15-month time period. The examination and analysis of a safe and orderly phased redeployment pursuant to this section shall (1) ascertain whether the United States military forces remain in Iraq for such purpose.
“(D) not a national of or ordinarily resi-
dent in the host nation.

“(7) The term ‘qualifying military opera-
tion’ means—

“(A) any military operation covered by a de-
claration of war or an authorization of the use of
military force by Congress;

“(B) a contingency operation (as defined in
section 6901 of title 10, United States Code) that re-
lates to an order from or approved by the Sec-
tary of Defense;

“(C) any other military operation outside of
the United States, including a humani-
tarian assistance or peace keeping operation,
provided such operation is conducted pursu-
tant to an order from or approved by the Sec-
tary of Defense.”.

(b) Department of Justice Inspector General Report.—

(1) REPORT REQUIRED.—Not later than 180 days
after the date of the enactment of this Act,
the Attorney General of the Depart-
ment of Justice, in consultation with the In-
spectors General of the Department of De-
fense, the Department of State, the United
States Agency for International Develop-
ment, the Department of Agriculture, the
Department of Energy, and other appro-
priate Federal departments and agencies,
shall submit to Congress a report in accord-
ance with this subsection.

(2) CONTENT OF REPORT.—The report under
paragraph (1) shall include, for the period be-
inning on October 1, 2008, and ending on
the date of the report—

(A) unless the description pertains to non-
public information that relates to an ongoin-
ing investigation or criminal or civil pro-
ceeding under seal, a description of any al-
leged violations of section 3261 of title 18,
United States Code, reported to the Inspec-
tors Generals identified in paragraph (1) or
the Department of Justice, including—

(i) the date of the complaint and the type
of offense alleged;

(ii) whether any investigation was opened
or declined based on the complaint;

(iii) whether the investigation was closed,
and if so, when it was closed;

(iv) whether a criminal or civil case was
filed as a result of the investigation, and if
so, when it was filed; and

(B) any charges or complaints filed in those
cases; and

(C) any other military operation outside of
the United States, including a humani-
tarian assistance or peace keeping operation,
provided such operation is conducted pursu-
tant to an order from or approved by the Sec-
tary of Defense.”.

(c) Responsibilities of the Attorney General.—

(1) INVESTIGATION.—The Attorney General
shall have the principal authority for the en-
forcement of sections 3261(a)(3) and 3261(a)(4)
of title 18, United States Code, and shall
have the authority to initiate, conduct, and
supervise investigations of any alleged viola-
tions of such sections 3261(a)(3) and 3261(a)(4)
by persons employed as a security
personnel, or otherwise acting as agents
of the United States, including a humani-
tarian assistance or peace keeping operation,
whether conducted by any Executive depart-
ment or agency.

(2) ASSISTANCE ON REQUEST OF THE ATTOR-
NEY GENERAL.—Nothing in this title shall con-
trol in any way the ability of the United
States to exercise its right to refuse to
assist or cooperate with another country,
whether or not that country requests such
assistance.

(3) DUTIES.—The Attorney General shall
have the following duties:

(A) shall assign adequate personnel and re-
sources through the creation of Investigative
Units for Contractor Oversight deployed by
personnel outside the United States and
for other military operations conducted by
the United States or other Executive agency
abroad to promote or investigate or review
allegations of criminal violations.

(B) shall assign adequate personnel and re-
sources through the creation of Investigative
Units for Contractor Oversight deployed by
personnel outside the United States and
for other military operations conducted by
the United States or other Executive agency
abroad.

(C) shall assign adequate personnel and re-
sources through the creation of Investigative
Units for Contractor Oversight deployed by
personnel outside the United States and
for other military operations conducted by
the United States or other Executive agency
abroad.

(4) AUTHORITY.—Nothing in this title shall con-
trol the authority of the Attorney General to
assign adequate personnel and resources,
already assigned or assigned thereafter,
through the creation of Investigative
Units for Contractor Oversight deployed by
personnel outside the United States and
for other military operations conducted by
the United States or other Executive agency
abroad.

(5) AUTHORITY FOR MISSION.—Nothing in
this title shall control the authority of the
Secretary of Defense, the Secretary of State,
or the head of any other Executive depart-
ment or agency to which this title applies,
to deploy personnel overseas.

(6) AUTHORITY FOR MISSION.—Nothing in
this title shall control the authority of the
Secretary of Defense, the Secretary of State,
or the head of any other Executive depart-
ment or agency to which this title applies,
to deploy personnel overseas.

(7) The term ‘Investigative
Units for Contractor
Oversight’ means—

(A) a military operation covered by a dec-
laration of war or an authorization of the use of
military force by Congress;

(B) a contingency operation (as defined in
section 6901 of title 10, United States Code) that re-
lates to an order from or approved by the Sec-
tary of Defense;

(C) any other military operation outside of
the United States, including a humani-
tarian assistance or peace keeping operation,
provided such operation is conducted pursu-
tant to an order from or approved by the Sec-
tary of Defense.”.

SEC. 13006. DEFINITION.

For purposes of this title and the amend-
ments made by this title, the term ‘Executive
agency’ has the meaning given in section
105 of title 5, United States Code.

SEC. 13007. EFFECTIVE DATE.

(a) IMMEDIATE EFFECTIVENESS.—The provi-
sions of this title shall enter into effect im-
mEDIATELY upon the enactment of this Act.

(b) IMPLEMENTATION.—The Attorney Gen-
eral and the head of any other Federal de-
partment or agency to which this title ap-
plies shall have 90 days after the date of the
enactment of this Act to ensure compliance
with the provisions of this title.

SA 4817. Mr. REID proposed an amend-
ment to the amendment of the House
amendment number 1 to the amend-
ment of the Senate to the bill H.R. 2642, making appropriations for
military construction, the Department
of Veterans Affairs, and related agen-
cies for the fiscal year ending Sep-
tember 30, 2008, and for other purposes;

In lieu of the language proposed to be
inserted, insert the following:

TITLES XI
DEFENSE MATTERS
CHAPTER I
DEFENSE SUPPLEMENTAL
APPROPRIATIONS FOR FISCAL YEAR 2008
DEPARTMENT OF DEFENSE—MILITARY
PERSONNEL
MILITARY PERSONNEL, ARMY
For an additional amount for “Military
Personnel, Army”, $12,216,715,000.

MILITARY PERSONNEL, NAVY
For an additional amount for “Military
Personnel, Navy”, $484,185,000.

MILITARY PERSONNEL, MARINE CORPS
For an additional amount for “Military
Personnel, Marine Corps”, $2,086,088,000.

MILITARY PERSONNEL, AIR FORCE
For an additional amount for “Military
Personnel, Air Force”, $1,355,544,000.

May 22, 2008
CONGRESSIONAL RECORD — SENATE S4823
RESERVE PERSONNEL, ARMY
For an additional amount for “Reserve Personnel, Army”, $304,200,000.

RESERVE PERSONNEL, NAVY
For an additional amount for “Reserve Personnel, Navy”, $4,000,000.

RESERVE PERSONNEL, MARINE CORPS
For an additional amount for “Reserve Personnel, Marine Corps”, $16,720,000.

RESERVE PERSONNEL, AIR FORCE
For an additional amount for “Reserve Personnel, Air Force”, $5,000,000.

NATIONAL GUARD PERSONNEL, ARMY
For an additional amount for “National Guard Personnel, Army”, $1,369,747,000.

NATIONAL GUARD PERSONNEL, AIR FORCE
For an additional amount for “National Guard Personnel, Air Force”, $1,000,000.

OPERATION AND MAINTENANCE
OPERATION AND MAINTENANCE, ARMY
For an additional amount for “Operation and Maintenance, Army”, $17,223,512,000.

OPERATION AND MAINTENANCE, NAVY
For an additional amount for “Operation and Maintenance, Navy”, $2,977,864,000: Provided, That up to $12,807,000 shall be transferred to the Coast Guard “Operating Expenses” account.

OPERATION AND MAINTENANCE, AIR FORCE
For an additional amount for “Operation and Maintenance, Air Force”, $5,972,520,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE
For an additional amount for “Operation and Maintenance, Defense-Wide”, $5,657,562,000, of which—
(1) not to exceed $25,000,000 may be used for the Combatant Commander Initiative Fund, to be used in support of Operation Iraq Freedom and Operation Enduring Freedom;
(2) not to exceed $800,000,000, to remain available until expended, may be used for payments to reimburse key cooperating nations, for logistical, military, and other support provided to United States military operations, notwithstanding any other provision of law: Provided, That these funds may be used to reimburse the following: the following:
— funds provided in support of the International Security Assistance Force, to be used in support of Operation Enduring Freedom;
— funds provided in support of the United Nations military operations in Iraq and Afghanistan: Provided further, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of the Army, in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, to provide specific support to nations that are providing support to United States military operations in Iraq and Afghanistan: Provided further, That none of the assistance provided under this heading in the form of funds may be utilized for the payment of salaries, wages, or bonuses to personnel of the Security Forces Fund—Army.

AFGHANISTAN SECURITY FORCES FUND
For an additional amount for the “Afghanistan Security Forces Fund”, $1,400,000,000, to remain available until September 30, 2009.

IRAQ SECURITY FORCES FUND
For an additional amount for the “Iraq Security Forces Fund”, $1,500,000,000, to remain available until September 30, 2009: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any provision of law, for the purpose of assisting the Afghan National Security Transition Command—Iraq, or the Secretary’s designee, to provide assistance, with the concurrence of the Secretary of the Navy, to the National Guard, the Navy, the Iraqi government, including the assistance provided under this heading in the form of funds may be utilized for the payment of salaries, wages, or bonuses to personnel of the National Guard—Iraq.

MISSILE PROCUREMENT, NAVY
For an additional amount for “Missile Procurement, Navy”, $3,563,254,000, to remain available for obligation until September 30, 2010.

WEAPONS PROCUREMENT, NAVY
For an additional amount for “Weapons Procurement, Navy”, $317,456,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS
For an additional amount for “Procurement of Ammunition, Navy and Marine Corps”, $304,945,000, to remain available for obligation until September 30, 2010.
available for obligation until September 30, 2010.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for "Procurement of Ammunition, Air Force", $255,455,000, to remain available for obligation until September 30, 2010.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", $1,953,167,000, to remain available for obligation until September 30, 2010.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide", $408,209,000, to remain available for obligation until September 30, 2010.

NATIONAL GUARD AND RESERVE EQUIPMENT

For an additional amount for "National Guard and Reserve Equipment", $265,000,000, to remain available for obligation until September 30, 2010.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for "Office of the Inspector General", $6,394,000, of which $2,000,000 shall be for research, development, test and evaluation, to remain available until September 30, 2009.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 11101. Appropriations provided in this chapter are available for obligation until September 30, 2008, unless otherwise provided in this Act.

SEC. 11102. Notwithstanding any other provision of law, funds made available in this chapter are in addition to amounts appropriated or otherwise made available for the Department of Defense for fiscal year 2008.

(INCLUDING TRANSFER OF FUNDS)

SEC. 11103. Upon the determination of the Secretary of Defense that such action is necessary, the Secretary may transfer between appropriations not to exceed $2,500,000,000 of the funds made available to the Department of Defense in this chapter: Provided, That the Secretary may transfer any amounts to the authority for the Department of Defense for fiscal year 2008.

SEC. 11104. (a) From funds made available for operation and maintenance in this chapter to the Department of Defense, not to exceed $1,226,841,000 may be used, notwithstanding any other provision of law, to fund the Commander’s Emergency Response Program, which may be used by the Secretary of Defense for the Commander to fund research, development, test and evaluation efforts on behalf of the military departments, military commanders in Iraq, Afghanistan, and the Philippines to respond to urgent humanitarian relief and reconstruction requirements within 15 days after the end of each fiscal quarter for the purpose of improving the capability by carrying out programs that will immediately assist the Iraqi, Afghan, and Filipino people.

(b) Not later than 15 days after the end of each fiscal quarter, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes of the programs under subsection (a).

(INCLUDING TRANSFER OF FUNDS)

SEC. 11105. During fiscal year 2008, the Secretary of Defense may transfer not to exceed $6,500,000 of the amounts in or credited to the Defense Cooperation Account, pursuant to section 8005 of Public Law 110–116, to such appropriations or funds of the Department of Defense as the Secretary shall determine for use consistent with the purposes for which such funds were contributed and accepted: Provided, That such amounts shall be available for the same time period as the appropriation to which such amounts are transferred: Provided further, That the Secretary shall report to the Congress all transfers made pursuant to this authority.

SEC. 11106. Of the amount appropriated by this chapter for "Drug Interdiction and Counter-Drug Activities, Defense", not to exceed $20,000,000 may be used for the provision of support for counter-drug activities of the Governments of Afghanistan, Kazakhstan, Kyrgyzstan, Pakistan, Tajikistan, and Turkmenistan, as specified in section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85, as amended by Public Laws 106–396, 108–136, 109–364, and 110–181): Provided, That such support shall be in addition to support provided under any other provision of law.

SEC. 11107. Amounts provided in this chapter for operations in Iraq and Afghanistan may be used by the Department of Defense for the purchase of up to 20 heavy and light armored vehicles for force protection purposes, notwithstanding price or other limitations specified elsewhere in the Department of Defense Appropriations Act, 2008 (Public Law 110–116), or any other provision of law: Provided, That notwithstanding any other provision of law, funds provided in Public Laws 110–116 and Public Law 111–181 under the heading “Other Procurement, Navy” may be used for the purchase of 21 vehicles required for physical security personnel, notwithstanding price limitations applicable to passenger vehicles but not more than $250,000 per vehicle: Provided further, That the Secretary of Defense shall submit a report in writing not later than 30 days after the end of each fiscal quarter notifying the congressional defense committees of any purchase described in this section, including cost, purposes, and quantities of vehicles acquired.

(INCLUDING TRANSFER OF FUNDS)

SEC. 11108. Section 8122(c) of Public Law 110–116 is amended by adding at the end the following:

“(d) Upon a determination that all or part of the funds transferred under paragraph (1) are not necessary to accomplish the purposes specified in subsection (b), such amounts may be transferred back to the Antiterrorist Ambush Protected Vehicle Fund”.

SEC. 11109. Notwithstanding any other provision of law, not to exceed $150,000,000 of funds made available in this chapter may be obligated to conduct or support a program to build the capacity of a foreign country’s national military forces in order for that country to conduct counterterrorism operations or participate in or support military and stability operations in which the U.S. Armed Forces are a participant: Provided, That funds available pursuant to this section shall be subject to the same restrictions, limitations, and reporting requirements as funds available pursuant to section 1206 of Public Law 109–183 as amended.

CHAPTER 2

DEFENSE BRIDGE FUND

APPROPRIATIONS FOR FISCAL YEAR 2009

DEPARTMENT OF DEFENSE—MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for “Military Personnel, Army”, $383,000,000.

MILITARY PERSONNEL, NAVY

For an additional amount for “Military Personnel, Navy”, $75,000,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for “Military Personnel, Marine Corps”, $55,000,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for “Military Personnel, Air Force”, $75,000,000.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for “National Guard Personnel, Army”, $31,000,000.

OPERATION AND MAINTENANCE

MILITARY PERSONNEL

For an additional amount for “Operation and Maintenance, Military Personnel, Army”, $37,300,000,000.
OPERATION AND MAINTENANCE, NAVY
(INCLUDING TRANSFER OF FUNDS)
For an additional amount for “Operation and Maintenance, Navy”, $3,500,000,000: Provided, That up to $112,000,000 shall be transferred to the Coast Guard “Operating Expenses” account.

OPERATION AND MAINTENANCE, MARINE CORPS
For an additional amount for “Operation and Maintenance, Marine Corps”, $2,900,000,000.

OPERATION AND MAINTENANCE, AIR FORCE
For an additional amount for “Operation and Maintenance, Air Force”, $5,000,000,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE
For an additional amount for “Operation and Maintenance, Defense-Wide”, $2,648,569,000, of which not to exceed $300,000,000, to remain available until expended, may be used for payments to reimburse key cooperating nations, for logistical, military, and other support provided to United States military operations, notwithstanding any other provision of law: Provided, That these funds may be used for the purpose of providing specialized training and procuring supplies and specialized equipment and protection for Iraqi and Afghan security forces based on a non-reimbursable basis to coalition forces supporting United States military operations in Iraq and Afghanistan: Provided further, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: Provided further, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph.

OPERATION AND MAINTENANCE, ARMY RESERVE
For an additional amount for “Operation and Maintenance, Army Reserve”, $79,291,000.

OPERATION AND MAINTENANCE, NAVY RESERVE
For an additional amount for “Operation and Maintenance, Navy Reserve”, $42,490,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE
For an additional amount for “Operation and Maintenance, Marine Corps Reserve”, $47,076,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE
For an additional amount for “Operation and Maintenance, Air Force Reserve”, $12,376,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD
For an additional amount for “Operation and Maintenance, Army National Guard”, $353,644,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD
For an additional amount for “Operation and Maintenance, Air National Guard”, $32,567,000.

AFGHANISTAN SECURITY FORCES FUND
For an additional amount for the “Afghanistan Security Forces Fund”, $2,000,000,000, to remain available until September 30, 2009.

AFGHANISTAN SECURITY FORCES FUND
(INCLUDING TRANSFER OF FUNDS)
For the “Iraq Security Forces Fund”, $1,000,000,000, to remain available until September 30, 2009: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Multinational Transition Command—Iraq, or the Secretary’s designee, to provide assistance, with the concurrence of the Secretary, to the security forces of Iraq, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction: Provided further, That none of the assistance provided under this heading in the form of funds may be utilized for the provision of salaries, wages, or benefits for the Iraqi Security Forces: Provided further, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: Provided further, That the Secretary of Defense may transfer such funds to appropriations for professional development, test and evaluation, and Maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: Provided further, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution described in this heading, that the amounts of the funds received and the specific use of such contributions: Provided further, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That the Secretary shall submit a report not later than 60 days after the end of each fiscal quarter to the congressional defense committee summarizing the details of the transfer of funds from this appropriation.

PROCUREMENT
AIRCRAFT PROCUREMENT, ARMY
For an additional amount for “Aircraft Procurement, Army”, $91,800,000, to remain available for obligation until September 30, 2011.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY
For an additional amount for “Procurement of Weapons and Tracked Combat Vehicles, Army”, $822,674,000, to remain available until September 30, 2011.

PROCUREMENT OF AMMUNITION, ARMY
For an additional amount for “Procurement of Ammunition, Army”, $46,500,000, to remain available until September 30, 2011.

OTHER PROCUREMENT, ARMY
For an additional amount for “Other Procurement, Army”, $1,000,050,000, to remain available for obligation until September 30, 2011.

OTHER PROCUREMENT, NAVY
For an additional amount for “Other Procurement, Navy”, $27,948,000, to remain available for obligation until September 30, 2011.

PROCUREMENT, MARINE CORPS
For an additional amount for “Procurement, Marine Corps”, $565,425,000, to remain available for obligation until September 30, 2011.

AIRCRAFT PROCUREMENT, AIR FORCE
For an additional amount for “Aircraft Procurement, Air Force”, $201,842,000, to remain available for obligation until September 30, 2011.

OTHER PROCUREMENT, AIR FORCE
For an additional amount for “Other Procurement, Air Force”, $1,500,444,000, to remain available for obligation until September 30, 2011.

PROCUREMENT, DEFENSE-WIDE
For an additional amount for “Procurement, Defense-Wide”, $177,237,000, to remain available for obligation until September 30, 2011.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION
RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY
For an additional amount for “Research, Development, Test and Evaluation, Navy”, $113,228,000, to remain available until September 30, 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE
For an additional amount for “Research, Development, Test and Evaluation, Air Force”, $72,041,000, to remain available until September 30, 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE WIDE
For an additional amount for “Research, Development, Test and Evaluation, Defense Wide”, $202,559,000, to remain available until September 30, 2010.

OTHER DEPARTMENT OF DEFENSE PROGRAMS
DEFENSE HEALTH PROGRAM
For an additional amount for “Defense Health Program”, $1,100,000,000 for operation and maintenance.

DRUG INTERDICTON AND COUNTER-DRUG ACTIVITIES, DEFENSE
(INCLUDING TRANSFER OF FUNDS)
For an additional amount for “Drug Interdiction and Counter-Drug Activities, Defense”, $188,000,000.

JOINT IMPROVED EXPLOSIVE DEVICE DEFLECT FUND
(INCLUDING TRANSFER OF FUNDS)
For an additional amount for “Joint Improved Explosive Device Deflect Fund”, $2,000,000,000, to remain available until September 30, 2011. Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improvised Explosive Device Deflect Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of improvised explosive devices: Provided further, That within 60 days of the enactment of this Act, a plan for the intended management and use of the amounts provided under this heading shall be submitted to the congressional defense committees: Provided further, That the Secretary of Defense shall submit a report not later than 60 days after the end of each fiscal quarter to the congressional defense committees providing assessments of the evolving threats, individual service requirements for these threats, the current strategy for predeployment training of members of the Armed Forces on improvised explosive devices, and details on the execution of the management plan: Provided further, That the Secretary of Defense may transfer funds provided herein to appropriations for
operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: Provided further, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

SEC. 11201. Appropriations provided in this chapter are available for obligation until October 1, 2008.

SEC. 11202. Appropriations provided in this chapter are available for obligation until September 30, 2009, unless otherwise provided in this chapter.

(INCLUDING TRANSFER OF FUNDS)

SEC. 11203. Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer between appropriations up to $4,000,000,000 of the funds made available to the Department of Defense in this chapter: Provided, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: Provided further, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of Public Law 110-182.

(b) The report shall include performance standards and goals for security, economic, and security force training objectives in Iraq together with a notional timetable for achieving these goals.

(c) In specific, the report requires, at a minimum, the following: (1) With respect to stability and security in Iraq, the following:

(A) Key measures of political stability, including the important political milestones that must be achieved over the next several years.

(B) The primary indicators of a stable security environment in Iraq, such as number of engagements per day, numbers of trained Iraqi police, and other Ministry of Defense forces, including airlift and sealift, and other Ministry of Defense forces, and the equipment used by such forces.

(C) The level and effectiveness of the Iraqi military and other Ministry of Defense forces and the equipment used by such forces.

(F) The rates of absenteeism in the Iraqi military forces and the extent to which insurgents have infiltrated such forces.

(G) The number of veteran police officers screened by the Iraqi Police Screening Service, the number of candidates derived from other entry procedures, and the success rates of those groups of candidates.

(H) The number of Iraqi police forces who have received classroom training and the duration of such training;

(iii) The number of police candidates screened by the Iraqi Police Screening Service, the number of candidates derived from other entry procedures, and the success rates of those groups of candidates.

(iv) The number of Iraqi police forces who have received field training by international police trainers and the duration of such training.

(v) Attrition rates and measures of absenteeism and infiltration by insurgents; and

(vi) The level and effectiveness of the Iraqi Police and other Ministry of Interior forces in provinces where the United States has formally transferred responsibility for security to the Iraqi Security Forces under the Provincial Iraqi Control (PIC) process.

(C) An assessment of the estimated strength of the insurgency in Iraq and the extent to which it is composed of non-Iraqi fighters.

(D) A description of all militias operating in Iraq, including the number, size, equipment, and military authorization, sources of support, legal status, and efforts to disarm or reintegrate each militia.

(E) Key indicators of economic activity that will determine the prospects of stability in Iraq, including—

(i) unemployment levels;

(ii) electricity, water, and oil production rates; and

(iii) hunger and poverty levels.

(F) The most recent annual budget for the Government of Iraq including a detailed breakdown of amounts budgeted for support of Iraqi security and police forces and an assessment of how planned funding will impact the training, equipping and overall readiness of those forces.

(G) The criteria the Administration will use to determine if it is time to begin withdrawing United States forces from Iraq.

(2) With respect to the training and performance of security forces in Iraq, the following:

(A) The training provided Iraqi military and other Ministry of Defense forces and the equipment used by such forces.

(B) Key criteria for assessing the capabilities and readiness of the Iraqi military and other Ministry of Defense forces, goals for achieving certain capability and readiness levels (as well as for recruiting, training, and equipping these forces), and the milestones and notional timetable for achieving these goals.

(C) The operational readiness status of the Iraqi military forces, including the type, number, size, and organizational structure of Iraqi battalions that are—

(i) capable of conducting counterinsurgency operations independently without any support from Coalition Forces;

(ii) capable of conducting counterinsurgency operations with the support of United States or coalition forces; or

(iii) not ready to conduct counterinsurgency operations.

(D) The amount and type of support provided by Coalition Forces to the Iraqi Security Forces at each level of operational readiness.

(E) The number of Iraqi battalions in the Iraqi Army currently conducting operations and the type of operations being conducted.

(F) The rates of absenteeism in the Iraqi military forces and the extent to which insurgents have infiltrated such forces.

(G) The number of veteran police officers screened by the Iraqi Police Screening Service, the number of candidates derived from other entry procedures, and the success rates of those groups of candidates.

(H) The number of Iraqi police forces who have received classroom training and the duration of such training;

(iii) The number of police candidates screened by the Iraqi Police Screening Service, the number of candidates derived from other entry procedures, and the success rates of those groups of candidates.

(iv) The number of Iraqi police forces who have received field training by international police trainers and the duration of such training.

(v) Attrition rates and measures of absenteeism and infiltration by insurgents; and

(vi) The level and effectiveness of the Iraqi Police and other Ministry of Interior forces in provinces where the United States has formally transferred responsibility for security to the Iraqi Security Forces under the Provincial Iraqi Control (PIC) process.

(3) With respect to the training and performance of security forces in Afghanistan, the following:

(A) The training provided Afghan National Security forces and associated ministries.

(B) The use of all funds on a project-by-project basis for which funds appropriated under the headings referred to in paragraph (1) were obligated prior to the submission of the report, including the costs required to complete each project.

(C) An estimated total cost to train and equip the Afghan security forces, disaggregated by major program and sub-elements by force, arrayed by fiscal year.

(D) The estimated total number of Afghan police and other Ministry of Interior forces needed to perform duties now being undertaken by coalition forces, including defending the borders of Iraq and providing adequate levels of law and order throughout Iraq.

(E) The effectiveness of the Iraqi military and other Ministry of Defense forces and the chain of command.

(F) The number of United States and coalition advisors needed to support the Iraqi security forces and associated ministries.

(G) An assessment, in a classified annex if necessary, of United States military requirements, including planned force rotations, through the end of calendar year 2009.

(H) The estimated total number of United States and coalition advisors needed to support the Afghan National Security forces. The Secretary of Defense shall submit to the congressional defense committees a report that contains individual transition readiness assessments by unit of Iraqi and Afghan security forces. The Secretary of Defense shall submit to the congressional defense committees updates of the report required by this subsection every 90 days after the date of the enactment of this Act and every 90 days thereafter on a report on the proposed use of all funds under the headings “Iraq Security Forces Fund” and “Afghanistan Security Forces Fund” on a project-by-project basis for which obligation of funds is anticipated during the 3-month period from such date, including estimates by the commanders referred to in this paragraph of the costs required to complete each such project.

(2) The report required by this subsection shall include the following:

(A) The use of all funds on a project-by-project basis for which funds appropriated under the headings referred to in paragraph (1) were obligated prior to the submission of the report, including the costs required to complete each project.

(B) The use of all funds on a project-by-project basis for which funds appropriated under the headings referred to in paragraph (1) in prior appropriations Acts, or for which funds were made available by transfer, reprogramming, or allocation from other headings in prior appropriations Acts, including estimates by the commanders referred to in paragraph (1) of the costs to complete each project.

(C) An estimated total cost to train and equip the Iraqi and Afghan security forces, disaggregated by major program and sub-elements by force, arrayed by fiscal year.

(D) The estimated total number of Iraqi police and other Ministry of Interior forces needed to perform duties now being undertaken by coalition forces, including defending the borders of Iraq and providing adequate levels of law and order throughout Iraq.

(E) The effectiveness of the Iraqi military and other Ministry of Defense forces and the chain of command.

(F) The number of United States and coalition advisors needed to support the Iraqi security forces and associated ministries.

(G) An assessment, in a classified annex if necessary, of United States military requirements, including planned force rotations, through the end of calendar year 2009.

H. Funds available to the Department of Defense for operation and maintenance; procurement; and defense working capital funds to accomplish the purpose provided in this chapter are available for obligation until September 30, 2009, unless otherwise provided in this chapter.

—
Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding support provided under this section.

SEC. 1207. Supervision and administration costs associated with a construction project funded with appropriations available for operation and maintenance, “Afghanistan Security Forces Fund” provided in this chapter, and executed in direct support of the Global War on Terrorism only in Iraq and Afghanistan, may be obligated at the time a construction contract is awarded: Provided, That for the purpose of this section, supervision and administration costs include in-house Government employees.

(INCLUDING TRANSFER OF FUNDS)

SEC. 11208. (a) Notwithstanding any other provision of law, and in addition to amounts otherwise made available by this Act, there is appropriated $1,700,000,000 for the “Mine Resistant Ambush Protected Vehicle Fund”, to remain available until September 30, 2009.

(b) The funds provided by subsection (a) shall be available to the Secretary of Defense to continue technological research and development and upgrades, to procure Mine Resistant Ambush Protected vehicles and associated weapon systems, equipment, and to sustain, transport, and field Mine Resistant Ambush Protected vehicles.

(c) (1) The Secretary of Defense shall transfer funds provided by subsection (a) to appropriations for operation and maintenance: procurement; research, development, test and evaluation to accomplish the purposes specified in the appropriation act (b) Such transferred funds shall be merged with and be available for the same purposes and for the same time period as the appropriation to which they are transferred.

(2) The transfer authority provided by this subsection shall be in addition to any other transfer authority available to the Department of Defense.

(3) The Secretary of Defense shall, not less than five days prior to making any transfer under this subsection, notify the congressional defense committees in writing of the details of the transfer.

SEC. 11209. For the purposes of this Act, the term “congressional defense committees” means the House Appropriations Committee, the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives, and the Subcommittee on Defense of the Committee on Appropriations of the Senate of Representatives.

CHAPTER 3
GENERAL PROVISIONS—THIS TITLE

SEC. 11301. Each amount in this title is designated as an emergency requirement and necessary to meet emergency needs pursuant to subsections (a) and (b) of section 294 of S. Con. Res. 21 (110th Congress), the ODC resolution on the budget for fiscal year 2008.

SEC. 11302. Funds appropriated by this title, or made available by the transfer of funds authorized to the Department of Defense by the National Security Act of 1947 (50 U.S.C. 3011), are deemed to be specifically authorized by the Congress for purposes of section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 3011).*

SEC. 11303. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

(1) Section 2340A of title 18, United States Code;

(2) Section 2282 of the Foreign Affairs Reform and Restructuring Act of 1996 (division G of Public Law 104-182; 112 Stat. 2681-242; 8 U.S.C. 1231 note) and regulations prescribed thereunder that are contained in parts 200 and 208 of title 8, Code of Federal Regulations, and part 95 of title 22, Code of Federal Regulations; and


SEC. 11304. (a) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall transmit to the Secretary of the Treasury a report setting forth the general strategy of the United States to combat and defeat al Qaeda and its affiliates.

(b) ELEMENTS OF STRATEGY.—The strategy set forth in the report required under subsection (a) shall include the following elements:

(1) An analysis of the global threat posed by al Qaeda and its affiliates, including an assessment of the relative threat posed in particular regions or countries.

(2) Recommendations regarding the distribution and deployment of United States military, intelligence, diplomatic, and other assets to meet the relative regional and country-specific threats described in paragraph (1).

(3) Recommendations to ensure that the global deployment of United States personnel and equipment best meet the threat identified and described in paragraph (1):

(A) does not undermine the military readiness or homeland security of the United States;

(B) ensures adequate time between military deployments for rest and training; and

(C) does not require further extensions of military deployments to the extent practicable.

(c) CLASSIFIED ANNEX.—The report required by subsection (a) shall be submitted in unclassified form, but shall include a classified annex.

SEC. 11305. None of the funds provided in this title may be used to finance programs or activities denied by Congress in fiscal years 2007 or 2008 appropriations to the Department of Defense or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

SEC. 11306. Section 1002(c)(2) of the National Defense Authorization Act, Fiscal Year 2008 (Public Law 110-181) is amended by striking “$362,159,000” and inserting “$435,259,000”.

SEC. 11307. None of the funds appropriated or otherwise made available by this title may be used as or in connection with weapon or award fees to any defense contractor contrary to the provisions of section 814 of the National Defense Authorization Act, Fiscal Year 2007 (Public Law 110-364).

(RECISIONS)

SEC. 11308. (a) Of the funds made available for “Defense Health Program” in Public Law 110-38, $75,000,000 are rescinded.

(b) Of the funds made available for “Joint Improvised Explosive Device Defeat Fund” in division L of the Consolidated Appropriations Act, 2008 (Public Law 110-161), $71,551,000 are rescinded.

SEC. 11309. Of the funds appropriated in the U.S. Troop Readiness, Veterans’ Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110-28) which remain available for obligation under the “Iraq Freedom Fund”, $150,000,000 is only for the Joint Rapid Expeditionary Force, and $10,000,000 is only for the transportation of fallen service members.

SEC. 11310. None of the funds available to the Department of Defense may be obligated or expended to implement any final action on joint basing initiatives required under 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; 10 U.S.C. 2673 note) until each affected Secretary of a military department or the Secretary of State under the Federal agency certifies to the congressional defense committees that joint basing at the affected military installation will result in significant cost savings and will not negatively impact the morale of members of the Armed Forces.

SEC. 11311. Funds available in this title which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment unit cost of not more than $250,000: Provided, That the Congress has determined that the Secretary of Defense that such action is necessary to meet the operational requirements of a Commander of a Combatant Command engaged in contingency operations, such funds may be used to purchase items having an investment unit cost of not more than $500,000.

TITLE XII
POLICY REGARDING OPERATIONS IN IRAQ
UNITS DEPLOYED FOR COMBAT TO BE FULLY MISSION CAPABLE

SEC. 12001. (a) The Congress finds that it is the policy of the Department of Defense that units that should not be deployed for combat unless they are rated “fully mission capable”:

(b) None of the funds made available by this Act may be used to deploy any unit of the Armed Forces to Iraq unless the President has certified in writing to the Committees on Appropriations and the Committees on Armed Services of the House of Representatives and the Senate at least 15 days in advance of the deployment that the unit is fully mission capable in advance of entry into Iraq.

(c) For purposes of subsection (b), the term “fully mission capable” means capable of performing assigned mission essential tasks to the prescribed standards under the conditions expected in the theater of operation, consistent with the guidelines set forth in the DoD Directive 7730.65, Subject: Department of Defense Readiness Reporting System; the Interim Force Allocation Guidance to the Global Force Management Board, dated February 6, 2008; and Army Regulation 161-15, Subject: Unit Status Reporting, dated December 19, 2006.

(d) The President, by certifying in writing to the Committees on Appropriations and the Committees on Armed Services of the House of Representatives and the Senate that the deployment to Iraq of a unit that is not assessed mission capable is required for reasons of national security and by submitting along with the certification a report in classified and unclassified form detailing the particular reason or reasons why the unit’s deployment is necessary and the unit commander’s assessment that the unit is not mission capable, may waive the limitations prescribed in subsection (b) on a unit-by-unit basis.

TIME LIMIT ON COMBAT DEPLOYMENTS

SEC. 12002. (a) The Congress finds that it is the policy of the Department of Defense that
Army, Army Reserve, and National Guard units should not be deployed for combat beyond 365 days or that Marine Corps and Marine Corps Reserve units should not be deployed beyond 210 days.

(b) None of the funds made available in this or any other Act may be obligated or expended for the purpose of providing a base for the purpose of providing for the training, operation, and support of United States Armed Forces in Iraq beyond the period applicable to the unit under such subsection is required for reasons of national security. The certification shall include a report, in classified and unclassified form, detailing the particular reason or reasons why the unit’s extended deployment is necessary.

(d) The President may waive the limitations prescribed in subsection (b) on a unit-by-unit basis if the President certifies in writing to the Committees on Appropriations and the Committees on Armed Services of the House of Representatives and the Senate that the extension of a unit’s deployment in Iraq beyond the period applicable to the unit under such subsection is required for reasons of national security. The certification shall include a report, in classified and unclassified form, detailing the particular reason or reasons why the unit’s extended deployment is necessary.

PROHIBITION OF PERMANENT BASES IN IRAQ

SEC. 12004. None of the funds appropriated or otherwise made available in this or any other Act may be obligated or expended for the purpose of providing a permanent base for the purpose of providing for the training, operation, and support of United States Armed Forces in Iraq.

SEC. 12005. None of the funds appropriated or otherwise made available in this or any other Act shall be available for the implementation of any agreement between the United States and the Republic of Iraq containing a security commitment, arrangement, or assurance unless the agreement has entered into force in the form of a Treaty under section 2, clause 2 of Article II of the Constitution of the United States or has been authorized by a law enacted pursuant to section 7, clause 2 of Article I of the Constitution of the United States.

PROHIBITION ON AGREEMENTS SUBJECTING ARMED FORCES TO IRAQI CRIMINAL JURISDICTION

SEC. 12006. None of the funds made available in this Act may be obligated or expended for the purpose of providing for the training, operation, and support of United States Armed Forces in Iraq beyond the period applicable to the unit under such subsection is required for reasons of national security. The certification shall include a report, in classified and unclassified form, detailing the particular reason or reasons why the unit’s extended deployment is necessary.

PARTIAL REIMBURSEMENT FROM IRAQ FOR FUEL COSTS

SEC. 12007. None of the funds made available in this Act shall be considered to require force levels in Iraq to be decreased below the total United States force levels in Iraq as of January 9, 2007.

(d) The President may waive the limitations prescribed in subsection (b) on a unit-by-unit basis if the President certifies in writing to the Committees on Appropriations and the Committees on Armed Services of the House of Representatives and the Senate that the extension of a unit’s deployment in Iraq beyond the period applicable to the unit under such subsection is required for reasons of national security. The certification shall include a report, in classified and unclassified form, detailing the particular reason or reasons why the unit’s extended deployment is necessary.

Section 12010. (a) PROHIBITION ON WAR PROFITEERING.

“(a) PROHIBITION.—Whoever, in any matter involving a contract with, or the provision of goods or services to, the United States or a United States agency, in connection with a transaction or with the Services, goods, or facilities of the United States Government, knowingly—

(1) executes or attempts to execute a scheme or artifice to defraud the United States or any such agency; or

(2) knowingly makes any materially false, fictitious, or fraudulent statement or representation to such an agency; or

(3) knowingly conceals or omits any material fact necessary in connection with a transaction or with the Services, goods, or facilities of the United States Government; or

(b) Any person violating a provision of this section shall be fined not more than $10,000 or imprisoned not more than five years, or both; or

(c) The limitations prescribed in subsection (b) shall not be construed to require force levels in Iraq so the price of fuel per gallon to those forces is equal to the discounted price per gallon at the time the agreement described in subsection (b)(1) shall be credited to the appropriation for Operation Iraqi Freedom of the United States to the jurisdiction of Iraqi criminal courts or punishment under Iraqi law.

REPORT ON IRAQ BUDGET

SEC. 12008. As part of the report required by section 802 of division L of the Consolidated Appropriations Act, 2008 (Public Law 110-161), the Secretary of Defense shall submit to Congress a report on the most recent annual budget for the Government of Iraq, including—

(1) a description of amounts budgeted for support of Iraqi security and police forces and an assessment of how planned funding will impact the training, equipping and overall readiness of those forces; and

(2) an assessment of the capacity of the Government of Iraq to implement the budget as planned, including reports on year-to-year spend rates, if available; and

(3) a description of any budget surplus or deficit, if applicable.

PARTIAL REIMBURSEMENT FROM IRAQ FOR FUEL COSTS

SEC. 12009. (a) Not more than 20 percent of the funds made available in this Act under the heading “Operation and Maintenance, Defense-Wide” for the Office of the Secretary of Defense or Washington Headquarters Services may be obligated or expended unless and until the certification described in subsection (b)(1) is complete and the report required by subsection (b)(2) has been transmitted to Congress, except that the limitation in this subsection may be extended by the President and the certification is not a material fact;

(b) Certification.—There is extraterritorial Federal jurisdiction over an offense under this section.

(c) VENUE.—A prosecution for an offense under this section may be brought—

(1) as authorized by chapter 211 of this title;

(2) in any district where any act in furtherance of the offense took place; or

(3) in any district where any party to the contract or provider of goods or services is located.

(2) TABLE OF SECTIONS.—The table of sections for chapter 47 of such title is amended by adding at the end the following:

“1041. War profiteering and fraud.”

(b) CRIMINAL FORFEITURE.—Section 982(a)(2)(B) of title 18, United States Code, is amended by inserting “or 1030, or 1041” after “1030, or 1041”.

(c) MONEY LAUNDERING.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting “section 1041 (relating to war profiteering and fraud),” after “1956(c)(6)(A)(v)”.

(d) RICO.—Section 1961 of title 18, United States Code, is amended by inserting “section 1041 (relating to war profiteering and fraud),” after “1961(b)”.

(e) WARTIME CONTRACT FRAUD STATUTE ON LIMITATION EXTENSION

SEC. 12011. Section 3207 of title 18, United States Code, is amended—

(1) by inserting “or related to the authorized use of the Armed Forces” after “war profiteering and fraud,”

(2) by striking “three years” and inserting “five years”;

(3) by striking “10 years” and inserting “20 years”;

(4) by striking “two years” and inserting “five years”;

(5) by inserting “or” after “18 U.S.C. 2272, or 2273,”

(6) by striking “or section” and inserting “or section 3207 of title 18, United States Code,”

(7) by inserting “relating to war profiteering and fraud,” after “1963(c)”; and

(A) employed by or performing services under a contract with or grant from the Department of Defense (including a nonappropriated fund instrumentality of the Department) as—

(1) a civilian employee;

(2) an employee of a contractor (including a subcontractor at any tier); or

(3) an employee of a contractor (including a subcontractor at any tier);

(4) a contractor (including a subcontractor at any tier); and

(b) by adding at the end the following new paragraphs:

(5) The term ‘employed as a security officer or security contractor by any Department or agency of the United States other than the Armed Forces’ means—

(A) employed by or performing services under a contract with or grant from any Department or agency of the United States, or any provisional authority funded in whole or substantial part or created by the United States Government, other than the Department of Defense as—

(i) a civilian employee;

(ii) a contractor (including a subcontractor at any tier); or

(iii) an employee of a contractor (including a subcontractor at any tier);

The term ‘authorized in the course of such employment—

(i) to provide physical protection or security for persons, places, buildings, facilities, supplies, or means of transportation;

(ii) to carry or possess a firearm or dangerous weapon, as defined by section 930(k)(2) of this title;

(iii) to use force against another; or

(iv) to supervise individuals performing the activities described in clause (1), (ii) or (iii);

(C) present or residing outside the United States in connection with such employment; and

(D) not a national of or ordinarily resident in the host nation.

(7) The term ‘to qualify military operations’ means—

(A) a military operation covered by a declaration of war or an authorization of the use of military force by Congress;

(B) a contingency operation (as defined in section 101 of title 10); or

(C) any other military operation outside of the United States, including humanitarian assistance or peace keeping operation, provided such operation is conducted pursuant to an order from or approved by the Secretary of Defense.

(b) The Department of Justice Inspector General—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Department of Justice Inspector General shall submit to Congress a report describing the status of negotiations with the Government of Iraq for reconstruction projects in Iraq that are not large-scale infrastructure projects in Iraq that is estimated by the United States Government at the time of the commencement of the project to cost at least $2,000,000.

(b) Combined Operations.—

(1) IN GENERAL.—The Secretary of Defense shall develop a comprehensive plan for the United States military forces remains in Iraq for the purpose of protecting United States and coalition personnel, to include training and equipping Iraqi forces, and conducting targeted counterterrorism operations and assume a scenario in which 40,000 United States military forces remain in Iraq for such purpose.

Not later than 180 days after the date of the enactment of this Act the FFRDC shall provide the analysis and examination developed pursuant to subsection (a) to the Secretary of Defense. The Secretary shall submit the analysis and examination to the congressional defense committees in classified form, and shall include an unclassified summary of key judgments.

TITLE XIII—MILITARY EXTRATERRITORIAL JURISDICTION MATTERS

SEC. 13001. SHORT TITLE.

This title may be cited as the ‘MEJA Expansion and Enforcement Act of 2008’.

SEC. 13002. LEGAL STATUS OF CONTRACT PERSONNEL.

(a) CLARIFICATION OF MILITARY EXTRATERRITORIAL JURISDICTION ACT.—

(1) INCLUSION OF FEDERAL EMPLOYEES AND CONTRACT PERSONNEL.—Section 3267(a) of title 18, United States Code, is amended—

(A) in paragraph (1), by striking ‘or’ at the end;

(B) in paragraph (2), by striking the comma at the end and inserting a semicolon; and

(C) by inserting after paragraph (2) the following new paragraph:

‘(3) while employed by any Department or agency of the United States other than the Armed Forces in a foreign country in which the Armed Forces are conducting a qualifying military operation; or

‘(4) while employed as a security officer or security contractor by any Department or agency of the United States other than the Armed Forces.’;

(2) DEFINITIONS.—Section 3267 of title 18, United States Code, is amended—

(A) in subsection (a), by striking subpar.

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Act, the Inspector General of the Department of Justice, in consultation with the Inspectors General of the Department of Defense, the Department of State, the United States Agency for International Development, the Department of Agriculture, the Department of Energy, and other appropriate Federal departments and agencies, shall make a report in accordance with this subsection.

(2) CONTENT OF REPORT.—The report under paragraph (1) shall include, for the period beginning on October 1, 2001, and ending on the date of the report—

(A) unless the description pertains to nonpublic information that relates to an ongoing investigation or criminal or civil proceeding under seal, a description of any alleged violations of title 18, United States Code, reported to the Inspector General identified in paragraph (1) or the Department of Justice, including—

(i) the date of the complaint and the type of offense alleged;
(ii) whether any investigation was opened or declined based on the complaint;
(iii) whether the investigation was closed, and if so, when it was closed;
(iv) whether a criminal or civil case was filed as a result of the investigation, and if so, when it was filed; and
(v) any charges or complaints filed in those cases;

(B) unless the description pertains to nonpublic information that relates to an ongoing investigation or criminal or civil proceeding under seal, and with appropriate safeguards for the protection of national security information, a description of any shooting or escalation of force incidents in Iraq or Afghanistan involving alleged misconduct by persons employed as a security officer or security contractor by any Department or agency of the United States, and any official action taken against such persons.

(3) FORM OF REPORT.—The report under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex as appropriate.

SEC. 13003. INVESTIGATIVE UNITS FOR CONTRACTORS OVERSIGHT.

(a) ESTABLISHMENT OF INVESTIGATIVE UNITS FOR CONTRACTORS OVERSIGHT.—

(1) IN GENERAL.—The Attorney General, in consultation with the Secretary of Defense, the Secretary of Homeland Security, and the heads of any other Federal departments or agencies responsible for employing private security contractors or subcontractors at any tier in a foreign country where the Armed Forces are conducting a qualifying military operation—

(A) shall assign adequate personnel and resources through the creation of Investigative Units for Contractor Oversight to investigate allegations of criminal violations under section 3261(a) or 3261(a)(4) of title 18, United States Code (as amended by section 13002(a) of this Act); and

(B) may authorize the overseas deployment of law enforcement agents and other Department of Justice personnel for that purpose.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall limit any existing authority of the Attorney General or any Federal law enforcement agency to investigate violations of Federal law or deploy personnel overseas.

(b) REFERRAL FOR PROSECUTION.—Upon conciliation and mediation and, in the case of an alleged violation of sections 3261(a)(3) and 3261(a)(4) of title 18, United States Code, an Investigative Unit for Contractor Oversight may refer the matter to the Attorney General for further action, as appropriate in the discretion of the Attorney General.

(c) RESPONSIBILITIES OF THE ATTORNEY GENERAL.—

(1) INVESTIGATION.—The Attorney General shall have the principal authority for the enforcement of sections 3261(a)(3) and 3261(a)(4) of title 18, United States Code, and shall have the authority to initiate, conduct, and supervise investigations of any alleged violations described in such sections. In the case of violations described in sections 3261(a)(3) and 3261(a)(4), the Attorney General may request assistance from the Secretary of Defense, the Secretary of State, or the head of any other Executive department or agency in enforcing this title. This requested assistance may include the assignment of additional personnel and resources to an Investigative Unit for Contractor Oversight established by the Attorney General under subsection (a).

(2) ASSISTANCE ON REQUEST OF THE ATTORNEY GENERAL.—Notwithstanding any statute, rule, or regulation to the contrary, the Attorney General may request assistance from the Secretary of Defense, the Secretary of State, or the head of any other Executive department or agency in enforcing this title. This requested assistance may include the assignment of additional personnel and resources to an Investigative Unit for Contractor Oversight established by the Attorney General under subsection (a).

(3) ANNUAL REPORT.—Not later than one year after the date of enactment of this Act, and annually thereafter, the Attorney General, in consultation with the Secretary of Defense and the Secretary of State, shall submit to Congress a report in accordance with this subsection.

(4) REPORT TO EXECUTIVE DEPARTMENT.—Within 90 days after the date of enactment of this Act, the Attorney General shall submit to Congress a report in accordance with this subsection.

SEC. 13004. REMOVAL PROCEDURES FOR NON-DEPARTMENT OF DEFENSE EMPLOYEES AND CONTRACTORS.

(a) ATTORNEY GENERAL REGULATIONS.—Section 3266 of title 18, United States Code, is amended by adding at the end the following:

""(a) The Attorney General shall prescribe regulations governing the removal of non-department of defense employees and contractors for violations of sections 3261(a)(3) and 3261(a)(4) of title 18, United States Code, received, investigated, and referred for prosecution by Federal law enforcement authorities during the previous year;

(b) the number and location of Investigative Units for Contractor Oversight deployed to investigate and enforce such sections 3261(a)(3) and 3261(a)(4) during the previous year;

(c) any recommended changes to Federal law that the Attorney General considers necessary to enforce this title and the amendments made by this title and chapter 212 of title 18, United States Code."

SEC. 13005. EXISTING EXTRATERRITORIAL JURISDICTION.

Nothing in this title or the amendments made by this title shall be construed to limit or affect the extraterritorial jurisdiction related to any Federal statute not amended by this title.

SEC. 13006. DEFINITION.

For purposes of this title and the amendments made by this title, the term "Executive agency" has the meaning given in section 105 of title 5, United States Code.

SEC. 13007. EFFECTIVE DATE.

(a) IMMEDIATE EFFECTIVENESS.—The provisions of this title shall enter into effect immediately upon the enactment of this Act.

(b) IMPLEMENTATION.—The Attorney General and the head of any other Federal department or agency shall have the authority to implement the provisions of this title.

SEC. 4818. Mr. REID proposed an amendment to the amendment of the House number 1 to the amendment of the Senate to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

""In lieu of the language proposed to be inserted, insert the following:

""TITLE XI
DEFENSE MATTERS
CHAPTER 1
DEFENSE SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2008
DEPARTMENT OF DEFENSE—MILITARY PERSONNEL
""For an additional amount for ""Military Personnel, Army", $12,216,715,000.

""For an additional amount for ""Military Personnel, Navy", $894,185,000.

""For an additional amount for ""Military Personnel, Marine Corps", $1,826,688,000.

""For an additional amount for ""Military Personnel, Air Force", $1,355,544,000.

""For an additional amount for ""Reserve Personnel, Army", $304,200,000.

""For an additional amount for ""Reserve Personnel, Navy", $72,800,000.

""For an additional amount for ""Reserve Personnel, Marine Corps", $3,679,747,000.

""For an additional amount for ""Reserve Personnel, Air Force", $5,000,000.

""For an additional amount for ""National Guard Personnel, Army", $1,369,747,000.

""For an additional amount for ""National Guard Personnel, Air Force", $4,000,000.

""SEC. 13008. For an additional amount for ""Department of Veterans Affairs", $1,480,241,000.

""For an additional amount for ""Department of Energy", $300,000,000.""
OPERATION AND MAINTENANCE, AIR NATIONAL GUARD
For an additional amount for “Operation and Maintenance, Air National Guard”, $297,369,000.

IRAQ FREEDOM FUND
(INCLUDING TRANSFER OF FUNDS)
For an additional amount for “Iraq Freedom Fund”, $50,000,000, to remain available for transfer until September 30, 2009, notwithstanding any provision of law, only for the redevelopment of the Iraqi industrial sector by identifying, and providing assistance to, factors and other industrial facilities that are best situated to resume operations quickly and reemploy the Iraqi workforce: Provided, That the Secretary of Defense shall, not fewer than 45 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

AFGHANISTAN SECURITY FORCES FUND
(INCLUDING TRANSFER OF FUNDS)
For an additional amount for the “Afghanistan Security Forces Fund”, $1,400,000,000, to remain available until September 30, 2009.

AFGHANISTAN SECURITY FORCES FUND
For an additional amount for the “Afghanistan Security Forces Fund”, $685,644,000, to be available until expended, may be used for logistical, military, and other support provided to United States military operations, for logistical, military, and other support provided to United States military operations in Iraq and Afghanistan; Provided further, That such payments may be made in such amounts as the Secretary of Defense shall determine, with the concurrence of the Secretary of State, to the security forces of Iraq, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: Provided further, That the authority to provide assistance to any other authority to provide assistance to foreign nations: Provided further, That the Secretary of Defense may transfer such funds to appropriate federal, state, foreign government, or international organization may be credited to this Fund, and used for such purposes: Provided further, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That the Secretary shall submit a report no later than 30 days after the end of each fiscal year to the appropriate congressional defense committees summarizing the details of the transfer of funds from this appropriation.

OPERATION AND MAINTENANCE, ARMY RESERVE
For an additional amount for “Operation and Maintenance, Army Reserve”, $159,900,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE
For an additional amount for “Operation and Maintenance, Defense-Wide”, $3,657,562,000, of which—
(1) not to exceed $25,000,000 may be used for the Combatant Commander Initiative Fund, to be used in support of Operation Iraqi Freedom and Operation Enduring Freedom; and—
(2) not to exceed $800,000,000, to remain available until expended, may be used for payments to reimburse key coordinating nations, foreign military, and other support provided to United States military operations, notwithstanding any other provision of law: Provided, That these funds may be used for providing specialized training and procuring supplies and specialized equipment and providing such supplies and loaning such equipment on a non-reimbursable basis to coalition forces supporting United States military operations in Iraq and Afghanistan; Provided further, That such payments may be made in such amounts as the Secretary of Defense shall determine, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: Provided further, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph: Provided further, That the funds available under this heading for the Defense Contract Management Agency, $92,000,000 shall remain available until September 30, 2009.

OPERATION AND MAINTENANCE, ARMY
Reserve
For an additional amount for “Operation and Maintenance, Army Reserve”, $164,839,000.

OPERATION AND MAINTENANCE, NAVY RESERVE
For an additional amount for “Operation and Maintenance, Navy Reserve”, $109,876,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE
For an additional amount for “Operation and Maintenance, Marine Corps Reserve”, $70,256,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE
For an additional amount for “Operation and Maintenance, Air Force Reserve”, $165,994,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD
For an additional amount for “Operation and Maintenance, Army National Guard”, $685,644,000.

PROCUREMENT
AIRCRAFT PROCUREMENT, AIR FORCE
For an additional amount for “Aircraft Procurement, Air Force”, $954,111,000, to remain available for obligation until September 30, 2010.

MISSILE PROCUREMENT, AIR FORCE
For an additional amount for “Missile Procurement, Air Force”, $561,656,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF WEAPONS AND TRACED COMBAT VEHICLES, AIR FORCE
For an additional amount for “Procurement of Weapons and Tracked Combat Vehicles, Air Force”, $5,463,471,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF AMMUNITION, ARMY
For an additional amount for “Procurement of Ammunition, Army”, $394,945,000, to remain available for obligation until September 30, 2010.

OTHER PROCUREMENT, ARMY
For an additional amount for “Other Procurement, Army”, $16,337,340,000, to remain available for obligation until September 30, 2010.

AIRCRAFT PROCUREMENT, NAVY
For an additional amount for “Aircraft Procurement, Navy”, $3,563,254,000, to remain available for obligation until September 30, 2010.

WEAPONS PROCUREMENT, NAVY
For an additional amount for “Weapons Procurement, Navy”, $317,456,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS
For an additional amount for “Procurement of Ammunition, Navy and Marine Corps”, $2,197,390,000, to remain available for obligation until September 30, 2010.

PROCUREMENT, MARINE CORPS
For an additional amount for “Procurement, Marine Corps”, $2,197,390,000, to remain available for obligation until September 30, 2010.

AIRCRAFT PROCUREMENT, AIR FORCE
For an additional amount for “Air Force Procurement, Air Force”, $7,103,923,000, to remain available for obligation until September 30, 2010.

MISSILE PROCUREMENT, AIR FORCE
For an additional amount for “Missile Procurement, Air Force”, $66,943,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF AMMUNITION, AIR FORCE
For an additional amount for “Procurement of Ammunition, Air Force”, $205,455,000, to remain available for obligation until September 30, 2010.

OTHER PROCUREMENT, AIR FORCE
For an additional amount for “Other Procurement, Air Force”, $1,953,167,000, to remain available for obligation until September 30, 2010.

PROCUREMENT, DEFENSE-WIDE
For an additional amount for “Procurement, Defense-Wide”, $408,399,000, to remain available for obligation until September 30, 2010.

NATIONAL GUARD AND RESERVE EQUIPMENT
For an additional amount for “National Guard and Reserve Equipment”, $825,000,000.
to remain available for obligation until September 30, 2010: Provided, That the Chiefs of the National Guard and Reserve components shall, prior to the expenditure of funds, and not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees an equipment modernization priority assessment with a detailed plan for the expenditure of funds for their respective National Guard and Reserve components.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

For an additional amount for “Research, Development, Test and Evaluation, Army”, $652,850,000, to remain available until September 30, 2009.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for “Research, Development, Test and Evaluation, Navy”, $366,110,000, to remain available until September 30, 2009.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for “Research, Development, Test and Evaluation, Air Force”, $390,817,000, to remain available until September 30, 2009.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENDER-WIDE

For an additional amount for “Research, Development, Test and Evaluation, Defense-Wide”, $816,596,000, to remain available until September 30, 2009.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUND

For an additional amount for “Defense Working Capital Funds”, $1,837,450,000, to remain available for obligation until expended.

NATIONAL DEFENSE SEALIFT FUND

For an additional amount for “National Defense Sealift Fund”, $5,110,000,000, to remain available for obligation until expended.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for “Defense Health Program”, $1,413,864,000, of which $957,000,000 shall be for research and development, and maintenance; of which $91,900,000 is for procurement, to remain available until September 30, 2009: Provided, That in addition to amounts otherwise contained in this paragraph, $75,000,000 is hereby appropriated to the “Defense Health Program” for operation and maintenance for psychological health and traumatic brain injury, to remain available until September 30, 2010.

DRUG INTERDICT AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Drug Interdiction and Counter-Drug Activities, Defense”, $65,317,000, to remain available until September 30, 2009.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for “Office of the Inspector General”, $6,394,000, of which $2,000,000 shall be for research, development, test and evaluation, to remain available until September 30, 2009.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 11101. Appropriations provided in this chapter are available for obligation until September 30, 2008, unless otherwise provided in this chapter.

SEC. 11102. Notwithstanding any other provision of law, funds made available in this chapter are in addition to amounts appropriated or otherwise made available for the Department of Defense for fiscal year 2008.

(INCLUDING TRANSFER OF FUNDS)

SEC. 11103. Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer appropriations up to $2,500,000,000 of the funds made available to the Department of Defense in this chapter: Provided, That the Secretary shall notify the Congress of each transfer made pursuant to the authority in this section: Provided further, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of Public Law 110-116, except for the fourth proviso.

SEC. 11104. (a) From funds made available for operation and maintenance in this chapter to the Department of Defense, pursuant to exceed $1,226,841,000 may be used, notwithstanding any other provision of law, to fund the Commander’s Emergency Response Program, for the conduct of counterterrorist operations, to support commanders in Iraq, Afghanistan, and the Philippines to respond to urgent humanitarian relief and reconstruction requirements within their area of responsibility by carrying out programs that will immediately assist the Iraqi, Afghan, and Filipino people. (b) Not later than 15 days after the end of each fiscal year quarter, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes of the programs under subsection (a).

(INCLUDING TRANSFER OF FUNDS)

SEC. 11105. During fiscal year 2008, the Secretary of Defense may transfer not to exceed $6,500,000 of the amounts in or credited to the Defense Health Promotion Fund to 10 U.S.C. 2608, to such appropriations or funds of the Department of Defense as the Secretary shall determine for use consistent with the purposes for which such funds were contributed and accepted: Provided, That such amounts shall be available for the same time period as the appropriation to which those funds were transferred: Provided further, That the Secretary shall report to the Congress all transfers made pursuant to this section.

SEC. 11106. Of the amounts appropriated by this chapter under the heading “Drug Interdiction and Counter-Drug Activities, Defense”, not to exceed $20,000,000 may be used for the purpose of supporting counter-drug activities of the Governments of Afghanistan, Pakistan, and Turkmenistan, as specified in section 1603 of the Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85, as amended by Public Laws 106-398, 108-136, 109-364, and 110-181): Provided, That such amounts shall be in addition to support provided under any other provision of the law.

SEC. 11107. Amounts provided in this chapter for operation in Iraq and Afghanistan may be used by the Department of Defense for the purchase of up to 20 heavy and light armored vehicles for force protection purposes, notwithstanding any other limitations specified elsewhere in the Department of Defense Appropriations Act, 2008 (Public Law 110-116), or any other provision of law: Provided, That in addition to any other provision of law, funds provided in Public Law 110-116 and Public Law 110-161 under the heading “Other Procurement, Navy” may be used for the purchase of 21 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles, but not to exceed $255,000 per vehicle: Provided further, That the Secretary of Defense shall submit a report in writing no later than 30 days after the end of each fiscal quarter notifying the congressional defense committees of any purchase described in this section, including cost, purposes, and quantities of vehicles purchased.

(INCLUDING TRANSFER OF FUNDS)

SEC. 11108. Section 822(c) of Public Law 110-116 is amended by adding at the end the following:

“(f) Upon a determination that all or part of funds transferred under this section are not necessary to accomplish the purposes specified in subsection (b), such amounts may be transferred back to the Mine Resistant Ambush Protected Vehicle Fund “.

SEC. 11109. Notwithstanding any other provision of law, not to exceed $150,000,000 of funds made available in this chapter may be obligated to conduct or support a program to build the capacity of a foreign country’s national military forces in order for that country’s armed forces to participate in or support military and stability operations in which the U.S. Armed Forces are a participant: Provided, That funds available pursuant to this section shall be subject to the same restrictions, limitations, and reporting requirements as funds available pursuant to section 1206 of Public Law 109-163 as amended.

CHAPTER 2

DEFENSE BRIDGE FUND

APPROPRIATIONS FOR FISCAL YEAR 2009

DEPARTMENT OF DEFENSE, MILITARY PERSONNEL, NAVY

For an additional amount for “Military Personnel, Navy”, $839,000,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for “Military Personnel, Marine Corps”, $55,000,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for “Military Personnel, Air Force”, $75,000,000.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for “National Guard Personnel, Army”, $150,000,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for “Operation and Maintenance, Army”, $37,300,000,000.

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Operation and Maintenance, Navy”, $2,900,000,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for “Operation and Maintenance, Air Force”, $1,413,864,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for “Operation and Maintenance, Defense-Wide”, $2,648,569,000, of which not to exceed $20,000,000 may be used, notwithstanding any other provision of law for the purposes of the programs under subsection (a).
military, and other support provided to the United States military operations, notwithstanding any other provision of law: Provided, That these funds may be used for the purpose of providing specialized training and procuring supplies and specialized equipment and providing such supplies and loaning such equipment on a non-reimbursable basis to coalition forces supporting United States military operations in Iraq and Afghanistan: Provided further, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officer of the United States, and 15 days following notification to the appropriate congressional committees: Provided further, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph.

OPERATION AND MAINTENANCE, ARMY RESERVE
For an additional amount for “Operation and Maintenance, Army Reserve”, $70,291,000.

OPERATION AND MAINTENANCE, NAVY RESERVE
For an additional amount for “Operation and Maintenance, Navy Reserve”, $42,890,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE
For an additional amount for “Operation and Maintenance, Marine Corps Reserve”, $47,076,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE
For an additional amount for “Operation and Maintenance, Air Force Reserve”, $12,376,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD
For an additional amount for “Operation and Maintenance, Army National Guard”, $333,540,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD
For an additional amount for “Operation and Maintenance, Air National Guard”, $52,667,000.

AFGHANISTAN SECURITY FORCES FUND
For an additional amount for the “Afghanistan Security Forces Fund”, $2,000,000,000, to remain available until September 30, 2009.

IRAQ SECURITY FORCES FUND
For the “Iraq Security Forces Fund”, $1,000,000,000, to remain available until September 30, 2009:

RESEARCH, DEVELOPMENT, TEST AND EVALUATION
PROFESSIONAL DEFENSE COMMITTEES
That the Secretary of Defense shall provide quarterly reports to the congressional defense committees providing assessment of the use of the amounts provided under this heading to the congressional defense committees: Provided further, That the Secretary of Defense shall be responsible for the transfer authority provided herein, that such amounts may be transferred from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That the Secretary shall provide quarterly reports to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

PROCUREMENT
AIRCRAFT PROCUREMENT, ARMY
For an additional amount for “Aircraft Procurement, Army”, $84,000,000, to remain available for obligation until September 30, 2011.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY
For an additional amount for “Procurement of Weapons and Tracked Combat Vehicles, Army”, $822,674,000, to remain available for obligation until September 30, 2011.

PROCUREMENT OF AMMUNITION, ARMY
For an additional amount for “Procurement of Ammunition, Army”, $46,500,000, to remain available for obligation until September 30, 2011.

PROCUREMENT OF AMMUNITION, NAVY
For an additional amount for “Procurement of Ammunition, Navy”, $2,000,000,000, to remain available for obligation until September 30, 2011.

GENERAL PROVISIONS—THIS CHAPTER
SEC. 11201. Appropriations provided in this chapter are not available for obligation until October 1, 2009. Sec. 11202. Appropriations provided in this chapter are available for obligation until...
and other Ministry of Defense forces and the performance of security forces in Iraq, the following: and the type of operations being conducted. 

(E) The number of Iraqi battalions in the Army and other security forces at each level of operational readiness. 

(F) The rates of absenteeism in the Iraqi military forces. 

(G) The training provided Iraqi police and other Ministry of Interior forces and the equipment used by such forces. 

(H) The level and effectiveness of the Iraqi Security Forces Fund. 

(I) Key criteria for assessing the capability of the Iraqi police and other Ministry of Interior forces, goals for achieving such capability and readiness levels, and the milestone and notional timetable for achieving such goals. 

(J) The estimated total number of Iraqi police officers who have received classroom instruction and the duration of such instruction. 

(K) The effectiveness of the Iraqi military and police officer cadres and the chain of command. 

(L) The number of United States and coalition advisor groups. 

(M) An assessment, in a classified annex if necessary, of United States military requirements, including planned force rotations, through the end of fiscal year 2009. 

SEC. 11205. Funds available to the Department of Defense for operation and maintenance provided in this chapter may be used: 

(A) To provide supplies, services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and civilian operations in Iraq and Afghanistan: Provided, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding support provided under this section. 

SEC. 11207. Supervision and administration costs associated with a construction project funded with appropriations for op- eration and maintenance, “Afghanistan Security Forces Fund” or “Iraq Security Forces Fund” provided in this chapter, and paid in direct support of the Global War on Terrorism only in Iraq and Afghanistan, may be obligated at the time a construction contract is awarded: Provided, That for the purpose of determining whether funds for supervision and administration costs include all in-house Government costs.
(INCLUDING TRANSFER OF FUNDS)

SEC. 11208. (a) Notwithstanding any other provision of law, and in addition to amounts otherwise made available by this Act, there is appropriated $1,700,000,000 for the Mine Resistant Ambush Protected Vehicle Fund to remain available until September 30, 2009. (b) The funds provided by subsection (a) shall be used by the Secretary of Defense to continue technological research and development and upgrades, to procure Mine Resistant Ambush Protected vehicles and associated support equipment, and to sustain, transport, and field Mine Resistant Ambush Protected vehicles.

(1) The Secretary of Defense shall transfer funds in accordance with the provisions of section 207(a) to appropriate appropriations for operation and maintenance; procurement; and research, development, test and evaluation to accomplish the purposes specified in subsection (a). Such transferred funds shall be merged with and be available for the same purposes and for the same time period as the appropriation to which they are transferred.

(2) The transfer authority provided by this subsection shall be in addition to any other transfer authority available to the Department of Defense.

(3) The Secretary of Defense shall, not less than 15 days prior to making any transfer under this subsection, notify the congressional defense committees in writing of the details of the transfer.

SEC. 11209. For the purposes of this Act, the term "defense construction" means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

CHAPTER 3

GENERAL PROVISIONS—THIS TITLE

SEC. 11301. Each amount in this title is designated as an emergency requirement and necessary to meet emergency needs pursuant to subsections (a) and (b) of section 284 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008. SEC. 11302. Funds appropriated by this title, except those provided by the transfer of funds in this title, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 11303. None of the funds made available in this title may be used in connection with the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

(1) Section 2340a of title 18, United States Code;

(2) Section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105-277; 112 Stat. 2681-82; 8 U.S.C. 1231 note) and regulations prescribed under such section in accordance with the following provisions: (a) the Secretary of Defense, the Secretary of the Treasury, the Secretary of Homeland Security, and the Secretary of Health and Human Services; (b) the Secretary of the Treasury may not provide for the payment of reparations or other compensation or for the provision of other benefits to any alien; (c) the Secretary of the Treasury shall not use such funds for the purpose of providing legal assistance to any alien; (d) the Secretary of the Treasury shall not use such funds to provide legal assistance to any alien.

SEC. 11304. (a) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, the Secretary of the Treasury, the Secretary of Homeland Security, and the Secretary of Health and Human Services shall certify to the congressional defense committees that joint basing at the appropriate military installation will result in significant costs savings and will not negatively impact the morale of members of the Armed Forces of the United States.

SEC. 11311. Funds available in this title which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment unit cost of not more than $250,000: Provided, That upon determination by the Secretary of Defense that such action is necessary to meet the operational requirements of a Commander of a Combatant Command engaged in contingency operations overseas, such funds may be used to purchase items having an investment unit cost of not more than $500,000.

SA 4819. Mr. REID (for Mr. STEVENS) proposed an amendment to the bill S. 1965, to protect children from cybercrimes, including crimes by online predators, to enhance efforts to identify and eliminate child pornography, and to help parents shield their children from material that is inappropriate for minors; as follows:

On page 2, between lines 7 and 8, strike the item relating to section 104 and redesignate the items relating to sections 105, 106, and 107 relating to section 106.

On page 2, before line 8, strike the item relating to section 202.

On page 4, line 12, strike "SEC. 105." and insert "SEC. 104."

On page 6, line 10, strike "SEC. 106." and insert "SEC. 105."

On page 6, line 24, strike "SEC. 107." and insert "SEC. 106."

On page 8, beginning with line 6, strike through the end of the bill.

SA 4820. Mr. REID (for Mr. Dodd (for himself and Mr. SHELBY)) proposed an amendment to the bill S. 2062, to amend the Native American Housing Assistance and Self-Determination Act of 1996 to reauthorize that Act, and for other purposes; as follows:

On page 19, strike lines 1 through 13 and insert the following:

"...the provisions of paragraph (2) of subsection (a) regarding binding commitments for the remaining usefulness of property shall not apply to a facility or household property unless subsequently takes ownership of a homeownership unit.".

On page 22, line 9, insert "in accordance with section 202" after "infrastructure".

On page 29, strike line 18 and insert the following: "(iv) any other legal impediment. (E) Subparagraphs (A) through (D) shall not apply to any claim arising from a formula current assisted stock calculation or count involving an Indian housing block grant allocation for any fiscal year through fiscal year 2008. (F) A civil action against a claim is filed by not later than 45 days after the date of enactment of this subparagraph.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, May 22, 2008, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.
The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Thursday, May 22, 2008, at 11:30 a.m., to conduct a hearing entitled, “Security Clearance Reform: The Way Forward.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Thursday, May 22, 2008, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct an executive business meeting on Thursday, May 22, at 10 a.m. in room SD–226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct a hearing entitled “Closing the Justice Gap: Providing Civil Legal Assistance to Low-Income Americans” on Thursday, May 22, 2008, at 2 p.m., in room SD–226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate, to conduct an executive business meeting on Thursday, May 22, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.
SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

For carrying out the public awareness campaign under section 102, there are authorized to be appropriated to the Commission $5,000,000 for each of fiscal years 2008 and 2009.

SEC. 105. ONLINE SAFETY AND TECHNOLOGY WORKING GROUP.

(a) Establishment—Within 90 days after the date of enactment of this Act, the Assistant Secretary of Commerce for Communications and Information shall establish an Online Safety and Technology working group comprised of representatives of relevant sectors of the business community, public interest groups, and other appropriate groups and Federal agencies to review and evaluate efforts, parental control technology, blocking and filtering software, age-appropriate labels and filtering software, and other appropriate technologies to control technologies, blocking and filtering software, labeling, or other technologies to assist parents; and

(b) the status of industry efforts to promote online safety through educational efforts, parental control technology, blocking and filtering software, and age-appropriate labels for content or other technologies or initiatives designed to promote a safe online environment for children;

(2) includes recommendations as to what types of incentives could be used or developed to increase the effectiveness and implementation of such strategies and technologies;

(c) FACA NOT TO APPLY TO WORKING GROUP.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the working group established under this section.

SEC. 106. PROMOTING ONLINE SAFETY IN SCHOOLS.

Section 203 of the Communications Act of 1934 (47 U.S.C. 254(h)(5)(b)) is amended—

(1) by striking “and” after the semicolon in clause (i); and

(2) by striking “minors.” in clause (ii) and inserting “minors;” and

(3) by adding at the end thereof the following:

“(iii) as part of its Internet safety policy is educating minors about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response.”.

SEC. 107. DEFINITIONS.

In this title:

(1) COMMISION.—The term “Commission” means the Federal Trade Commission.

(2) INTERNET.—The term “Internet” means collectively the computer and telecommunications facilities, including equipment and operating software, which comprise the interconnected world-wide network of networks that employ the Transmission Control Protocol/Internet Protocol, or any predecessor successor protocols to such protocol, to communicate information of all kinds by wire or radio.

TITLE II—ENHANCING CHILD PORNOGRAPHY ENFORCEMENT

SEC. 201. CHILD PORNOGRAPHY PREVENTION; FORFEITURES RELATED TO CHILD PORNOGRAPHY VIOLATIONS.

(a) IN GENERAL.—Section 508(b)(1) of the Communications Act of 1934 (47 U.S.C. 508(b)(1)) is amended—

(1) by striking “or” after the semicolon in subparagraph (C); and

(2) by striking “or 1464” in subparagraph (D) and inserting “1464, or 2252”;

(3) by inserting “or” after the semicolon in subparagraph (D); and

(4) by inserting after subparagraph (D) the following:

“(E) violated any provision of section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032);”.

SEC. 202. ADDITIONAL CHILD PORNOGRAPHY AMENDMENTS.

(a) INCREASE IN FINE FOR FAILURE TO REPORT.—Section 227(b)(4) of the Crime Control Act of 1990 (42 U.S.C. 13032(b)(4)) is amended—

(1) by striking “$50,000,” in subparagraph (A) and inserting “$150,000;”; and

(2) by striking “$20,000,” in subparagraph (B) and inserting “$300,000.”;

(b) INTERNATIONAL INFORMATION SHARING.—Section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032) is amended—

(1) by striking “a law enforcement agency or in subsection (b)(1) and inserting “appropriate Federal, State, or foreign law enforcement agencies;”;

(2) by inserting “Federal, State, or foreign” after “designate the in subsection (b)(2);”;

(3) by striking “law,” in subsection (b)(3) and inserting “law, or appropriate officials of foreign law enforcement agencies designated by an Attorney General for the purpose of enforcing State or Federal laws of the United States;”;

(4) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively, and inserting after paragraph (2) the following:

“(5) any image of any apparent child pornography relating to a victim cited in section 2251, or 2252, or any images commingled with images of apparent child pornography, such report is regarding; and

(b) USE OF INFORMATION TO COMBAT CHILD PORNOGRAPHY.—The National Center for Missing and Exploited Children is authorized to provide elements relating to any image, including the image itself, or other relevant information reported to its Cyber Tip Line to an electronic communication service provider or remote computing service provider making the report, including the address, telephone number, facsimile number, electronic mail address of, and individual point of contact for such electronic communication service provider or remote computing service provider.”.

Mr. REID. I ask unanimous consent that the Stevens amendment at the desk be agreed to; the committee-reported amendments, as amended, if amended, be agreed to; the bill, as amended, be read a third time and passed; the motion to reconsider be laid upon the table and that any statements related to this matter be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The amendment (No. 4819) was agreed to, as follows:
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 "Protecting Children in the 21st Century Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

TITLE I—PROMOTING A SAFE INTERNET FOR CHILDREN

Sec. 101. Internet safety.
Sec. 102. Public awareness campaign.
Sec. 103. Annual reports.
Sec. 104. Online safety and technology working group.
Sec. 105. Promoting online safety in schools.
Sec. 106. Definitions.

TITLE II—ENHANCING CHILD PORNOGRAPHY ENFORCEMENT

Sec. 201. Child pornography prevention; forfeitures related to child pornography violations.

TITLE III—AFFORDABLE HOUSING ACTIVITIES

SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be called the "Native American Housing Assistance and Self-Determination Reauthorization Act of 2007."

Mr. REID. Mr. President, I now ask unanimous consent that the Senate proceed to the consideration of Calendar No. 569, S. 2062.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Indian Affairs, with amendments, as follows:

The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.

S. 2062

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 called the "Native American Housing Assistance and Self-Determination Reauthorization Act of 2007."

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Title I—Block Grants and Grant Requirements

Title II—Affordable Housing Activities

Title III—Indian Housing Assistance Program

Title IV—Indian Housing Self-Determination Program

Title V—Review and Regulatory Reform

Title VI—Authorization of Appropriations

Title VII—Indian Self-Determination and Education Assistance Act

Title VIII—Indian Land Consolidation Program

Title IX—Indian Services

Title X—Enforcement and Miscellaneous Provisions

SEC. 1. Short title; table of contents.

This Act may be cited as the Indian Housing Improvement Act of 2007.

SEC. 2. Congressional findings.

SEC. 3. Definitions.

Sec. 201. Authorization of appropriations.

Sec. 202. Funding conforming amendments.

SEC. 2. CONGRESSIONAL FINDINGS.
Section 2 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101) is amended in paragraphs (6) and (7) by striking “should” each place it appears and inserting “shall”.

SEC. 3. DEFINITIONS.
Section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101) is amended—

(1) in subsection (a)—
(A) by striking paragraph (22); and
(B) by redesignating paragraphs (8) through (21) as paragraphs (9) through (22), respectively; and
(3) by inserting after paragraph (7) the following:
(8) HOUSING RELATED COMMUNITY DEVELOPMENT.
(A) IN GENERAL.—The term ‘housing related community development’ means any facility, community building, business, activity, or program that—
(i) is owned by an Indian tribe or a tribally designated housing entity; and
(ii) is necessary to the provision of housing in an Indian area;

(9) TRIBAL PREFERENCE IN EMPLOYMENT.
(A) DESCRIPTION OF PLAN.—A plan shall include the following information—
(i) the types of household to receive assistance;
(ii) the types and levels of assistance to be provided;
(iii) the number of units planned to be produced;
(iv) a description of any housing to be demolished or disposed of;
(II) a timetable for the demolition or disposition;
and
(III) any other information required by the Secretary with respect to the demolition or disposition;

(2) STATEMENT OF NEEDS.—A statement of the housing needs of the low-income Indian families residing in the jurisdiction of the Indian tribe, and the means by which those needs will be addressed during the applicable period, including—
(i) a description of the estimated housing needs and the need for assistance for the low-income families residing in the jurisdiction, including a description of the manner in which the geographical distribution of assistance is consistent with the geographical needs and needs for various categories of housing assistance; and
(ii) a description of the estimated housing needs for all Indian families in the jurisdiction.

(3) TITLES AND SUBTITLES.—The provisions of this Act shall be organized under titles, subtitles, and sections as the Secretary may establish.

(4) IN GENERAL.—A housing plan under this Act shall be an Executive agency in carrying out the applicable program, service, or activity under this Act.

SEC. 101. BLOCK GRANTS AND GRANT REQUIREMENTS
SEC. 101. BLOCK GRANTS.
Section 101 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111) is amended—

(1) in subsection (a)—
(A) by striking “shall” each place it appears and inserting “shall”;
(B) by striking “For each” and inserting the following: “For each”; and

(2) in paragraph (3)—
(A) by striking “For each” and inserting the following: “For each”; and

(3) by redesigning subsections (d) through (f) as subsections (c) through (e), respectively; and
(A) (d) in subsection (d) as redesignated by paragraph (3), by striking “subsection (d)” and inserting “subsection (c)”.

(4) TITLES AND SUBTLES.—The provisions of this Act shall be organized under titles, subtitles, and sections as the Secretary may establish.

(5) IN GENERAL.—A housing plan under this Act shall be an Executive agency in carrying out the applicable program, service, or activity under this Act.

(6) STATEMENT OF NEEDS.—A statement of the housing needs of the low-income Indian families residing in the jurisdiction of the Indian tribe, and the means by which those needs will be addressed during the applicable period, including—
(i) a description of the estimated housing needs and the need for assistance for the low-income families residing in the jurisdiction, including a description of the manner in which the geographical distribution of assistance is consistent with the geographical needs and needs for various categories of housing assistance; and
(ii) a description of the estimated housing needs for all Indian families in the jurisdiction.

(7) TITLES AND SUBTLES.—The provisions of this Act shall be organized under titles, subtitles, and sections as the Secretary may establish.

(8) IN GENERAL.—A housing plan under this Act shall be an Executive agency in carrying out the applicable program, service, or activity under this Act.

(9) STATEMENT OF NEEDS.—A statement of the housing needs of the low-income Indian families residing in the jurisdiction of the Indian tribe, and the means by which those needs will be addressed during the applicable period, including—
(i) a description of the estimated housing needs and the need for assistance for the low-income families residing in the jurisdiction, including a description of the manner in which the geographical distribution of assistance is consistent with the geographical needs and needs for various categories of housing assistance; and
(ii) a description of the estimated housing needs for all Indian families in the jurisdiction.

(10) TITLES AND SUBTLES.—The provisions of this Act shall be organized under titles, subtitles, and sections as the Secretary may establish.

(11) IN GENERAL.—A housing plan under this Act shall be an Executive agency in carrying out the applicable program, service, or activity under this Act.

(12) STATEMENT OF NEEDS.—A statement of the housing needs of the low-income Indian families residing in the jurisdiction of the Indian tribe, and the means by which those needs will be addressed during the applicable period, including—
(i) a description of the estimated housing needs and the need for assistance for the low-income families residing in the jurisdiction, including a description of the manner in which the geographical distribution of assistance is consistent with the geographical needs and needs for various categories of housing assistance; and
(ii) a description of the estimated housing needs for all Indian families in the jurisdiction.

(13) TITLES AND SUBTLES.—The provisions of this Act shall be organized under titles, subtitles, and sections as the Secretary may establish.

(14) IN GENERAL.—A housing plan under this Act shall be an Executive agency in carrying out the applicable program, service, or activity under this Act.

(15) STATEMENT OF NEEDS.—A statement of the housing needs of the low-income Indian families residing in the jurisdiction of the Indian tribe, and the means by which those needs will be addressed during the applicable period, including—
(i) a description of the estimated housing needs and the need for assistance for the low-income families residing in the jurisdiction, including a description of the manner in which the geographical distribution of assistance is consistent with the geographical needs and needs for various categories of housing assistance; and
(ii) a description of the estimated housing needs for all Indian families in the jurisdiction.

(16) TITLES AND SUBTLES.—The provisions of this Act shall be organized under titles, subtitles, and sections as the Secretary may establish.

(17) IN GENERAL.—A housing plan under this Act shall be an Executive agency in carrying out the applicable program, service, or activity under this Act.

(18) STATEMENT OF NEEDS.—A statement of the housing needs of the low-income Indian families residing in the jurisdiction of the Indian tribe, and the means by which those needs will be addressed during the applicable period, including—
(i) a description of the estimated housing needs and the need for assistance for the low-income families residing in the jurisdiction, including a description of the manner in which the geographical distribution of assistance is consistent with the geographical needs and needs for various categories of housing assistance; and
(ii) a description of the estimated housing needs for all Indian families in the jurisdiction.

(19) TITLES AND SUBTLES.—The provisions of this Act shall be organized under titles, subtitles, and sections as the Secretary may establish.

(20) IN GENERAL.—A housing plan under this Act shall be an Executive agency in carrying out the applicable program, service, or activity under this Act.

(21) STATEMENT OF NEEDS.—A statement of the housing needs of the low-income Indian families residing in the jurisdiction of the Indian tribe, and the means by which those needs will be addressed during the applicable period, including—
(i) a description of the estimated housing needs and the need for assistance for the low-income families residing in the jurisdiction, including a description of the manner in which the geographical distribution of assistance is consistent with the geographical needs and needs for various categories of housing assistance; and
(ii) a description of the estimated housing needs for all Indian families in the jurisdiction.

(22) TITLES AND SUBTLES.—The provisions of this Act shall be organized under titles, subtitles, and sections as the Secretary may establish.
SEC. 103. REVIEW OF PLANS.

Section 103 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4113) is amended—

(1) in paragraph (1), by inserting “and except with respect to loan guarantees under title VI” after “—paragraphs (2) and (4);”;

(2) in paragraph (2)—

(A) in the first sentence—

(i) by striking “fiscal” each place it appears and inserting “tribal”;

(ii) by striking “take” and inserting “to take”;

(B) by inserting at the end—

“(e) SELF-DETERMINED ACTIVITIES PROGRAM.—Notwithstanding any other provision of this section, the Secretary—

(1) if the information included in an Indian housing plan pursuant to subsection (b)(4) and (c)(7) only to determine whether the information is included for purposes of section 101, in a reserve account established for an Indian tribe for the fiscal year that is not used by the Indian tribe for Indian housing purposes;

(2) if the information included in an Indian housing plan pursuant to subsection (b)(4), and (c)(7), only to determine whether the information is included for purposes of section 103, in a reserve account established for an Indian tribe for the fiscal year that is not used by the Indian tribe for Indian housing purposes;

(3) may not approve or disapprove an Indian housing plan based on the content of the particular benefit, activity, or result included pursuant to subsections (b)(4) and (c)(7).”;

SEC. 104. TREATMENT OF PROGRAM INCOME AND LABOR STANDARDS.

Section 104(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4114(a)) is amended by adding at the end the following:

“(d) PROGRAM INCOME OF REGULAR DEVELOPER’S FEES FOR LOW-INCOME HOUSING TAX CREDIT PROJECTS.—Notwithstanding any other provision of this Act, any income derived from a regular and customary developer’s fee for any project that receives a low-income housing tax credit under section 42 of the Internal Revenue Code of 1986, that is initially funded using a grant provided under this Act, shall not be considered to be program income if the developer’s fee is approved by the State housing credit agency.”

SEC. 105. REGULATIONS.

Section 106(b)(2) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4115(b)(2)) is amended—

(1) in subparagraph (B)(1), by striking “The Secretary” and inserting “Not later than 180 days after the date of enactment of the Native American Housing Assistance and Self-Determination Reauthorization Act of 2007 and any other Act to reauthorize this Act, the Secretary”;

(2) by adding at the end the following:

“(C) SUBSEQUENT NEGOTIATED RULE-MAKING.—The Secretary shall—

(i) initiate a negotiated rulemaking in accordance with this section by not later than 90 days after the date of enactment of the Native American Housing Assistance and Self-Determination Reauthorization Act of 2007 and any other Act to reauthorize this Act, and

(ii) promulgate regulations pursuant to this section by not later than 2 years after the date of enactment of the Native American Housing Assistance and Self-Determination Reauthorization Act of 2007 and any other Act to reauthorize this Act.”

“(D) REVIEW.—Not less frequently than every 7 years, the Secretary, in consultation with Indian tribes, shall review the regulations promulgated pursuant to this section in effect on the date on which the review is conducted.”.

TITLE II—AFFORDABLE HOUSING ACTIVITIES

SEC. 201. NATIONAL OBJECTIVES AND ELIGIBLE FAMILIES.

Section 201 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4131(b)) is amended—

(1) in paragraph (1), by inserting “and except with respect to loan guarantees under title VI” after “—paragraphs (2) and (4);”;

(2) in paragraph (2)—

(A) by striking the first sentence and inserting the following:

“(A) EXCEPTION TO REQUIREMENT.—Notwithstanding paragraph (1), a recipient may provide, through low-income housing assistance through affordable housing activities for which a grant is provided under this Act to any family that is not a low-income family, to the extent that the Secretary approves the activities due to a need for housing for those families that cannot reasonably be met without that assistance.”;

(B) in the following:

(i) by striking “The Secretary” and inserting “(B) LIMITS.—The Secretary”;

(2) in paragraph (3)—

(A) in the paragraph heading, by inserting “NON-INDIAN” and inserting “ESSENTIAL”;

(B) by striking “non-Indian family” and inserting “family”;

(3) in paragraph (4)(A)(i), by inserting “or other unit of local government,” after “county.”;

SEC. 202. ELIGIBLE AFFORDABLE HOUSING ACTIVITIES.

Section 202 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4131) is amended by adding at the end the following:

“(A) in the matter preceding paragraph (1), by striking “to develop or to support” and inserting “to develop, operate, maintain, or support”;

(2) in paragraph (2)—

(A) by striking “development of utilities” and inserting “development and rehabilitation of utilities, necessary infrastructure,”;

(B) by inserting “mold remediation,” after “energy efficiency,”;

(3) in paragraph (3), by inserting “the costs of operation and maintenance of units developed with funds provided under this Act,” after “rental assistance,”;

(4) by adding at the end the following:

“(9) RESERVE ACCOUNTS.—

(A) IN GENERAL.—Subject to subparagraph (B), the deposit of amounts, including grant amounts used to establish a reserve account established for an Indian tribe, shall be used for the purpose of accumulating amounts for administration and planning relating to affordable housing activities for the tribal community, in accordance with the Indian housing plan of the Indian tribe.

(B) MAXIMUM AMOUNT.—A reserve account established under subparagraph (A) shall consist of not more than an amount equal to ¼ of the 5-year average of the annual amount used by a recipient for administration and planning under paragraph (2).”.

SEC. 203. PROGRAM REQUIREMENTS.

Section 203 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4131) is amended by adding at the end the following:

“(f) USE OF GRANT AMOUNTS OVER EXTENDED PERIODS.—

(1) IN GENERAL.—To the extent that the Indian housing plan for an Indian tribe provides for the use of amounts of a grant under section 101 for a period of more than 1 fiscal year, or for affordable housing activities for which the amounts will be committed for use or expended during a subsequent fiscal year, the Secretary shall not require those amounts to be used or committed for use in any time earlier than otherwise provided for in the Indian housing plan.

(2) CARRYOVER.—Any amount of a grant provided under this section for the fiscal year that is not used by the Indian tribe during that fiscal year may be used by the Indian tribe during any subsequent fiscal year.”

“(g) DE MINIMIS EXEMPTION FOR PROCUREMENT OF GOODS AND SERVICES.—Notwithstanding any other provision of law, a recipient shall not be required to act in accordance with any otherwise applicable competitive procurement rule or procedure with respect to the procurement, using a grant provided under this Act, of goods and services the value of which is less than $5,000.”

SEC. 204. LOW-INCOME HOUSING REQUIREMENT AND INCOME TARGETING.

Section 204 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4135) is amended by adding at the end the following:

“(h) APPLICABILITY.—[This section] Paragraph (2) of subsection (a) applies only to rental and homeownership units that are owned or operated by a recipient.”

SEC. 205. TREATMENT OF FUNDS.

The Native American Housing Assistance and Self-Determination Act of 1996 is amended by adding after section 205 (25 U.S.C. 4135) the following:

“(i) TREATMENT OF FUNDS.—Notwithstanding any other provision of law, tenant- and project-based rental assistance provided using funds made available under this Act shall not be considered to be Federal funds for purposes of section 42 of the Internal Revenue Code of 1986.”

SEC. 206. AVAILABILITY OF RECORDS.

Section 206(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4131 et seq.) is amended—

(1) by inserting after the title designation of this Act the term “Activities for Tribal Communities”;

(2) by adding to the end the following:

“Subtitle A—General Block Grant Program”;

(3) by adding to the end the following:

“Subtitle B—Self-Determined Housing Activities for Tribal Communities”;

(4) by striking “the Act” and inserting “the Act or this Act”;

(5) by striking “self-determined” and inserting “self-determined”;

(6) by striking “or the” and inserting “or a”;

(7) by striking “is” and inserting “are”;

(8) by inserting “activities” after “to”; and

(9) by inserting “and” after “Act”.

SEC. 207. SELF-DETERMINED HOUSING ACTIVITIES FOR TRIBAL COMMUNITIES PROGRAM.

(a) DEFINITION OF PROGRAM.—Title II of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4131 et seq.) is amended—

(1) by inserting after the title designation of this Act the term “Activities for Tribal Communities”;

(2) by adding to the end the following:

“Subtitle A—General Block Grant Program”;

(3) by adding to the end the following:

“Subtitle B—Self-Determined Housing Activities for Tribal Communities”;

(4) by striking “the Act” and inserting “the Act or this Act”;

(5) by striking “the Secretary” and inserting “the Secretary or the”;

(6) by striking “or the” and inserting “or a”;

(7) by striking “is” and inserting “are”;

(8) by inserting “activities” after “to”; and

(9) by inserting “and” after “Act”.

SEC. 231. PURPOSE.

The purpose of this subtitle is to establish a program for self-determined housing activities for the tribal communities to provide Indian tribes with the flexibility to use a portion of the grant amounts under section 101 for the Indian tribe in manners that are wholly self-determined by the Indian tribe for housing activities involving construction, acquisition, rehabilitation, or infrastructure relating to housing activities or housing that will benefit the community served by the Indian tribe.

SEC. 232. PROGRAM AUTHORITY.

(a) DEFINITION OF QUALIFYING INDIAN TRIBES.—In this section, the term ‘qualifying Indian tribe’ means, with respect to a fiscal year, an Indian tribe or tribally designated housing entity—

(1) to or on behalf of which a grant is made under section 101;

(2) that has complied with the requirements of sections 102(b)(6); and

(3) that, during the preceding 3-fiscal-year period, has no unresolved significant and material audit findings or exceptions, as demonstrated in—

(i) the annual audits of that period completed under chapter 75 of title 31, United States Code (commonly known as the ‘Single Audit Act’); or

(ii) any independent financial audit prepared in accordance with generally accepted auditing principles.

May 22, 2008

CONGRESSIONAL RECORD — SENATE
S4841
TITLE IV—ECONOMIC DEVELOPMENT

CHAPTER 1—GENERAL BLOCK GRANT PROGRAM

Sec. 233. Use of amounts for housing activities.

(a) Eligible housing activities.—Any amounts made available for use under this subtitle by a recipient for an Indian tribe shall be used only for housing activities, as selected at the discretion of the recipient and described in the Indian housing plan for the Indian tribe pursuant to section 102(b)(6), for the construction, acquisition, or rehabilitation of housing or infrastructure to provide a benefit to families described in section 201(b)(1).

(b) Prohibition on certain activities.—Amounts made available for use under this subtitle may not be used for commercial or economic development.

Sec. 234. Inapplicability of other provisions.

(a) In general.—Except as otherwise specifically provided in this Act, title I, subtitle A of title II, and titles III through VIII shall not apply to—

(1) the program under this subtitle; or

(2) amounts made available in accordance with this subtitle.

(b) Applicable provisions.—The following provisions of titles I through VII shall apply to the program under this subtitle and amounts made available in accordance with this subtitle:

(1) Section 101(c) (relating to local cooperation agreements).

(2) Subsections (d) and (e) of section 101 (relating to tax exemption).

(3) Section 101(i) (relating to Federal supply sources).

(4) Section 101(k) (relating to tribal preference in employment and contracting).

(5) Section 102(b)(4) (relating to certification of compliance).

(6) Section 104 (relating to treatment of program income and labor standards).

(7) Section 105 (relating to environmental review).

(8) Section 201(b) (relating to eligible families).

(9) Section 203(c) (relating to insurance coverage).

(10) Section 203(g) (relating to a de minimis exemption for procurement of goods and services).

(11) Section 206 (relating to treatment of funds).

(b) Treatment of funds.

(c) Use of amounts for housing activities.

(d) Inapplicability of other provisions.

Title III—ALLOCATION OF GRANT FUNDS

Chapter 1—ALLOCATION FORMULA

Sec. 301. Allocation formula.

Section 302 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 note) is amended—

(1) in subsection (a)—

(1) by striking “The Secretary” and inserting the following:

“(1) In general.—The Secretary; and

(2) by adding at the end the following:

“(2) Study of new data.—

“(A) In general.—The Secretary shall enter into a contract with an organization with expertise in housing and other demographic data collection methodologies under which the organization, in consultation with Indian tribes and Indian organizations, shall—

“(i) assess existing data sources, including alternatives to the decennial census, for use in determining the fact of determination of need described in subsection (b); and

“(ii) develop and recommend methodologies for collecting data on any of those factors (including formulas) in any case in which existing data is determined to be insufficient or inadequate, or fails to satisfy the requirements of this Act.

(2) Authorization of appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this section, to remain available until expended.”.

Sec. 303. Use of amounts for other purposes.

(a) In general.—Any amounts made available for use under this title shall be used—

(1) for the purposes of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4163(b)) is amended in the second sentence by inserting “an appropriate level of” after “shall include”;

(b) Authorization of appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this section, to remain available until expended.”.

Title IV—COMPLIANCE, AUDITS, AND REPORTS

Chapter 1—REMEDIES FOR NONCOMPLIANCE

Sec. 301. Remedies for noncompliance.

Section 301 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4161(a)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following:

“(2) Substantial noncompliance.—The failure of a recipient to comply with the requirements of section 302(b)(1) regarding the reporting of low-income dwelling units shall not, in itself, be considered to be substantial noncompliance for purposes of this title.”.

Chapter 2—MONITORING OF COMPLIANCE

Sec. 302. Monitoring of compliance.

Section 302(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4162(b)) is amended in the second sentence by inserting “an appropriate level of” after “shall include”.

May 22, 2008
SEC. 403. PERFORMANCE REPORTS.
Section 404(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4164(b)) is amended—
(1) in paragraph (2), by adding—
(A) by striking “goals” and inserting “planned activities”; and
(B) by adding “and” after the semicolon at the end of paragraph (2),
(2) in paragraph (3), by striking “and” and inserting “;” at the end and inserting a period; and
(3) by striking paragraph (4).

TITLE VI—GUARANTEED LOANS TO FINANCE TRIBAL COMMUNITY AND ECONOMIC DEVELOPMENT ACTIVITIES

SEC. 601. DEMONSTRATION PROGRAM FOR GUARANTEED LOANS TO FINANCE TRIBAL COMMUNITY AND ECONOMIC DEVELOPMENT ACTIVITIES.

(a) In General.—Title VI of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4191 et seq.) is amended by adding at the end the following:


“Nothing in this Act or an amendment made by this Act prohibits or prevents any participating jurisdiction (within the meaning of the HOME Investment Partnerships Act (42 U.S.C. 12721 et seq.)) from providing any available program to the participating jurisdiction under that Act (42 U.S.C. 12721 et seq.) to an Indian tribe or a tribally designated housing entity for use in accordance with title II of the HOME Assistance and Self-Determination Act of 1996 (25 U.S.C. 410 note) is amended by inserting after the item relating to section 508 the following:

“Sec. 509. Effect on Home Investment Partnerships Act.”

TITLE VI—GUARANTEED LOANS FOR INDIAN TRIBES UNDER INCORPORATED PROGRAMS

SEC. 501. EFFECT ON HOME INVESTMENT PARTNERSHIPS ACT.

(a) In General.—Title V of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4181 et seq.) is amended by adding at the end the following:


“Nothing in this Act or an amendment made by this Act prohibits or prevents any participating jurisdiction (within the meaning of the HOME Investment Partnerships Act (42 U.S.C. 12721 et seq.)) from providing any available program to the participating jurisdiction under that Act (42 U.S.C. 12721 et seq.) to an Indian tribe or a tribally designated housing entity for use in accordance with title II of the HOME Assistance and Self-Determination Act of 1996 (25 U.S.C. 410 note) is amended by inserting after the item relating to section 508 the following:

“Sec. 505. Effect on Home Investment Partnerships Act.”

SEC. 606. DEMONSTRATION PROGRAM FOR GUARANTEED LOANS TO FINANCE TRIBAL COMMUNITY AND ECONOMIC DEVELOPMENT ACTIVITIES.

“(a) Authority.—To the extent and in such amounts as are provided in appropriation Acts, subject to the requirements of this section, and in accordance with such terms and conditions as the Secretary may prescribe, the Secretary may guarantee and make commitments to guarantee the notes and obligations issued by Indian tribes or tribally designated housing entities with tribal approval, for the purposes of financing activities that benefit low-income families on Indian reservations and other Indian areas.

(b) Low-Income Benefit Requirement.—Notwithstanding any other provision of law, subject to the absence of qualified applicants for the purposes of activities that benefit low-income families on Indian reservations and other Indian areas.

(c) Financial Soundness.—

“(1) The Secretary shall establish underwriting criteria for guarantees under this section, including fees for the guarantees, as the Secretary determines to be necessary to ensure that the program under this section is financially sound.

“(2) Amounts of Fees.—Fees for guarantees under this section shall not be established in amounts that are sufficient, but do not exceed the minimum amounts necessary, to maintain a negative credit spread of at least 60 basis points, as determined based on the risk to the Federal Government under the underwriting requirements established under paragraph (1).

“(d) Terms of Obligations.—

“(1) In General.—Each note or other obligation guaranteed pursuant to this section shall be in such form and denomination, have such maturity, and be subject to such conditions as the Secretary may prescribe, by regulation.

“(2) Limitation.—The Secretary may not deny a guarantee under this section on the basis of the proposed repayment period for the note or other obligation, unless—

“(A) the period is more than 20 years; or

“(B) the Secretary determines that the period would cause the guarantee to constitute an unacceptable financial risk.

“(e) Limitations on Payment.—A guarantee made under this section shall guaranty repayment of 95 percent of the unpaid principal and interest due on the note or other obligation.

“(f) Security and Repayment.—

“(1) Requirements on Issuer.—To ensure the repayment of notes and other obligations guaranteed under this section and as a condition for receiving the guarantees, the Secretary shall require the Indian tribe or housing entity issuing the notes or obligations—

“(A) to enter into a contract, in a form acceptable to the Secretary, for repayment of notes or other obligations guaranteed under this section;

“(B) to demonstrate that the extent of each issuance and guarantee under this section is within the financial capacity of the Indian tribe; and

“(C) to furnish, at the discretion of the Secretary, such security as the Secretary determines to be appropriate in making the guarantees, including increments in local tax receipts generated by the activities assisted by a guarantee under this section or disposition proceeds from the sale of land or rehabilitated property, except that the security may not include any grant amounts received or for which the issuer may be eligible under title I.

“(g) Full Faith and Credit.—

“(A) In General.—The full faith and credit of the United States is pledged to the payment of all guarantees made under this section.

“(B) Treatment of Guarantees.—

“(1) In General.—Any guarantee made by the Secretary under this section shall be conclusive evidence of the eligibility of the obligations for the guarantee with respect to principal and interest.

“(2) Exception.—The validity of any such a guarantee shall be incontestable in the hands of a holder of the guaranteed obligations.

“(g) Training and Information.—The Secretary, in cooperation with Indian tribes and tribally designated housing entities, shall carry out training and information activities with respect to the guarantee program under this section.

“(h) Limitations on Amount of Guarantees.—

“(1) Aggregate Fiscal Year Limitation.—Notwithstanding any other provision of law, subject to the absence of qualified applicants for the purposes of activities that benefit low-income families on Indian reservations and other Indian areas.

“(2) Authorization of Appropriations for Credit Subsidy.—There are authorized to be appropriated for the purposes of this section such sums as necessary for each of fiscal years 2008 through 2012.

“(3) Aggregate Outstanding Limitation.—The total amount of outstanding obligations guaranteed on a cumulative basis by the Secretary pursuant to this section shall not at any time exceed $1,000,000,000 or such higher amount as may be authorized to be appropriated for this section for any fiscal year.

“(4) Fiscal Year Limitations on Indian Tribes.

“(A) In General.—The Secretary shall monitor the use of guarantees under this section by Indian tribes.

“(B) Modifications.—If the Secretary determines that 50 percent of the aggregate guarantee authority under paragraph (3) has been committed, the Secretary may—

“(1) impose limitations on the amount of guarantees pursuant to this section that any single Indian tribe may receive in any fiscal year of $25,000,000; or

“(2) request the enactment of legislation increasing the aggregate outstanding limitation on guarantees under this section.

“(D) Certification.—Not later than 4 years after the date of enactment of this section, the Secretary shall submit a report to the Congress describing the use of the authority under this section by Indian tribes and tribally designated housing entities, including—

“(1) an identification of the extent of the use and the types of projects and activities financed using that authority; and

“(2) an analysis of the effectiveness of the use in carrying out the purposes of this section.

“(E) Termination.—The authority of the Secretary under this section to make new guarantees for notes and obligations shall terminate on October 1, 2012.”

(b) Conforming Amendment.—The table of contents in section 1(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 410 note) is amended by inserting after the item relating to section 605 the following:

“Sec. 606. Demonstration program for guaranteed loans to finance tribal community and economic development activities.”

TITLE VII—OTHER HOUSING ASSISTANCE FOR NATIVE AMERICANS

SEC. 701. TRAINING AND TECHNICAL ASSISTANCE.

Section 703 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4212) is amended to read as follows:

“SEC. 703. TRAINING AND TECHNICAL ASSISTANCE.

“(a) Definition of Indian Organization.—In this section, the term ‘Indian organization’ means—

“(1) an Indian organization representing the interests of Indian tribes, Indian housing authorities, and tribally designated housing entities throughout the United States.

“(2) an organization registered as a nonprofit entity that is—

“(A) described in section 501(c)(3) of the Internal Revenue Code of 1986; and

“(B) exempt from taxation under section 501(a) of that Code;

“(3) an organization with at least 30 years of experience in representing the housing interests of Indian tribes and tribal housing entities throughout the United States; and
“(4) an organization that is governed by a Board of Directors composed entirely of individuals representing tribal housing entities.

(b) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated to the Secretary, for transfer to an Indian organization selected by the Secretary, in consultation with Indian tribes, such sums as are necessary to provide training and technical assistance to Indian housing authorities and tribally designated housing entities for each of fiscal years 2008 through 2012.

(1) AUTHORIZATION OF INDIAN ORGANIZATION.—

In this section, the term ‘‘Indian organization’’ means—

(1) a tribal housing entity representing the interests of Indian tribes, Indian housing authorities, and tribally designated housing entities throughout the United States;

(2) an organization registered as a non-profit entity that is—

(A) described in section 501(c)(3) of the Internal Revenue Code of 1986; and

(B) exempt from taxation under section 501(a) of that Code;

(3) an organization with at least 30 years of experience in representing the housing interests of Indian tribes and tribal housing entities throughout the United States; and

(4) an organization that is governed by a Board of Directors composed entirely of individuals representing tribal housing entities.

(b) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated to the Secretary of Housing and Urban Development, for an Indian organization selected by the Secretary of Housing and Urban Development, in consultation with Indian tribes, such sums as are necessary to provide training and technical assistance to Indian housing authorities and tribally-designated housing entities for each of fiscal years 2008 through 2012.

TITLE VII—FUNDING

SEC. 801. AUTHORIZATION OF APPROPRIATIONS.

(a) BLOCK GRANTS AND GRANT REQUIREMENTS.—Section 108 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4117) is amended in the first sentence by striking ‘‘1996 through 2007’’ and inserting ‘‘2008 through 2012’’.

(b) FEDERAL GUARANTEES FOR FINANCING FOR TRANSPORTATION ACTIVITIES.—Section 665 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4156) is amended in subsections (a) and (b) by striking ‘‘1998 through 2007’’ each place it appears and inserting ‘‘2008 through 2012’’.

(c) TRAINING AND TECHNICAL ASSISTANCE.—Section 703 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4212) is amended by striking ‘‘1996 through 2007’’ and inserting ‘‘2008 through 2012’’.  

SEC. 802. FUNDING CONFORMING AMENDMENTS.

Chapter 97 of title 31, United States Code, is amended—

(1) by redesigning the first section 9703 (relating to managerial accountability and flexibility) as section 9703A; and

(2) by moving the second section 9703 (relating to the Department of the Treasury Forfeiture Fund) so as to appear after section 9702; and

(3) in section 9703(a)(1) (relating to the Department of the Treasury Forfeiture Fund)—

(A) in subparagraph (A)—

(i) by striking ‘‘payment’’ and inserting ‘‘Payment’’; and

(ii) by striking the semicolon at the end and inserting a period; and

(B) in subparagraph (J), by striking ‘‘pay-ment’’ the first place it appears and inserting ‘‘Payment’’; and

(C) by striking the end following the semicolon at the end the following—

‘‘(K)(i) Payment to the designated tribal law enforcement, environmental, housing, or health entity for experts and consultants needed to clean up any area formerly used as a methamphetamine laboratory.

‘‘(ii) For purposes of this subparagraph, for a methamphetamine laboratory that is loca-tated on private property, not more than 90 percent of the clean up costs may be paid under clause (i) only if the property owner—

‘‘(D) would not have knowledge of the exist-ence or operation of the laboratory before the commencement of the law enforcement action to close the laboratory; or

‘‘(D) notification not later than 24 hours after discovering the existence of the laboratory.’’.

Mr. REID. Mr. President, I ask unanimous consent that the committee-reported amendments be agreed to, the amendments at the desk be agreed to, and the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, with no inter-vening action or debate, and that any statements related to this measure be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The amendment (No. 4820) was agreed to, as follows—

(Purpose: To modify provisions relating to the use of treatment of funds, amounts, an-allocation formula, and a demonstration pro-gram)

On page 19, strike lines 1 through 13 and in-sert the following:

‘‘(c) APPLICABILITY.—The provisions of paragraph (2) of subsection (a) regarding binding commitment for the remaining use of the full life of property shall not apply to a fam-ily or household member who subsequently takes ownership of a homeownership unit.’’.

On page 22, line 9, insert ‘‘in accordance with section 202’’ after ‘‘infrastructure’’.  

On page 29, strike line 18 and insert the fol-low-ling:

‘‘(iv) any other legal impediment.

(5) FUNDING CONFORMING AMENDMENTS.

SEC. 4. PROMOTING FEDERAL FOOD DONATION.

(a) IN GENERAL.—The Secretary of Agri-culture shall establish in the Department of Agriculture a Coordinator of Community Food Security and Gleaning.

(b) DUTIES.—The Coordinator of Community Food Security and Gleaning shall provide technical assistance relating to the activities described in section 4 to—

(1) agencies of Federal, State, and local government;

(2) nonprofit organizations;

(3) agricultural producers; and

(4) private entities.

FEDERAL FOOD DONATION ACT OF 2008

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar Page No. 748, S. 2420.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative text of this Act is as follows:  

A bill (S. 2420) to encourage the donation of excess food to nonprofit organizations that provide assistance to food-insecure people in the United States.

had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment.

(Strike all after the enacting clause and insert in lieu thereof the part printed in italic.)

S. 2420

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ‘‘Federal Food Donation Act of 2007’’.  

SEC. 2. PURPOSE.

The purpose of this Act is to encourage executive agencies and contractors of executive agencies, to the maximum extent prac-ticable, to donate excess, apparently wholesome food to feed-insecure people in the United States.

SEC. 3. DEFINITIONS.

In this Act—

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

(2) EXCESS.—The term ‘‘excess’’, when applied to food, means food that—

(a) would otherwise be discarded.

(b) FOOD-DISTRIBUTION.—The term ‘‘food-distribu-tion’’ means inconsistent access to suffi-cient, safe, and nutritious food.

(3) NONPROFIT ORGANIZATION.—The term ‘‘nonprofit organization’’ means any organ-ization that is—

(A) described in section 501(c)(3) of the Internal Revenue Code of 1986; and

(B) exempt from tax under section 501(a) of that Code.

SEC. 4. PROMOTING FEDERAL FOOD DONATION.

(a) IN GENERAL.—The Federal Procurement Policy shall provide the Federal Acquisition Regulation described in section 6(a) of the Office of Federal Procure-ment Policy Act (41 U.S.C. 405(a)) to provide that contracts above $25,000 for the provi-sion of services, or sale of goods, or for the lease or rental of Federal property to a private en-terprise for events at which food is provided, shall include a clause that—

(I) encourages the donation of excess, ap-parently wholesome food to nonprofit orga-nizations that provide assistance to food-in-seure people in the United States;

(II) does not allow the executive agency shall not assume responsibility for the costs and logistics of collecting, transport-ing, maintaining the safety of, or dis-tributing excess, apparently wholesome food to food-insecure people in the United States; and

(iii) provides that executive agencies and contractors making donations pursuant to this Act are protected from civil or criminal liability under the Bill Emerson Good Sam-}
Food banks and pantries all across the United States are facing a perfect storm where as the economy suffers and food prices rise, more and more families are relying on their services; yet the pantries are straining to keep their shelves stocked due to the increase in food requests and food costs. According to America’s Second Harvest, food banks around the country are reporting that an estimated 20 percent more people are visiting soup kitchens and food pantries for help this year than last year, and too many people are being turned away. We need to do everything we can to make sure that all families in all communities have enough to eat during these difficult times. This bill will help make fighting hunger a national priority. In the 1990s, the United States Department of Agriculture created an initiative through which it encouraged the practice of food recovery. During just 1 year of the program every year, the Federal Government recovered over 3 million pounds nationwide from cafeterias, farms, research centers, and military bases. For the past decade the Federal Government has strayed away from this important anti-hunger initiative, but this bill would take an important step towards reengaging the Federal Government’s involvement in food recovery.

Nonprofits in the business of food rescue serve millions of people, and I would like to thank one such nonprofit, Rock and Wrap it Up!, a national food rescue organization headquartered in New York, for their help in conceiving of and promoting this bill. I commend them for their great work. It is now time for the Federal Government to join the nonprofit and private sectors in doing all it can to feed our Nation’s hungry—the need for help is greater now than it has been in a very long time.

Mr. REID. Mr. President, I ask unanimous consent that the committee substitute amendment be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to this measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 563) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 563

Whereas more than 10,000 children under the age of 15 in the United States are diagnosed with cancer annually;

Whereas every year more than 1,400 children under the age of 15 in the United States lose their lives to cancer;

Whereas childhood cancer is the number one disease killer among the second overall leading cause of death of children in the United States;

Whereas 1 in every 330 children under the age of 20 will develop cancer, and another 660 adults aged 20 to 39 has a history of cancer;

Whereas the 5-year survival rate for children with cancer has increased from 56 percent in 1974 to 79 percent in 2000, representing significant improvement from previous decades; and

Whereas cancer occurs regularly and randomly and spares no racial or ethnic group, socioeconomic class, or geographic region: Now, therefore, be it

Resolved, That Congress—

(1) designates September 13, 2008, as “National Childhood Cancer Awareness Day”;

(2) requests that the Federal Government, States, localities, and nonprofit organizations observe the day with appropriate programs and activities, with the goal of increasing public knowledge of the risks of cancer and;

(3) recognizes the human toll of cancer and pledges to make its prevention and cure a public health priority.

NATIONAL INTERNET SAFETY MONTH

Mr. REID. Mr. President, I ask unanimous consent to proceed to Calendar No. 746, S. Res. 567.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 567) designating June 2008 as National Internet Safety Month.

Whereas every child and teenager should be taught how to use the Internet safely, and not allow themselves to be stalked or preyed upon by those who would do them harm.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to this measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 567) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 567

Whereas the 5-year survival rate for children with cancer has increased from 56 percent in 1974 to 79 percent in 2000, representing significant improvement from previous decades; and

Whereas childhood cancer is the number one disease killer among the second overall leading cause of death of children in the United States;
The resolution, with its preamble, reads as follows:

S. Res. 567

Whereas there are more than 1,000,000,000 Internet users worldwide;
Whereas, in the United States, 35,000,000 children 5 through grade 12 have Internet access;
Whereas approximately 86 percent of the children of the United States in grades 5 through 12 are online for at least 1 hour per week;
Whereas approximately 67 percent of students in grades 5 through 12 do not share with their parents what they do on the Internet;
Whereas approximately 30 percent of students in grades 5 through 12 have hidden their online activities from their parents;
Whereas approximately 31 percent of the students in grades 5 through 12 have the skill to circumvent Internet filter software;
Whereas 61 percent of the students admit to using the Internet unsafely or inappropriately;
Whereas 12 percent of middle and high school students have met face-to-face with someone they first met online;
Whereas 42 percent of students know someone who has been bullied online;
Whereas 86 percent of parents feel that online bullying of children is an issue that needs to be addressed;
Whereas 47 percent of parents feel that their ability to monitor and shelter their children from inappropriate material on the Internet is limited; and
Whereas 61 percent of parents want to be more personally involved with Internet safety:
Now, therefore, be it
Resolved, That the Senate—
(A) recognizes the dangers of the Internet; and
(B) the importance of being safe and responsible online;
(2) recognizes that National Internet Safety Month provides the citizens of the United States with an opportunity to learn more about—
(A) the dangers of the Internet; and
(B) providing information and training that develops critical thinking and decision-making skills that are needed to use the Internet safely; and
(4) is on Internet safety organizations, law enforcement, educators, community leaders, parents, and volunteers to increase their efforts to raise the level of awareness for the need for online safety in the United States.

EXPRESSING THE SENSE OF THE SENATE REGARDING THE USE OF GASOLINE AND OTHER FUELS BY FEDERAL DEPARTMENTS AND AGENCIES

Mr. REID. Mr. President, I ask unanimous consent that we now proceed to S. Res. 577.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 577) to express the sense of the Senate regarding the use of gasoline and other fuels by Federal departments and agencies.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WARNER. Mr. President, I rise today to discuss an issue that hits deep at the heart—and pocketbooks—of Americans nationwide: rising gasoline prices.

Each and every day, Americans contend with a rapid and inexplicable increase in gasoline prices. Over the last month, the average price of gasoline has increased a penny a day.

A barrel of oil is at $133.17.

The impacts of these increases are staggering.

I have heard stories of how individual Americans are coping with the problem of increased gas prices as they conduct their daily lives with their families and in their workplaces.

They are finding ways to reduce their consumption of gasoline by driving less, altering daily routines, and even changing family vacation plans.

To me, this exemplifies the caring family vacation plans is all the more poignant on the eve of what is usually a busy holiday weekend, a holiday that usually sees many Americans traveling by car out of town.

In fact, over this holiday weekend is expected to be down for the first time since September 11, 2001.

The bottom line, Mr. President, is that Americans, with the burden of increased gas prices, are finding ways to conserve energy, both essential family needs and small in comparison to the overall problem of supply and demand of gasoline, these efforts do add up. I never dismiss the American “can do” spirit.

In one way or another, it is individual conservation. And in cases such as this, when individuals are leading the way, the government should join.

The purpose of the Sense of the Senate Resolution that I am pleased to offer is to urge the federal government to likewise take initiatives to cut back—even in a small measure—its daily consumption of gasoline and other fuels.

I believe such a move would signal to Americans that their government is sharing the daily hardships occasioned by this turbulent, uncertain energy crisis.

Mr. BINGAMAN. Mr. President, I am pleased to co-sponsor Senator WARNER’s legislation that calls on the President to reduce the gasoline consumption of the departments and agencies that he oversees.

We are seeing American consumers begin to use less gasoline, as prices reach new historic highs almost daily. Many Americans simply cannot afford to maintain their regular driving habits at the moment. This is a situation that we have not experienced in this country in over 30 years.

It is important that the Federal Government show its solidarity with the American people in this time of economic hardship. Just as individual citizens are finding ways to use less gasoline, the Federal Government should also be finding ways to reduce consumption.

Because the Executive Branch is by far the largest branch of Government, it is important that the President take the lead on this issue. As the Federal Government spends less money on fuel, we send fewer American taxpayers’ hard earned dollars to oil-exporting countries. That is a goal I know we can all agree is laudable under any circumstance, but ever more so now, as fuel costs continue to soar.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. Res. 577

Whereas each day, as Americans contend with rising gasoline prices, personal stories reflect the ways in which—
(1) family budgets are suffering; and
(2) the cost of gasoline is impacting the way Americans cope with that serious problem in family and work environments;
Whereas, as a consequence of economic pressures, Americans are finding ways to reduce consumption of gasoline, such as—
(1) driving less frequently;
(2) altering daily routines; and
(3) even changing family vacation plans;
Whereas those conservation efforts bring hardships but save funds that can be redirected to meet essential family needs;
Whereas, just as individuals are reducing energy consumption, the Federal Government, including Congress, should take steps to conserve energy;
Whereas a Government-wide initiative to conserve energy would send a signal to Americans that the Federal Government—
(1) recognizes the burdens imposed by unprecedented energy costs; and
(2) will participate in activities to reduce energy consumption; and
Whereas an overall reduction of gasoline consumption by the Federal Government by even a few percentage points would send a strong signal that the United States is joining to conserve energy: Now, therefore, be it
Resolved, That it is the sense of the Senate that the President should require all Federal departments and agencies to take initiatives to reduce daily consumption of gasoline and other fuels by the departments and agencies.

Mr. REID. Mr. President, I wish to express on the record my appreciation to Senators WARNER and BINGAMAN for this most important resolution that just passed. It expresses the sense of the Senate that Americans are contending with rising gasoline prices. Their personal stories reflect the ways in which family budgets are suffering.

The cost of gas is impacting the way Americans cope with problems within the family and, therefore, we need to find ways to reduce consumption of gasoline. This is directed toward the President. I hope he will review this.

We have a lot of problems with our President. I hope he will review this.
RECOGNIZING THE 100TH ANNIVERSARY OF THE FOUNDING OF THE CONGRESSIONAL CLUB

Mr. REID. Mr. President, I ask unanimous consent that we now proceed to S. Res. 578.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 578) recognizing the 100th anniversary of the founding of the Congressional Club;

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 578) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 578

WHEREAS the Congressional Club was organized in 1908 by 25 women who were influential in Washington's official life and who wanted to establish a nonsectarian and non-political organization that would promote friendship and cordiality in public life;

WHEREAS those women founded the Club to bring the wives of Members of Congress together in a hospitable and compatible environment in the Nation's Capital;

WHEREAS the Congressional Club was officially established in 1908 by a unanimous vote in both the Senate and the House of Representatives and is the only club in the world to be founded by an Act of Congress;

WHEREAS the Act entitled "An Act to incorporate the Congressional Club" (35 Stat. 476, chapter 226) was signed by President Theodore Roosevelt on May 30, 1908;

WHEREAS the Congressional Club's founding was spearheaded by Representative John Sharp Williams of Mississippi, who opposed all woman suffrage;

WHEREAS, when Representative Williams was called out of the chamber by Mrs. Williams, the good-mannered representative oblied his opposition and requested a recorded vote, saying, "upon this particular bill there will not be a roll call, because it would cause a great deal of domestic unhappiness in Washington if there were";

WHEREAS the first Congressional Clubhouse was at 1432 K Street Northwest in Washington, D.C. and opened on December 11, 1908, with a reception for President-elect and Mrs. William Taft;

WHEREAS, after Mrs. John B. Henderson of Missouri donated land on the corner of New Hampshire Avenue and U Street Northwest, the cornerstone of the current Clubhouse was laid at that location on May 21, 1914;

WHEREAS Clubhouse was built by George Totten in the Beaux Arts style and is listed on the National Register of Historic Places;

WHEREAS the mortgage on the Clubhouse was paid for by the sales of the Club's cookbook and the mortgage document was burned by Mrs. Bess Truman in a silver bowl on the 40th anniversary of the Club's foundation;

WHEREAS the Congressional Club has retained a good neighbor on the U Street corridor for more than 90 years, encouraging the revitalization of the area during a time of socioeconomic challenges and leading the way in upkeep and maintenance of historic property;

WHEREAS the Congressional Club honors and supports the people in its neighborhood by inviting the local police and fire department for lunch and delivering trays of Member-made cookies and candies to them during the holidays, by hosting an annual Senior Citizens Appreciation Day luncheon and an annual nursing home breakfast, and by hosting an annual holiday brunch for neighborhood children each December that includes a festive meal, gifts, and a visit from Santa Claus;

WHEREAS the Congressional Club has hosted the annual First Lady's Luncheon every April since 1943 that doles tens of thousands of dollars to charities in the name of the First Lady;

WHEREAS, among its many charitable recipients, the Congressional Club has chosen mentoring programs, United Nations Indian Tribal Youth, literacy programs, the White House library, youth dance troupes, domestic shelters, and child care centers;

WHEREAS the Congressional Club members, upon the suggestion of Mrs. Eleanor Roosevelt, have been encouraged to become discussion leaders on national security in their home States, from the trials of World War II to the threats of terrorism;

WHEREAS the Congressional Club extends the hand of friendship and goodwill globally by hosting an annual diplomatic reception to entertain the spouses of ambassadors to the United States;

WHEREAS the Congressional Club is solely supported by membership dues and the sale of cookbooks and has never received any Federal funding;

WHEREAS the 14 editions of the Congressional Club cookbook, first published in 1928, reflect the life and times of the United States with recipes and signatures of Members of Congress, First Ladies, Ambassadors, and members of the Club;

WHEREAS the Congressional Club membership has expanded to include spouses and daughters of Representatives, Senators, Supreme Court Justices, and Cabinet members;

WHEREAS Members of the Congressional Club have become First Ladies, Mrs. Florence Harding, Mrs. Lou Hoover, Mrs. Bess Truman, Mrs. Jacqueline Kennedy, Mrs. Patricia Nixon, Mrs. Betty Ford, and Mrs. Barbara Bush;

WHEREAS several members of the Congressional Club have been elected to Congress, including Mrs. Martha Captes, Mrs. Lois Capes, and Mrs. Mary Bono, and former presidents of the Congressional Club Mrs. Lindy Boggs and Mrs. Doris Matsui;

WHEREAS, influential figures in politics, the arts, and the media have visited the Clubhouse throughout the past 100 years;

WHEREAS the Congressional Club is home to the Congressional Club Museum with replica inaugural and ball gowns of the First Ladies from Mrs. Mary Todd Lincoln to Mrs. Laura Bush;

WHEREAS the Congressional Club is charged with receiving the Presidential couple, honoring the Vice President and spouse, the Speaker of the House of Representatives and spouse, and the Chief Justice and spouse, and providing the orientation for spouses of new Members of Congress; and

WHEREAS the Congressional Club will celebrate its centennial anniversary with festivities and ceremonies during 2008 that include the ringing of the official bells of the United States Congress, a Founder's Day program, an anniversary cake at the First Lady's Luncheon, an anniversary postage stamp and cancellation stamp, a 100-year pin and pendant de- signed by former president Lois Breaux, and invitations to President and Mrs. Bush, Speaker and Mrs. Pelosi, and Chief Justice and Mrs. Roberts to visit and celebrate 100 years of public service and growth at the Congressional Club: Now, therefore, be it

Resolved, That the Senate—

(A) to strive for greater friendship, civility, and generosity in order to heighten public service, elevate the culture, and enrich humanity; and

(B) to seek opportunities to give financially and to volunteer to assist charitable organizations in their own communities.

NATIONAL HURRICANE PREPAREDNESS WEEK

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 579.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 579) designating the week beginning May 26, 2008, as National Hurricane Preparedness Week.

The resolution (S. Res. 579) was ordered to the immediate consideration of S. Res. 579.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 579) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 579

WHEREAS, as hurricane season approaches, National Hurricane Preparedness Week provides an opportunity to raise awareness of steps that can be taken to help protect citizens, their communities, and property;

WHEREAS the official 2008 Atlantic hurricane season caused 28 storms, including 15 hurricanes, of which 7 were major hurricanes, including Hurricanes Katrina, Rita, and Wilma;

WHEREAS, for 2008, the National Oceanic and Atmospheric Administration announced that the outlook for the hurricane season was near to above normal, with a 60 to 70 percent chance of 12 to 16 named storms, including 6 to 9 hurricanes and 2 to 5 major hurricanes;

WHEREAS the National Oceanic and Atmospheric Administration reports that over 50 percent of the population of the United States lives in coastal counties that are vulnerable to the dangers of hurricanes;
Resolved, That the Senate—
(1) designates the week beginning May 26, 2008, as ‘‘National Hurricane Preparedness Week,’’ in order to raise awareness of the dangers of hurricanes; and
(2) recognizes—
(A) the threats posed by hurricanes; and
(B) the need for the people of the United States to learn more about preparedness so that they may minimize the impacts of, and provide a more effective response to, hurricanes.

AUTHORIZING THE USE OF THE CAPITOL ROTUNDA

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 85.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 85) authorizing the use of the rotunda of the Capitol to honor Frank W. Buckles, the last surviving United States veteran of the First World War.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate.

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, May 22, 2008, or Friday, May 23, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, June 3, 2008, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Thursday, May 22, 2008, or Friday, May 23, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until 2 p.m. on Tuesday, June 3, 2008, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Thursday, May 22, 2008, or Friday, May 23, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, June 2, 2008, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

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

ORDER FOR SIGNING AUTHORIZATION

Mr. REID. Mr. President, I ask unanimous consent that, notwithstanding the pending recess or adjournment of the Senate, the President of the Senate, the President pro tempore of the Senate, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, panels, and interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.
Is it any wonder they have lost three special elections—congressional seats—in heavily Republican districts? Even the Republicans out there are understanding that this is the wrong way to run a country. Seven and a half years of division, more gridlock, less cooperation, no ability to try to unify the country. This is the wrong way to proceed.

Mr. REID. Mr. President, I ask unanimous consent that the Senate completes its business today, stand in recess until 10 a.m. tomorrow, Friday, May 23, for a pro forma session only, with no action or debate; that following the pro forma session, the Senate recess until 9:15 a.m. on Tuesday, May 27, for a pro forma session with no action or debate; that following the pro forma session, the Senate adjourn until 2 p.m. on Monday, June 2, that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business for up to 1 hour with Senators permitted to speak for up to 10 minutes each, and that following morning business, the Senate resume the motion to proceed to calendar No. 742, S. 3096, the Lieberman-Warner Climate Security Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m. tomorrow. Friday, May 23, for a pro forma session only, with no action or debate; that following the pro forma session, the Senate recess until 9:15 a.m. on Tuesday, May 27, for a pro forma session with no action or debate; that following the pro forma session, the Senate adjourn until 2 p.m. on Monday, June 2, that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business for up to 1 hour with Senators permitted to speak for up to 10 minutes each, and that following morning business, the Senate resume the motion to proceed to calendar No. 742, S. 3096, the Lieberman-Warner Climate Security Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand in recess under the previous order.

There being no objection, the Senate, at 7:46 p.m., recessed until Friday, May 23, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

TENNESSEE VALLEY AUTHORITY

MICHAEL F. REEMS, OF MISSISSIPPI, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEAN VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2013. VOTED YES: KENNEDY, LEVIN, VANDERHUIS, NELSON, WHITEHOUSE, CRUZ, FeINSTEIN.

OVERSEAS PRIVATE INVESTMENT CORPORATION

PATRICK J. DUKIN, OF CONNECTICUT, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2009. VOTED YES: INOUE, LEVIN, VANDERHUIS, NELSON, WHITEHOUSE, CRUZ, FeINSTEIN.

DEPARTMENT OF STATE

DAVID G. GIRAUD-DICARLO, OF PENNSYLVANIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF AUSTRIA. VOTED YES: KENNEDY, LEVIN, VANDERHUIS, NELSON, WHITEHOUSE, CRUZ, FeINSTEIN.

JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION

JOHN F. FASSO, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION FOR A TERM EXPIRING MAY 29, 2013. VOTED YES: KENNEDY, LEVIN, VANDERHUIS, NELSON, WHITEHOUSE, CRUZ, FeINSTEIN.

JOE MANCHEN OF WEST VIRGINIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION FOR A TERM EXPIRING MAY 29, 2013. VOTED YES: KENNEDY, LEVIN, VANDERHUIS, NELSON, WHITEHOUSE, CRUZ, FeINSTEIN.

HARVEY M. TELLERTBAUM, OF MISSOURI, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION FOR A TERM EXPIRING MAY 29, 2013. VOTED YES: KENNEDY, LEVIN, VANDERHUIS, NELSON, WHITEHOUSE, CRUZ, FeINSTEIN.

FOREIGN SERVICE

The following-named persons of the agencies indicated for appointment as foreign service officers of the United States Department of State for foreign service:

APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS THREE FOREIGN SERVICE OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA.

DEPARTMENT OF STATE

To be lieutenant

BRINT J. POUNDS
AMANDA L. GOEBNER
BENJAMIN S. SNIFFEN
MARK A. BLANKENSHIP
FIONNA J. MATHESON
JONATHAN E. TAYLOR
ANDREW P. HILLSCHEN

To be lieutenant (junior grade)

JUSTIN T. KETTER
MATT T. BURTON
CARL G. RHODES
TIMOTHY M. SMITH
JAMES T. FALKNER
CHRISTOPHER S. AKIN
JENNIFER L. KING
CHAD M. MECKLEY
MARC E. WEEKLEY
PATRICK M. SWEENY III

In the army

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR PROMOTION IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIG. GEN. EBRO R. SCHWARTZ

In the navy

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF NAVY Reserve, UNITED STATES NAVY, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSTION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 5143:

To be vice admiral

REAR ADM. DIRK J. DERRICK
EARMARK DECLARATION FOR H.R. 5658, THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009

HON. DAVID DREIER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 21, 2008

Mr. DREIER. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the Congressional Record regarding earmarks I received as part of H.R. 5658, the National Defense Authorization Act for Fiscal Year 2009:

Requesting Member: Congressman DAVID DREIER.


Legal Name of Requesting Entity: Tanner Research.

Address of Requesting Entity: 1925 McKinley Avenue, Suite B, La Verne, California 91750.

Description of Request: Provide an earmark of $6,000,000 to develop Fire Shield, an Active Protection System (APS) with the guidance of the U.S. Army Tank Automotive Research, Development and Engineering Center in Warren, Michigan. Fire Shield would be used to protect armored vehicles from the blast effects and the plasma jet of rocket propelled grenades (RPG) by detecting and destroying incoming projectiles. Approximately $200,000 is for identifying and refining the operational requirement; $4,000,000 is for system development; $600,000 is for materials and equipment; $1,200,000 is for testing and evaluation. This request is consistent with the intended and authorized purpose of the Army RDT&E account.

Requesting Member: Congressman DAVID DREIER.


Legal Name of Requesting Entity: Gentex Corporation.

Address of Requesting Entity: 11255 Sixth Street, Rancho Cucamonga, California 91730.

Description of Request: Provide an earmark of $2,000,000 to supply Air National Guard aircrews with approximately 2,200 MBU-20A/P Oxygen Masks with Mask Lights. The oxygen mask’s unit price is approximately $900 per unit. The MBU-20A/P was approved for fleet wide implementation in an effort to standardize to a common enhanced oxygen mask. Approximately, 34 percent of the funding is for manufacturing labor; 4 percent is for sustainment and systems engineering support; 6 percent is for inspections and tests; 20 percent is for general and administrative costs; 35 percent is for material; 1 percent is for packaging handling shipping and transportation. This request is consistent with the intended and authorized purpose of the Air National Guard, Operation and Maintenance account.

EARMARK DECLARATION

HON. TIM MURPHY
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 21, 2008

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, I submit the following:

Requesting Member: Congressman TIM MURPHY.


Address of Requesting Entity: 825 South Myrtle Avenue, Monrovia, California 91016.

Description of Request: Provide an earmark of $5,000,000 to complete development of a Dual-Mode Micro Seeker (radio frequency/electro-optical (RF/EO)) being developed with the U.S. Army Armament Research, Development and Engineering Center at Picatinny Arsenal, New Jersey. This funding seeks to improve the accuracy of gun-launched and small missile interceptors used on current and emerging defensive weapons systems by increasing the accuracy needed to counter incoming rocket, artillery and mortar threats. Approximately $600,000 will be used for RF signal processing development; $1,700,000 for monolithic microwave integrated circuits and complementary metal-oxide-semiconductor integrated circuit development; $1,200,000 for EO avalanche photodiode (APD) circuit development; $900,000 for RF seeker integration; and $600,000 for EO seeker integration. In each example, system development cost is approximately 64 percent; materials and equipment costs are approximately 28 percent; and testing and evaluation are approximately 8 percent. This request is consistent with the intended and authorized purpose of the Army RDT&E account.

Requesting Member: Congressman TIM MURPHY.


Legal Name of Requesting Entity: Advanced Projects Research, Incorporated.

Address of Requesting Entity: 1925 McKinley Avenue, Suite B, La Verne, California 91750.

Description of Request: Provide an earmark of $6,000,000 to continue testing and development of the Wavelength Agile Spectral (WASH) Oxygen Sensor with the guidance of the U.S. Air Force Research Laboratory in Wright-Paterson Air Force Base, Ohio. The WASH Oxygen Sensor intends to measure oxygen concentration in military high-performance fuel tanks. This funding will also be used for the Cell Level Battery Controller, which intends to monitor and control charge and temperature at the cell level of military battery energy storage systems. Approximately $477,000 will be used for project management; $763,000 for engineering analysis; $1,430,000 for engineering design; $954,000 for hardware fabrication and assembly; $1,144,000 for test engineering; $62,000 for material and hardware; $348,000 for subcontract; and $22,000 for travel. This request is consistent with the intended and authorized purpose of the Air Force RDT&E account.

Requesting Member: Congressman TIM MURPHY.


Account: Air National Guard, Operation and Maintenance account.

Legal Name of Requesting Entity: Projects Research, Incorporated.

Address of Requesting Entity: 11255 Sixth Street, Rancho Cucamonga, California 91730.

Description of Request: Provide an earmark of $2,000,000 to supply Air National Guard aircrews with approximately 2,200 MBU-20A/P Oxygen Masks with Mask Lights. The oxygen mask’s unit price is approximately $900 per unit. The MBU-20A/P was approved for fleet wide implementation in an effort to standardize to a common enhanced oxygen mask. Approximately, 34 percent of the funding is for manufacturing labor; 4 percent is for sustainment and systems engineering support; 6 percent is for inspections and tests; 20 percent is for general and administrative costs; 35 percent is for material; 1 percent is for packaging handling shipping and transportation. This request is consistent with the intended and authorized purpose of the Air National Guard, Operation and Maintenance account.

EARMARK DECLARATION

HON. STEVE KING
OF IOWA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 21, 2008

Mr. KING. Madam Speaker, I wish to make the following disclosure in accordance with the new Republican Earmark Transparency Standards requiring Members to place a statement in the CONGRESSIONAL RECORD prior to a floor vote on a bill that includes earmarks they have requested, describing how the funds will be spent and justifying the use of federal taxpayer funds.

Requesting Member: Congressman STEVE KING.

HONORING CAROL A. WARREN’S SERVICE WITH THE CORPS OF ENGINEERS

Mr. GORDON of Tennessee, Madam Speaker, today I rise to honor Carol A. Warren on the occasion of her retirement from the U.S. Army Corps of Engineers and for her many years of outstanding service. Carol has been a tremendous help to me as a liaison with the Nashville District. Her knowledge of how local, state and federal government work together has proven to be a valuable asset to the Corps and its many projects. She has served with distinction and the highest degree of professionalism. Through her many contributions to the Corps of Engineers, she has consistently demonstrated the highest qualities of leadership and dedication.

In 1990, Carol started her work with the Corps as the Nashville District Commander’s Liaison Officer, before eventually being promoted to Executive Liaison Officer.

While Carol is officially retiring, she will not leave the Corps entirely and has agreed to return part-time to train someone for her position. It has been a real pleasure working with Carol over the years. I congratulate her on a great career and wish her the best in her retirement. Thank you, Carol, for a job well done.
HONORING THE REVEREND DR. ALBERT F. CAMPBELL

HON. CHAKA FATTAH
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 21, 2008

Mr. FATTAH. Madam Speaker, a distinguished preacher and spiritual leader in Philadelphia, the Reverend Doctor Albert F. Campbell, the pastor of Mount Carmel Baptist Church, is observing a milestone that provides his congregation, his many followers and admirers along with friends and family, an opportunity to celebrate his long and productive ministry.

Pastor Campbell has been a rock in West Philadelphia, as a man of God, a man of the people, a leader of the community and a role model for all of those in his sphere.

He has presided over Mount Carmel Baptist—"a revolutionary church engaged in revolutionary services"—for 42 years, succeeding the Reverend Dr. Dannie W. Huggins. A passionate and inspiring young preacher from Beulah Baptist Church of New York City, Reverend Campbell arrived in Philadelphia with his wife, Ruth Price Campbell, and their sons, Albert Jr. and Milton K., to step into the pulpit at Mount Carmel on May 22, 1966. Each year, a Sunday in late May is celebrated as the anniversary of his installation, and this year is no exception—"with Pastor Appreciation Day May 25, 2008.

The measure of Reverend Campbell's greatness is evident upon a visit to the church, at 5732 Race Street, to the surrounding community and even to its Web site, which lists no fewer than 61 separate ministries. While the church dates back 126 years, it has grown immensely in the four decades plus of Reverend Campbell's pastorate.

The Reverend Campbell had directed and managed Mount Carmel in an inspirational manner while preaching the word of God to a "People in Pilgrimage," bound for the destination of which God said, "I will give it to you."

With a keen eye for management as well as a heart filled with the word of the Lord, Reverend Campbell has guided the Church to prominence in the faith and civic life of the City of Brotherly Love. His vision for Mount Carmel has encompassed all facets of the Church and its work. He has expanded Mount Carmel's ministries, its outstanding youth and educational programs, and its civic and community development outreach across West Philadelphia, impacting its neighbors, reaching out to those in need and to those seeking for spiritual fulfillment. Musical programs have been a specialty, and in an especially proud moment, the Mount Carmel orchestra was once invited to perform at the White House.

And so upon this joyous occasion of the 42nd anniversary of his installation, I invite my colleagues to join me in extending congratulations, best wishes and continued success in the Lord's work to the Reverend Doctor Albert F. Campbell, my pastor and a pastor who has served tirelessly for the betterment of all Philadelphians.

HON. DANA ROHRABACHER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 21, 2008

Mr. ROHRABACHER. Madam Speaker, I rise in this chamber to mark the passing of a great American, Dan J. Smith. A resident of Los Angeles, Dan passed away on May 6, 2008, at the age of 57, leaving a legacy of service to this country. During the first term in office, President Ronald Reagan, Dan served as a Senior Advisor in the White House Office of Policy Development, where he worked on issues ranging from international trade to NATO defense. The principal achievement he should be remembered for is Executive Order 12320, which established the White House Initiative on Historically Black Colleges and Universities. Dan was the principal architect of the Reagan Administration's program to coordinate the activities of Federal agencies in supporting HBCUs.

A 1972 graduate of the University of Southern California, Dan was instrumental while still an undergraduate in founding the Norman Topping scholarship fund, a voluntary, student-financed program of financial support that still stands as a model for private community service. After receiving a masters degree from Occidental College in 1973, Dan spent his early career in banking and non-profit management. Still in his twenties, he was appointed by the Governor of California in 1976 to the State Economic Development Commission.

After leaving the White House staff, Dan founded his own higher education consulting firm, the Corporation for American Education, which he headed for 26 years. In the mid-1980s, he was instrumental in assisting Fisk University, one of this country's most-cherished HBCUs, in recovering from near insolvency. In 1997, at the request of California's Governor, he helped revise California's statutes overseeing private postsecondary and vocational education.

Dan was a writer, a deep thinker, a servant-leader, a devoted husband and father, and a friend. He was called early by his Maker, but his legacy lives on. America owes a debt to Dan J. Smith and countless other unsung heroes whose life's work represent the fabric of our Nation.

IN REMEMBRANCE OF DAN J. SMITH

RECOGNIZING THE 100TH ANNIVERSARY OF THE FOUNDERING OF THE CONGRESSIONAL CLUB

HON. JAMES P. MCGOVERN
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Monday, May 19, 2008

Mr. MCGOVERN. Mr. Speaker, I rise today in strong support of H. Res. 1026, recognizing the 100th anniversary of the founding of the Congressional Club. I congratulate and thank the Club for its century of service to Members and their families.

When a Member is first elected, one of the first events his or her spouse will be invited to is a welcome at the Congressional Club, bringing together both Republican and Democratic spouses in friendship as they adjust to their new lives in public service.

Throughout the year, there are social opportunities to get to know women and men from around the country and even around the world and the Club sometimes hosts events with the international community, such as the recent Diplomatic Parade of Nations. The Club also draws on its members’ talents and energies for designated non-political, non-partisan service projects.

In a city that can sometimes be known for its political tensions, the Congressional Club offers a longstanding oasis of good will and friendship for Congressional couples and families which share a great deal in common. It is a tradition that has helped build a community for 100 years and I hope will continue to do so for centuries to come.

RECOGNIZING NATIONAL FOSTER CARE MONTH

HON. STEPHANIE TUBBS JONES
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 21, 2008

Mrs. JONES of Ohio. Madam Speaker, I rise today both in recognition of May as National Foster Care Month and to acknowledge our shared obligation to do everything that we can to help the more than half a million children currently in our Nation's foster care system.

I applaud the thousands of devoted adoptive parents in Ohio and across the country who provide children and youth in foster care with permanent, loving families.

Twenty-one-year-old Ashley Flucsa entered Ohio's foster care system at age 10. She spent the next 8 1/2 years in foster care, longing for a family to call her own. “I wanted to have the same sense of security that children in non-foster families have,” she recalls. “I wanted to have a place to go during college break and I wanted to be able to fully trust that I could always have a home. I wanted a mom to shop with and a dad to someday walk me down the aisle. I wanted stability.”

Today, Ashley is a nursing student at Lake- land Community College. Her foster parents, Yvette and Jim Goldurs of Cleveland Heights, are in the process of adopting Ashley. She hopes to someday become a nurse practitioner or a doctor, and she is very involved with the Ohio Youth Advisory Board, which allows her to share her experiences and advocate for reform on behalf of Ohio's children and youth who are still in foster care. Most importantly, she has found the permanent family that she longed for.

Currently, Ohio has more than 17,000 children living in foster care. In 2005, a quarter of these foster children were waiting to join adoptive families. They had to wait an average of nearly 4 years to do so. More worrisome still, many of Ohio's foster youth will never find the permanent family they need. More than 1,200 youth "aged out" of Ohio's foster care system in 2005 completely on their own, with no family to rely upon.

The Federal Adoption Incentive Program, which was first enacted in 1997 as part of the Adoption and Safe Families Act, provides States to find foster children like Ashley permanent homes through adoption. The Adoption Incentive Program is due to expire this
year, on September 30, and should be reau-

thorized so that it can continue to serve as a vitally important incentive to States for final-
ing adoptions for children in foster care, with an emphasis on finding adoptive homes for special needs children and foster children over age 9. I am proud of Ohio’s success in final-
ing over 10,400 adoptions of children from foster care between 2000 and 2006, earning $5.4 million in Federal adoption incentive payments, which are invested back into the child welfare program.

We need to help more foster children in Ohio and across the nation join loving, perma-
nent adoptive families. The Adoption Incentive Program is effective in encouraging more adoptions from foster care, and I look forward to seeing that it is reauthorized this year.

DECLARATION
HON. J. RANDY FORBES
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 21, 2008

Mr. FORBES. Madam Speaker, consistent with Republican earmark standards, the fol-

Requesting Member: Congressman J. RANDY FORBES
Bill Number: H.R. 5658.
Account: Military Construction, Navy.
Legal Name of Requesting Entity: Norfolk Naval Shipyard.
Address of Requesting Entity: Norfolk Naval Shipyard, Portsmouth, VA, USA.
Description of Request: Provide $10,590,000 to make Industrial Access Improvements at Main Gate 15 at the Norfolk Naval Shipyard. Mandatory vehicle access control at military installations is a Department of Defense (DoD) requirement per DoD Directives 5200.8 and 5200.8R. Based on a Staff Integrated Vulnerability Assessment conducted in October 2006, the entrance and guardhouse configuration at Gate 15 are inadequate for both industrial access and from a security/safety standpoint and require upgrading. This project provides for industrial access improvements of Gate 15 including the truck and private automobile inspection area, Pass Office Renovations and counter terrorism measures at Gate 15.

Requesting Member: Congressman J. RANDY FORBES
Bill Number: H.R. 5658.
Legal Name of Requesting Entity: Virginia Modeling, Analysis and Simulation Center. Address of Requesting Entity: Virginia Modeling, Analysis and Simulation Center, 1030 University Blvd., Suffolk, VA 23435, USA.
Description of Request: Provide $800,000 for research and development effort that will bring together the Modeling and Simulation community to define, implement, and utilize a set of standards that will guide the development of M&S capability for the foreseeable future. This project will provide a more cost effective way to ensure simulation compatibility and reuse among the Services and the many types of simulations being developed to address their problems. This action provides funding for the Virginia Modeling, Analysis and Simulation Center at Old Dominion University to develop a set of modeling and simulation standards that will guide all aspects of DoD modeling and simulation design and development.

Requesting Member: Congressman J. RANDY FORBES
Bill Number: H.R. 5658.
Account: Shipbuilding and Conversion, Navy.
Legal Name of Requesting Entity: Department of the Navy.
Address of Requesting Entity: Various.
Description of Request: To increase the President’s Budget by $722,000,000 for Virginia Class Submarine Advance Procurement/Advanced Construction. This funding will provide advanced procurement for the Block III procurement of the Virginia Class Submarine fleet. The funding can be used to accelerate the delivery at a rate of 2 per year beginning in FY10 rather than FY11.

Requesting Member: Congressman J. RANDY FORBES
Bill Number: H.R. 5658.
Account: Research, Development, Test and Evaluation, Navy.
Legal Name of Requesting Entity: Department of the Navy.
Address of Requesting Entity: Various.
Description of Request: To increase the President’s Budget by $10,000,000 for Advanced Submarine System Development (ULMS). The requested funding addition will allow the Navy to proceed with Sea Based Strategic Deterrent (SBSD) development in a timely fashion. This submarine class will serve as the replacement for the OHIO submarine class.

Requesting Member: Congressman J. RANDY FORBES
Bill Number: H.R. 5658.
Account: Shipbuilding and Conversion, Navy.
Legal Name of Requesting Entity: Department of the Navy.
Address of Requesting Entity: Various.
Description of Request: To increase the President’s Budget by $6,900,000 for Development of the Navy. This request is in addition to the $1,800,000,000 in 2007 Congressional testimony. This funding will provide a set of modeling and simulation standards that will guide all aspects of DoD modeling and simulation design and development. This submarine class will serve as the replacement for the OHIO submarine class.

The Jaguars faced a strong slate of con-
tenders in the regular season, including 14 na-
tionally recognized opponents, none of which fell to the Jaguars. The team also defeated NCAA teams Houston Baptist University and the University of Mary Hardin-Baylor.

"You got to beat 9 out of the best," head coach Keri Lambeth always tells her players, and the Jaguars showed they are more than capable of competing with the best. On March 17, the softball team ranked No.4 in 18-team Region VI in the first season poll based on play, marking the first rating of a UHV sporting team. On March 19, the Na-
tional Association of Intercollegiate Athletics (NAIA) ranked the softball team No. 15 in the Nation. The team ended the season in the same impressive position.

The players didn’t just work hard on the field. Coach Lambeth demanded academic and civic excellence. The players were re-
quired to attend a number of study hall hours every week based on their grade-point aver-

ages. A perfect 4.0 required 10 hours, while anything less required increasing hours. The players also met with Coach Lambeth each week to discuss how their classes were going and what kind of grades they were earning. As a result, the third of the team is expected to hold a 4.0 GPA this semester, and most of the players are expected to make the President’s List for the spring semester.

As part of their civic activities, the players participated in a mentoring program in which they tutored at-risk elementary school students in reading, and middle and high school stu-
dents in remedial math. The players also served as role models and life coaches to these students. Many players put in hours above and beyond what was required by the mentoring program.

Madam Speaker, it is my pleasure to formally congratulate the women of the Jag-
uars on their accomplishments, both on and off the softball field, in their historic first sea-
son. I would also like to congratulate The University of Houston Victoria (UHV) Jaguars softball team on an amaz-
ing inaugural season. The Jaguars completed the season with a 32–18 record and finished fourth in Region VI of the National Association of Intercollegiate Athletics, missing the na-
tional tournament by one slot.
and assisted 17 soldiers spread throughout Iraq and Afghanistan. Today, they have 1,100 volunteers.

Perhaps the greatest contribution Operation Minnesota Nice has made to American soldiers is the inspiration they provide for others to start similar programs. Floyd Olesen is one such individual. He and his wife started a local chapter of Operation Minnesota Nice in Becker, Minnesota, followed by another organization, Support Our Troops, headquartered in Elk River, Minnesota. Mr. Olesen clearly speaks with admiration for the work Denise Jorgensen has done.

Madam Speaker, we’re able to enjoy the freedoms we have today because of the selfless sacrifices so many brave Americans made to secure them, and veterans in America today deserve our utmost respect. The acts of generosity of men and women like Denise and her army of citizen-volunteers are just a sampling of the generous acts of kindness taking place across America to honor the bravest among us. Thank you for your dedication and sacrifice.

TRIBUTE TO DETECTIVE SERGEANT JAY POUPARD

HON. TIMOTHY WALBERG
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 21, 2008

Mr. WALBERG. Madam Speaker, it is my special privilege to recognize Detective Sergeant Jay Poupard on receiving the 2008 Attorney General Special Commendation Award. It is with great admiration and pride that I congratulate Detective Sergeant Poupard on behalf of all of those who have benefited from his dedicated service to Charlotte, Michigan and his proven ability to protect the lives of its citizens.

Detective Sergeant Poupard is a member of the Michigan Internet Crimes Against Children (ICAC) Task Force. The ICAC Task Force is a nationwide program designed to assist state and local law enforcement agencies increase their capability to investigate offenders who use the Internet and computer technology to sexually exploit children. The program is made up of 59 regional Task Force agencies and is funded by the United States Department of Justice, Office of Juvenile Justice and Delinquency Prevention.

The fast, shrewd action of Detective Sergeant Poupard and Detective Spence of Florida and the effective information exchange between the ICAC Task Forces directly saved the life of an 8-year-old child. Detective Sergeant Poupard’s skillful work and sharp sense of awareness prevented further manufacture and distribution of child pornographic images. As a model to officers across the country, Detective Sergeant Poupard continues to carry out his duty to protect Michigan and the United States.

The 2008 Attorney General Special Commendation Award was presented to Detective Sergeant Jay Poupard of Charlotte, Michigan for his extraordinary work which saved the life of a young child. His superior performance is worthy of this honor and indicative of his continued commitment to high standards and thorough investigative work.

Madam Speaker, today I honor Detective Sergeant Jay Poupard for his esteemed service to the Charlotte community. May others know of my high regard for his outstanding performance and dedication to protecting our children, as well as my best wishes for Detective Sergeant Poupard in the future.

THE STRATEGIC PARTNERSHIP BETWEEN THE UNITED STATES AND THE REPUBLIC OF MACEDONIA

HON. MARK E. SOUDER
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 21, 2008

Mr. SOUDER. Madam Speaker, I would like to submit to the CONGRESSIONAL RECORD the text of the U.S. State Department announcement this month regarding the strategic partnership between the United States and the Republic of Macedonia.

I urge my colleagues to review this document closely to remember the geopolitical importance of the United States’ continued support for the Republic of Macedonia’s membership in the North Atlantic Treaty Organization (NATO). We in Congress should also fully appreciate the great distance this young country has traveled—reforming itself politically, economically, and militarily—since the dissolution of the Socialist Federal Republic of Yugoslavia.


The United States of America and the Republic of Macedonia are determined to expand and deepen the close partnership between the two countries based upon common goals, interests, and values. The two countries wish to enhance their strategic relationship through intensified consultation and cooperation in the areas of security, people-to-people ties, and commerce. The United States and Macedonia reaffirm their support for the principles of sovereignty and territorial integrity of states, the purposes and principles of the U.N. charter, and a unitary, multietnic Macedonia within its existing borders.

Macedonia and the United States note that a democratic, secure and prosperous Macedonia, with friendly and constructive relations with its neighbors and as an active participant in regional and international economic, political and security fora, is vital to peace and stability in Southeast Europe.

In this regard, the United States continues to support Macedonia’s security, stability and economic development.

In the interest of an intensified partnership, the United States intends to immediately provide additional assistance to Macedonia to help build prosperity, strengthen security, and foster deeper ties between our two countries.

Macedonia expresses deep appreciation to the U.S. for its assistance to date in helping the Macedonian people as they work to institutionalize and make permanent a democratic process that realizes our shared values of peace, freedom, the rule of law, and a free market economy. Macedonia also recognizes and reaffirms the support from the U.S. in reforming and strengthening its armed forces.

Building on our existing strong partnership in the fight against global terrorism and promoting international stability, demonstrated by our troops serving together in Iraq and Afghanistan, our civilian and military officials plan to intensify their bilateral high-level contacts and seek increased joint training and exercise opportunities to enhance the interoperability of our forces, and strengthen our partnership in promoting international security and non-proliferation.

Sharing a desire to expand trade and investment, the United States and Macedonia will seek to enhance their economic ties and undertake additional measures to strengthen the competitiveness of Macedonia’s economy and expand opportunities for United States and Macedonian businesses. The United States supports Macedonia’s ongoing efforts to build a business-friendly environment attractive to United States and other foreign investment. Macedonia expresses its appreciation for the opportunity to utilize GSP to strengthen bilateral trade. Both countries encourage the further expansion of their trade relations.

Macedonia expresses satisfaction with the successful implementation of the USAID technical assistance programs in the areas of democracy, economic growth and education and reaffirms its desire for cooperation in these areas to continue.

The two countries also seek to build closer and more robust bonds between their citizens and will undertake practical measures to promote educational and cultural exchange. The NATO Summit declaration in Bucharest made clear that the Republic of Macedonia has met NATO’s democratic, economic, and defense standards and will undertake additional measures to strengthen its rigorous participation in the Membership Action Plan. The United States continues to work with our NATO Allies to maintain Macedonia’s robust cooperation with NATO under existing mechanisms, while it awaits a membership invitation.

Both countries look forward to Macedonia joining NATO as soon as possible. Our intensified cooperation at this time will further strengthen Macedonia’s readiness to take on Alliance obligations and responsibilities in the near future.

CONGRATULATING OUTSTANDING HIGH SCHOOL ARTISTS OF NEW JERSEY’S 11TH DISTRICT

HON. RODNEY P. FRELINGHUYSEN
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 21, 2008

Mr. FRELINGHUYSEN. Mr. Speaker, once again, I come to the floor to recognize the great success of strong local schools working with dedicated parents and teachers. I rise today to congratulate and honor a number of outstanding high school artists from the 11th Congressional District of New Jersey. Each of these talented students is participating in the 2008 Congressional Artistic Discovery. Their works of art are exceptional!

We have 46 students participating. That is a wonderful response, and I would very much like to build on that participation for future competitions.

Madam Speaker, I would like to congratulate the three winners of our art competition. First Place was awarded to Jessica Pester of Millburn High School for her work “Wailing.” Second Place was awarded to Rebekah Bailey of West Morris High School for her work “Mark.” Third Place was awarded to Kristen Capote from Parsippany Christian School for her work “Digital Camera.”
I would like to recognize each artist for their participation by indicating their high school, their name, and the title of their contest entry for the official record.

Boonton High School: Cathy Yang’s “Self Portrait” (Honorable Mention); Elyssa Hunziker’s “When I Was Seventeen”; Jennifer Vasta’s “The Gift”; Steve McKeeown’s “Self Portrait”.

Chatham High School: Anna Zamecka’s “Charcoal Still Life”; Grace Oakley’s “Global Fabric”; Michelle Mruk’s “Miniature Eggplants and Egg”.

Livingston High School: Jordana Geller’s “Timelessness”; Kelly Kelto’s “Carnival”; Victor Xia’s “Steel”; Wei Li Cheng’s “Vanilla”.

Madison High School: Alexander Coultas’s “The Lake Miller House”; Frank Wulf, Ill’s “Valor”; Frederick Greis Jr.’s “Elaine”; Kimberly Smith’s “He loves me, He loves me not”.

Millburn High School: Kelly Blumenthal’s “Venetian Landscape”; Jessica Pester’s “Waiting” (First Prize); Jacqueline San Filippo’s “Riding Shadows”.

Montville High School: Christine Riccio’s “Summer”; Grace Lee’s “Spring Flowers”; Jennifer Eisingrelo’s “Montville Farmer”; Michael Johnston’s “Book Smart”.

Morris Knolls High School: Elizabeth Westerman’s “Toy Trains”; Liana Kelly’s “A Brighter Life”; Jennifer Engleson’s “Sunburnt Lawn”.

Mount Olive High School: Kristen Cignavitch’s “Puzzle Portrait”; Laura Smith’s “The Approach”; Olga Kazakova’s “Belarus in America”; Rachel Tenenbaum’s “Photography”.

 Parsippany Christian School: Austin Dimare’s “Austin Splumber”; Kristen Capote’s “Digital Camera” (Third Place); Samantha Dahl’s “Go Fish”.

Ridge High School: Christina Stillwaggon’s “P.M.S.”; Frankie Cuccutta’s “Untitled #3”; Lara Charavantes’ “Purificacao” (Honorable Mention); Sojin Ouh’s “Leftovers”.

 Roxbury High School: Christian Peslak’s “Conscious Man”; Sam Knopka’s “Self Portrait”; Bret Koblyka’s “Self Portrait” (Honorable Mention); Jacob Mandel’s “The Artist’s Mindset”.

Watchung Hills High School: Kim Delli Paoli’s “My Vacation”.

West Morris Mendham High School: Caitlin Aromando’s “Intensify”; Elisa Cecere’s “Elephant Eye”; Olivia Sebesky’s “Jon”; Rebecca Bailey’s “Mark” (Second Place).

Each year the winner of the competition has their art work displayed with other winners from across the country in a special corridor here at the U.S. Capitol. Thousands of fellow Americans walk through that corridor and are reminded of the vast talents of our young men and women. Indeed, all of these young artists are winners, and we should be proud of their achievements so early in life.

Madam Speaker, I urge my colleagues to join me in congratulating these talented young people from New Jersey’s 11th Congressional District.

CONGRATULATING THE CITY OF BAXTER SPRINGS, KANSAS ON THEIR 150TH ANNIVERSARY

HON. NANCY E. BOYDA
OF KANSAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 21, 2008

Mrs. BOYDA of Kansas. Madam Speaker, I rise today to congratulate the city of Baxter Springs, Kansas on their 150th anniversary. During the past century and a half, Baxter Springs and the state of Kansas have seen its share of ups and downs. Baxter Springs has lived through a handful of wars, including one that happened right on its own turf when the city was still just an infant. It has persisted through the Great Depression, the Dust Bowl, drought, floods, feast and famine. With all of these challenges, some Kansas towns throughout the decades have not survived a century, much less 150 years.

A sesquicentennial is not an easy day to reach for any town and its citizens should be proud for their part in building and preserving such a wonderful community. I have been to Baxter Springs and seen firsthand the wonderful culture and the pride that has blossomed just off of historic Route 66.

Baxter Springs can be looked at by other Kansas communities as a benchmark for morality, patriotism and the spirit of hard work. While I wish I could be there in person to celebrate with them, I ask that my colleagues join me in congratulating the city of Baxter Springs on a great 150 years. Here’s to another great 150 years!

HONORING MS. CHERYL MOSIER
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 21, 2008

Mr. TANCREDO. Madam Speaker, I rise today to congratulate an outstanding teacher from my district, Ms. Cheryl Mosier of Columbine High School in Littleton. Ms. Mosier has been awarded the 2007 Presidential Award for Excellence in Mathematics and Science Teaching, an award given by the National Science Foundation to remarkable educators committed to enhancing the learning of their students.

Established by Congress in 1983, the Presidential award program recognizes extraordinary mathematics and science teachers in all 50 States, the District of Columbia, Puerto Rico, the U.S. Territories, and the U.S. Department of Defense Schools. This year Ms. Mosier was the Colorado recipient for this prestigious award.

An Earth Science teacher at Columbine High School, Ms. Mosier has over 15 years teaching experience. A Colorado native, Cheryl graduated from the University of Northern Colorado, and went on to complete a masters degree in teaching experience. A Colorado native, Cheryl graduated from the University of Northern Colorado, and went on to complete a masters degree in teaching.

Cheryl inspires her students in the Earth Sciences by teaching them lessons that can relate to everyday life. Cheryl won the PAEMST award for a lesson she taught on Spectroscopy. This was the same lesson Cheryl was teaching on April 20, 1999 when tragedy struck Columbine High School after two gunmen opened fire inside the school, killing 12 students, and one teacher.

Madam Speaker, I would like to extend my sincerest congratulations to Cheryl, and wish her the best in all her future endeavors.

HONORING THE MEMORY OF ARMY SPECIALIST BRADEN J. LONG

HON. RALPH M. HALL
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 21, 2008

Mr. HALL of Texas. Madam Speaker, I rise today to celebrate the life and service of a young man who made the ultimate sacrifice for his country. Army Specialist Braden J. Long, 19, of Sherman, Texas, died in service to his country last year in Baghdad of injuries sustained when his Humvee came under grenade attack. Specialist Long was assigned to the 1st Battalion, 4th Cavalry Regiment, 1st Infantry Brigade Combat Team, 1st Infantry Division; Fort Riley, Kansas.

Braden’s mother, Melanie Thrasier, said that her son wanted to be in the military since grade school and reported for basic training just a month after graduating from Sherman High School in 2005. His family and many friends, as well as his fellow soldiers in the United States Army, can attest to the dedication of this young man who chose to live his life in service to his country.

Specialist Long’s wife, Theresa, recalled that he was respectful to all and always kept his word. If he said he could do something, he did it. Long met his future wife while both were students at Sherman High School. They were married Nov. 4, 2005, and were living in Fort Riley, Kansas, at the time of his deployment to Iraq.

In addition to his wife, Specialist Long is survived by his parents, Melanie Thrasier of Sherman and William “Bill” Long III of Arlington; one brother, William Long IV of Sherman; one sister, Michaela Thrasier of Sherman; grandparents, William Long Jr. of Florida, and William Evans, Susan Long, and Shirley Dickson, all of Ohio; and one great-grandparent, William G. Long Sr.

Madam Speaker, words cannot express the gratitude we owe to those who have made the ultimate sacrifice for our freedom; it is a debt that can never be repaid. I pray that his family will find comfort in knowing that America will never forget the tremendous sacrifice he made while defending our country. As we honor America’s fallen heroes on Memorial Day, let us pay tribute to the life of this dedicated young patriot, Army Specialist Braden Long.

CONGRATULATING MIKE GOTTFRIED ON HIS INDUCTION INTO THE MOBILE SPORTS HALL OF FAME

HON. JO BONNER
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 21, 2008

Mr. BONNER. Madam Speaker, it is with great pride and pleasure that I rise to honor Coach Mike Gottfried on the occasion of his
induction into the Mobile Sports Hall of Fame (MSHOF). Begun in 1987, the Mobile Sports Hall of Fame was created by the Mobile Chamber of Commerce to recognize those sports figures whose accomplishments and service have greatly benefited—and reflected credit on—the city of Mobile.

Coach Gottfried, an Ohio native, was a successful head football coach at Murray State, Cincinnati, and Kansas, before going to Pittsburgh, where he had wins over Notre Dame, Penn State, and West Virginia. In 1990, he moved to Mobile at the urging of his brother, University of South Alabama athletics director Joe Gottfried, for what he thought would be a temporary stay on the way to another college football coaching job. Eighteen years later, Coach Gottfried is still a resident of Mobile and is considered by many, including Mobile’s Press-Register, as “one of the city’s leading citizens.”

In the late 1990s, Coach Gottfried was approached by then Mobile Mayor Mike Dow and then Press-Register Executive Editor Stan Tiner to gauge whether a postseason bowl game in Mobile was possible. Using his contacts as a former head coach and as a football analyst for ESPN, he began building support for creating a bowl game in Mobile. That bowl game became the GMC bowl, a bowl that is repeatedly rated as one of the top 10 bowl games to watch each year. Due in large part to Coach Gottfried’s efforts, Mobile, with the GMC bowl and the Senior Bowl, joined Miami as the only cities in the country to host two major college bowl games every year.

Shortly after the founding of the GMC bowl, Coach Gottfried and his wife, Mickey, founded Team Focus, a Mobile-based community outreach program that provides fatherless boys with role models and positive influences in order to build character and foster self-esteem, self-worth and self-confidence. The program has grown rapidly, and today, there are camps in seven states and the District of Columbia. Last year, First Lady Laura Bush traveled to Mobile to commend Team Focus. She thanked all of the mentors for “trying to fill that void in the lives of these boys and being so successful at it.”

Madam Speaker, throughout his life, Coach Mike Gottfried has been an outstanding role model for both children and adults alike. I know his family; his wife, Mickey; and his many friends join me in congratulating him on this remarkable achievement and extending thanks for his service over the years on behalf of the city of Mobile and the state of Alabama.

IN HONOR OF THE CLEVELAND STEEL TOOL COMPANY ON THEIR 100TH ANNIVERSARY

HON. DENNIS J. KUCINICH
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 21, 2008

Mr. KUCINICH. Madam Speaker, I rise today in honor of the Cleveland Steel Tool Company and in recognition of 100 years of service and business in the city of Cleveland.

Founded in 1908, the Cleveland Steel Tool Company began as a producer of patented punches for the automotive leaf spring industry, the same year that Henry Ford introduced his Model T automobile. For the past 100 years CST’s products have been used in bridge, automotive, aircraft and shipbuilding industries and the company incorporated under President J.E. Doolittle, in downtown Cleveland on West 3rd Street. CST has been there since the birth of Industrial Revolution and is now one of the leading manufacturers in the world of punches, dies, tools and specialties. CST has been able to stay true to its roots despite the demands of the new technological era. With an inventory of over 12,000 products, its experts test and staff provide the best service and technological expertise to its customers worldwide. Over 50 of its 100 years of service and business has been from the same plant location in Cleveland.

The community of employees at CST is comprised of engineers and a technical team who contribute their talent, trade and expertise within an array of roles, ensuring the collective success of the company and its clients. CST’s team of engineers works tirelessly to create innovative solutions to the Metalworking industry and their ongoing success behind CST’s equipment design. The technical team works directly with CST’s customers by providing support for their tooling application problems.

Madam Speaker and colleagues, please join me in honor and gratitude of all members of the Cleveland Steel Tool Company and the individuals who live and work within our Cleveland community. May their individual and collective commitment to their work bring another 100 years of success for the Cleveland Steel Tool Company.

EARMARK DECLARATION

HON. PHIL ENGLISH
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 21, 2008

Mr. ENGLISH of Pennsylvania. Madam Speaker, H.R. 5658 contains an authorization of $3 million for electromagnetic inflight propeller balancing. The entity to receive funding for this project is the LORD Corporation, located at 2000 W. Grandview Blvd., Erie, PA 16509. The funding would be used for technology to electronically balance C–130 propeller blades. This project will benefit the U.S. Air Force C–130E/H fleet by reducing maintenance workload, improving aircraft readiness and availability, and improving the reliability of engine mounted components on C–130 aircraft. Initial estimates by the Air Force indicate a potential savings of $169 million over 10 years.

H.R. 5658 contains an authorization of $4 million for Next Generation Intelligent 8 Portble Radianclide Detection and Identification Systems. The entity to receive funding for this project is eV Products, a division of II–VI, Incorporated, located at 373 Saxonburg Rd., Saxonburg, PA 16056. The funding would be used for development of the Generation Intelligent Portable Radianclide Detection systems. This project will be beneficial because these materials and systems are used for the detection, monitoring, and fast efficient reporting of the illegal import and transport of nuclear, special nuclear materials, and radiological materials.

H.R. 5658 contains an authorization of $5 million in the aircraft procurement for the Army account for UH–60A utility helicopter upgrades. The entity to receive funding for this project is the United States Army, located at the Pentagon, Washington, DC 20310. The funding would be used for recapitalization and conversion of UH–60A to UH–60L helicopters as part of a UH–60A upgrade program. This project will be benefiting in significantly increased reliability, reduction in operating costs, and increased capability to Army National Guard helicopters.

EARMARK DECLARATION

HON. TREAT FRANKS
OF ARIZONA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 21, 2008

Mr. FRANKS of Arizona. Madam Speaker, in accordance with House Republican Conference standards, and clause 9 of rule XXI, I submit the following statement for the RECORD:

The first purpose of the Federal Government is to provide for the common defense. In accordance with this responsibility, which I swore to do when I signed my oath of office, I offered several amendments in the House Armed Services Committee to H.R. 5658, The Duncan Hunter National Defense Authorization Act of Fiscal Year 2009. One of the amendments I offered passed and I understand that Mr. SKELTON, Chairman of the Committee, is now considering it an “earmark,” which I believe is an inappropriate application of the definition and one which could subject all budget designations in the entire budget which differ from the President’s submitted budget in any way to be considered “earmarks.” House rule XXI defines an earmark as something that is included ‘primarily at the request of a Member,’ and since the entire Committee considered and voted on my amendment, it was agreed to by the Committee, and not simply by one Member who by submitting an amendment, is merely offering it as a suggestion for the Committee’s consideration. As such, the purpose of this statement is to describe what my amendment is and what it is not.

The American people are right when they say Congress has a serious problem abusing the legislative process to fund pet and pork projects with American taxpayers’ dollars. As such, I opted to suspend my requests to authorize and appropriations Committees until the system is cleared up enough to restore confidence both to the taxpayer and to me. Until this year, I did submit requests to the authorization and appropriations Committees in order to receive funding for programs and projects that are worthy of Federal dollars. I have always supported transparency and have never shied away from detailing which requests I asked for and which requests were ultimately included in the bills. Federal dollars should not be used simply to take from all taxpayers to pour into another person’s coffers. In other words, Peter in New Mexico should not be robbed to pay Paul in Arizona, even if Paul lives in Congressional District Two, which I represent. Federal taxpayer dollars should be wisely used to ensure our entire Nation is served well. It was this principle that inspired me to offer three amendments in the Armed Services Committee.
One amendment, which passed in an en bloc amendment, restores $6 million to the Joint Tactical Ground System Pre-Planned Product Improvement effort. I included an offset for the money as well. The offset is the Army's High-Capacity Communications Capability radio, which has approximately $45 million remaining in the program can ramp up at this point in its acquisition life-cycle. This offset will not have a negative impact on the HC3 program.

For nearly fifteen years, the Army’s Joint Tactical Ground System, or “J-TAGS” (Program Element: 0208053A) has stood back over our forward-deployed forces by providing rapid warning of ballistic missile launches. JTAGS relies upon a direct downlink from Defense Support Program (or DSP) missile warning satellites. The Army intends to modernize JTAGS to process SBIRS data, but is underfunded to accomplish this upgrade for each of the JTAGS suites on a co-current timeline with satellite and sensor deployment. JTAGS is developed by multiple companies including Northrop Grumman in Azusa, California, Northrop Grumman in Colorado, and Lockheed Martin in Sunnyvale, California. The contract for the primary hardware is won competitively. The program offices are in Colorado Springs, Colorado and Huntsville, Alabama.

I have a letter from LTG Kevin Campbell, Commanding General of U.S. Army Space & Missile Defense Command/Army Forces Strategic Command that calls attention to the risks we assume by under-funding this important upgrade, which is also included with this statement.

This amendment is not parochial, wasteful, or frivolous. It is an example of the fruits of good government oversight and of prudent caretaking of the American taxpayer’s hard earned money. This amendment is being conflated with Members’ requests to fund pet projects to benefit private entities that have been squeezed into the bill without offsets, transparency, and frankly without regard to the true purpose of government.

I believe the Chairman’s definition of an earmark is at best inadvertently overbroad, and at worst it is deceiving to the American taxpayer, who will be closely watching the authorization process to ensure their money is not being abused.

The annual defense policy bill has the potential to authorize around $515.4 billion of the American taxpayers’ money to be spent to protect the Nation and U.S. interests worldwide. We must demonstrate to the American people that we are worthy of such responsibility. Since the Speaker pledged that this will be, “the most honest, ethical, and open Congress in history.” I think the Armed Services Committee ought to provide the tables of the House Report to each HASC Member’s office at least 2 days in advance to the Full Committee markup so that we and our staff can carefully consider the contents.

The Committee has traditionally provided directive report language 2 days in advance to each HASC Member’s office because such report language has the effect of the law. The accompanying report tables however, which are often secret until after the markup is complete also have the effect of law. Oftentimes the tables of the House Report are altered in key amendments during the Committee markup, rather than the actual text of the bill. These changes are made to language we have not seen and can add or take away funding for various projects, essentially circumventing the open and public means of amending the text of the bill. I would submit that if this Democratic controlled Congress is interested in truly reforming the earmark process, and since it is claiming to do so by calling my amendment an earmark, we should reassess what the problem actually is. The problem is wasteful spending in a secret, dishonest way without oversight. Truly restoring confidence in the taxpayers begins by shedding light on the report tables. This would be a step in the right direction.

DEPARTMENT OF THE ARMY, U.S. ARMY SPACE AND MISSILE DEFENSE COMMAND/ARMY FORCES STRATEGIC COMMAND


HON. TREVOR FRANKS,
House of Representatives, Longworth Building, Washington, DC.

Dear Congressman Frank’s: I would like to thank you and the members of the Subcommittee on Strategic Forces for inquiring on the needs of our Nation’s requirements for the Joint Tactical Ground System Pre-Planned Program Block Upgrades Impacts. I also view the early theater missile warning as a critical need for our forward deployed forces.

As you state in your 1 May 2008 letter, the capabilities provided by the Joint Tactical Ground System (JTAGS) are essential to the Warfighter’s needs. It is important that we ensure unhindered execution of the JTAGS Block upgrades and modernization, so that we can take advantage of the new Space Based Infrared System (SBIRS).

The Department’s Fiscal Year 2009 JTAGS funding reduction of $6 million has resulted in an increased schedule risk and the reprioritization of program scope. Specifically, this reduction will cause an approximately nine month delay of essential Block upgrades impacting JTAGS integration into the SBIRS architecture.

Assured missile warning for our deployed forces remains an essential warfighting requirement. We appreciate your support in ensuring our men and women are provided every advantage for their protection.

Sincerely,

KEVIN T. CAMPBELL,
Lieutenant General, USA, Commanding

EARMARK DECLARATION

HON. TIMOTHY WALBERG
OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. WALBERG. Madam Speaker, I submit the following for the RECORD:

Name of Earmark and Amount: Advanced Drivetrains for Enhanced Mobility and Safety—$2.5 million

Bill Number: H.R. 5658.


Legal Name and Address of Receiving Entity: Eaton Automotive, 19218 B Drive South, Marshall, MI 49068.

Earmark Description: This request is for funding for the final phase of an on-going three phase program between Eaton and the US Army. Eaton has successfully worked with the Army for the past two years to develop specialized torque-modifying differentials for the HMMWV to improve the vehicle safety. The Phase I and II work was structured to first adapt commercial Eaton side-to-side torque adapt commercial Eaton side-to-side torque differential differentials to HMMWVs. These programs have proven very successful in quantitatively demonstrating improved vehicle safety. Prototype systems will be delivered to the Army for additional testing in May 2008. Military-hardened side-to-side systems will be subsequently developed and delivered in 2009. This Phase III funding request is for a center coupler to provide full active 4x4 torque management to military vehicles.

Earmark Budget

Model hardware function and vehicle maintenance—$375,000.

Materials—modifications to transfer case and addition of differential—$250,000.

Preliminary Bench test and vehicle functional tests—$250,000.

Labor—Design/procure hardware, develop preliminary controls software. $50—$250,000.

Total—$2,500,000.

Total Phase III project cost: $3,500,000.

Federal funds: $2,500,000.

Eaton internal funds: $1,000,000.

Percent matching funds $1,000,000/ $3,500,000 x 100% = 29%.

EARMARK DECLARATION

HON. DENNIS R. REHBERG
OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. REHBERG. Madam Speaker, per House Republican earmark disclosure rules, I submit the following to be entered into the CONGRESSIONAL RECORD:

Requesting Member: Congressman Denny Rehberg

Bill Number: H.R. 5658.

Account: MILCON, Army National Guard.

Legal Name of Requesting Entity: Montana Army National Guard.

Address of Requesting Entity: 1900 Williams St., Fort Harrison, Montana 59635.

Description of Request: I received an earmark of $621,000 for the construction of the Miles City Readiness Center. This is the first year authorization of a multi-year construction project. Specifically, funding for this project includes:

<table>
<thead>
<tr>
<th>Item</th>
<th>Cost (in $1,000s)</th>
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</thead>
<tbody>
<tr>
<td>Primary Facility</td>
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<tr>
<td>Readiness Center</td>
<td>6,326</td>
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<tr>
<td>Flammable Materials Facility</td>
<td>20</td>
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<tr>
<td>Contaminated Waste Facility</td>
<td>60</td>
</tr>
<tr>
<td>Unvented Metal Storage Bldg</td>
<td>551</td>
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<tr>
<td>Unvented Enclosure/Vehicle Storage</td>
<td>1,977</td>
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<tr>
<td>Circulation and Access</td>
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<td>Electric Service</td>
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<td>Water, Sewer, Gas</td>
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<tr>
<td>Stream/Chilled Water Distribution</td>
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<tr>
<td>Paving, Walks, Curbs, Gutters</td>
<td>568</td>
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<tr>
<td>Storm Drainage</td>
<td>50</td>
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<td>54</td>
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<tr>
<td>Antibioter Test</td>
<td>29</td>
</tr>
<tr>
<td>Environmental Measures</td>
<td>12,066</td>
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<tr>
<td>Contingency (5%)</td>
<td>600</td>
</tr>
<tr>
<td>Subtotal</td>
<td>12,666</td>
</tr>
</tbody>
</table>

Total | 13,086 |

The existing Miles City Readiness Center was originally constructed for an Armored Cavalry Unit in 1957 and consists of 8,481 square feet of administrative, training, supply and arms vaults, locker rooms, classrooms.
and drill floor. The facility is a concrete ma-
sonry structure constructed on a single floor.
As a result of Force Structure Transformation,
the current unit occupying this facility is the
260th Engineer Company, for which the facility
is improperly designed and grossly under-
sized.
This request is consistent with the intended
and authorized purpose of the MILCON, Army
National Guard account. Matching funds are
not required as the Montana Army National
Guard is a unit of the Government of the State
of Montana.

HONORING DENNIS AND MEGAN
DOYLE, FOUNDERS OF THE
HOPE FOR THE CITY RELIEF ORGANIZA-
TION

HON. MICHELE BACHMANN
OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 21, 2008

Mrs. BACHMANN. Madam Speaker, I rise
today to recognize Dennis and Megan Doyle,
founders of the Hope for the City relief organi-
zation, and recent recipients of an honorary
Doctorate of Humanities from the University of
St. Thomas in St. Paul, Minnesota.

Based in Edina, Minnesota, Dennis and
Megan started Hope for the City in 2000 as a
means to fight poverty, hunger, and disease
by utilizing America’s corporate surplus. Since
its humble beginnings, Hope for the City has
donated approximately $400 million in the
wholesale value of goods, including products
from top retailers, medical companies, and
food distributors. Their impact not only touches
those locally, but stretches across the Na-
tion and around the world.

The Doyle’s service and sacrifice to their fel-
low man exemplifies the finest of American
character and provides inspiration to us all.
Not only is their founding of Hope for the City
a triumph in itself, but the tidal wave effect
their efforts have had on increased charity and
service throughout the Nation is also to be
commended. Hope for the City has developed
an extensive national network of partner agen-
cies that provide services to those who need it
the most in their local communities.

Madam Speaker, it is a privilege to honor
the selfless service of Dennis and Megan Doyle
to the most vulnerable among us. Their
efforts will continue to inspire others locally
and throughout the world to do their best to
assist their fellow man.

CONGRATULATING THE
ROCHESTER DRUG COURT

HON. LOUISE McINTOSH SLAUGHTER
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 21, 2008

Ms. SLAUGHTER. Madam Speaker, I rise
today to congratulate the Rochester Drug
Court for 14 years of service to the community
and to drug courts around the country during
National Drug Court Month. Over 2,100 drug
courts in the United States provide an alter-
native to incarceration for non-violent, drug-ad-
dicted offenders by combining intense judicial
supervision, comprehensive substance abuse
and mental health treatment, random and fre-
fquent drug testing, incentives and sanctions,
clinical case management and ancillary life
skills services. The tireless efforts of the
judges, prosecutors, defense attorneys, treat-
ment providers, rehabilitation experts, child
advocates, researchers, educators, law enforce-
ment professionals, criminal practitioners, legis-
lative representatives, probation officers, pre-trial officers and probation officers
who are involved in drug courts provide sub-
stance abuse offenders with the much-needed
chance at long-term recovery and productive
lifestyles.

I have seen firsthand the impact of drug
courts in my state, where drug court programs
have enhanced public safety, reduced taxpayer
dollars and, most importantly, saved lives.
The first drug court in New York State was
founded in my congressional district in Roch-
ester, New York in 1995 and I have been a
supporter ever since. In 1997, I was honored
to be one of the drug court’s first graduation
speakers.

To date, New York State has opened an addi-
tional 200 drug courts. Rochester alone has
had over 1500 graduates from its court and
over 100 babies have been born drug free.
As we face a growing population of drug-ad-
dicted offenders in the American justice sys-
tem, we must expand our efforts to bring treat-
ment to a larger number of those in need. Ac-
cording to a recent study by the Urban Re-
search Institute’s Justice Policy Center, ap-
proximately 1.5 million drug-involved offenders
should be diverted to drug court, which would
generate $46 billion in savings to American
taxpayers. Armed with this study as well as
our existing research that drug courts work,
reduce recidivism, and save lives, we must work
on taking drug courts to scale.

If society is truly going to save the lives of
the addicted, break the familial cycle of addic-
tion for future generations, there is no greater
opportunity for systemic social change in the American
justice system. There is no greater opportunity
to heal families and communities.

Again, congratulations to the dedicated drug
court professionals and graduates in Roch-
ester and across the country on a job well
done.

IN HONOR OF GOPAL RAJU
HON. FRANK PALLONE, JR.
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 21, 2008

Mr. PALLONE. Madam Speaker, I rise today
to honor Gopal Raju, a visionary who bridged
the American and Indian communities through
journalism and activism.

Mr. Raju arrived in America from India in
1950. He sought to connect the Indian-Amer-
ican community with India. Mr. Raju launched
the news weekly, India Abroad in 1970. He
served as publisher for 31 years. Mr. Raju’s
journalistic reach spread to other media en-
deavors including Vid Talk, Gujarat Times,
and News India-Times.

Mr. Raju was active in philanthropic work for
his home country. He started the Indian Amer-
ican Foundation to accelerate social and eco-
nomic change in India. The foundation works
to increase access to education, health care,
and employment opportunities for Indians in
India.

Throughout Mr. Raju’s life he sought to em-
power the Indian-American. He
founded the Indian American Center for Pol-
tical Awareness (IACP) in 1993. Mr. Raju
built this organization to encourage participa-
tion in the political process. The IACP de-
veloped the Washington Leadership Program,
which gave university students the opportunity
to intern on Capitol Hill and develop a broader
understanding of public policy.

Madam Speaker, I sincerely hope that my
colleagues will join me in celebrating the life of
Gopal Raju. His legacy will continue to enrich
the lives of many.

IN RECOGNITION OF SACRAMENTO
POLICE OFFICER DARIN MILLER

HON. DORIS O. MATSUI
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 21, 2008

Ms. MATSUI. Madam Speaker, I rise today in
tribute to one of the Sacramento Police De-
partment’s finest and bravest officers. Sacra-
mento Police Officer Darin Miller is being
awarded the Silver Medal of Valor for his her-
oiic actions during a robbery at a Rite Aid
pharmacy in Sacramento. As his law enforce-
ment colleagues, friends and family gather to
honor Officer Miller’s bravery, I ask all my col-
leagues in the U.S. House of Representatives
to join me in recognizing this outstanding indi-
vidual.

On Halloween evening last year, Officer Mil-
er was dispatched to what was described as
a robbery in progress at a local pharmacy.
While enroute, Officer Miller was informed that
the suspect had stabbed one store employee
and taken another one hostage. As the first on
the scene, he knew that he must take quick
action to ensure the safety of all involved.

On Halloween evening last year, Officer Mil-
er was dispatched to what was described as
a robbery in progress at a local pharmacy.
While enroute, Officer Miller was informed that
the suspect had stabbed one store employee
and taken another one hostage. As the first on
the scene, he knew that he must take quick
action to ensure the safety of all involved.
What followed was a display of courage and
heroism in the face of adversity.

Upon his arrival at the store, Officer Miller
was confronted with a chaotic scene. Store
personnel directed him to the pharmacy,
where the robbery was unfolding. As he ar-
ived in the pharmacy, Officer Miller saw a vic-
tim who was bleeding from his head. Knowing
the severity of the situation, he quickly found
the suspect who was holding a large knife to
a woman’s throat.

Having already seen a previous victim, Offi-
cer Miller knew that this woman’s life was in
imminent danger. He carefully maneuvered
himself into the tight quarters of the pharmacy,
within a few feet of the suspect. At this time,
the suspect was using the woman as a shield,
and did not respond when Officer Miller com-
municated that he drop the knife. Carefully wait-
ing until the suspect moved his head slightly,
which provided a clear sight, Officer Miller then
fired a single round at the suspect who fell to
the ground. He then provided immediate
medical attention until medics arrived on the
scene.

Officer Miller’s sound judgment and quick
actions helped bring an end to an extremely
dangerous situation and likely saved the life of
an innocent woman. As a 4-year veteran of
the Sacramento Police Department, Officer Miller leveraged his previous experience and training to resolve the situation, and as a result of his actions lives were saved and further injuries averted.

Madam Speaker, I am honored to recognize Sacramento Police Officer Darin Miller who is most deserving of the Silver Medal of Valor Award. His swift actions embody the courage and bravery we entrust in our law enforcement. On behalf of the people of Sacramento and the Fifth Congressional District of California, I ask all my colleagues to join me in acknowledging the efforts of Sacramento Police Officer Darin Miller.

CONGRATULATING GIRL SCOUTS OF VERNON AND ROCKVILLE, CONNECTICUT

HON. JOE COURTNEY
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. COURTNEY. Madam Speaker, I rise today to congratulate the Girl Scouts of the towns of Vernon and Rockville, Connecticut. After years of hard work and dedication, young leaders from Troop 10141 and Troop 10735 have achieved the honor of the Bronze and Silver Girl Scout Awards. These young women have not only identified and investigated issues in their own communities, but they have taken the time to create, develop, and implement projects that address these areas of concern. These young women have selflessly given their time, knowledge and resources to their communities, and their work is truly deserving of this wonderful recognition.

These young women are truly the emerging community leaders of tomorrow. Andrea Notman, a Bronze Award recipient, orchestrated a winter clothing drive, while another recipient of the Bronze Award, Larissa Flynn, distributed paper grocery bags that were decorated in honor of Earth Day. Amy Bettlem and Jackie Ose, both Bronze Award recipients, collected recyclable materials and used the proceeds to purchase a willow tree to be planted in their community. Kathleen Hills, a Silver Award recipient, organized and ran a town wide Girl Scout fair while Emily Piro, another Silver Award recipient, helped to organize and manage a camping weekend for local Brownie Girl Scouts.

Jillian Bettlem, another Silver Award recipient, created the “Green Angel Fund” in memory of Diane Lloyd, a former troop leader. The fund offers support to leaders who wish to further their scouting knowledge. An additional Silver Award winner, Sarah Nolan, created a presentation about the history of Girl Scouting and delivered the presentation at several area meetings. Amiee Roberge, another Silver Award recipient, created care boxes of toiletries and distributed them to the residents at a local battered women and children’s center. Alexandra Banks, another Silver Award winner, helped to transform an old music room into a computer lab at the Saint Bernard School in Connecticut. Alexandra also coordinated the creation of a preschool from a former house at this same school.

Cheyenne Sweeney, Shannon Lape, Mary Leigh Enders, and Elizabeth Courtney, recipients of the Silver Award, researched, created, and distributed 1,200 brochures regarding breast cancer awareness. They also made and distributed 1,200 key rings with informational cards describing the sizes of tumors. Each of these diverse projects helped to address a specific need that these young women discovered in their own communities. These awards are a tribute to their hard work and perseverance, and I am honored to recognize them today.

The Girl Scouts and leaders of Troops 10141 and 10735 deserve the highest accolades for all of their enthusiasm and commitment to enriching the lives of those in their surrounding communities. Their display of social consciousness, personal conviction, and strong leadership is a tribute to the Girl Scout mission and the ideals that the organization encourages and promotes. It is a privilege to stand here today and applaud all of their hard work. I ask all my colleagues to join with me and the people of Connecticut in congratulating them for this honor.

REAFFIRMING SUPPORT FOR THE GOVERNMENT OF LEBANON UNDER PRIME MINISTER FOUAD SINIORA

SPEECH OF
HON. HOWARD L. BERMAN
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 2008

Mr. BERMAN. Mr. Speaker, I rise in strong support of this resolution, and yield myself as much time as I may consume.

With this resolution, we affirm our support for the legitimate government of Prime Minister Fouad Siniora and condemn the actions of Hizballah that recently provoked their most severe sectarian conflict in Lebanon since the miserable 15-year civil war that ended in 1990.

As we meet this morning, the fate of Lebanon hangs in the balance. Will Lebanon belong to its secular, pro-Western majority—or will it fall prey to pro-Iranian forces? Terrorist group Hizballah, showing contempt for legitimate authority and employing violence against Lebanon’s most progressive forces, has made a strong bid to prove that the answer to that question is that pro-Iranian forces will dominate Lebanon. That is why it is important for this body to go on record forcefully—as backing the Prime Minister Fouad Siniora’s democratically-elected government. We cannot win the battle for the Lebanese—they must do that themselves—but we can at least demonstrate our solidarity.

When the government sought to assert its sovereignty by taking on Hizballah’s illegal, private intelligence network, Hizballah responded by taking over parts of Beirut by force, shutting the major roads to the airport and instigating sectarian violence throughout Lebanon.

Hizballah fighters also shut down Saad Hariri’s pro-government television station and torched the building housing Hariri’s newspaper. They besieged the homes of Hariri and Druze leader Walid Jumblatt, another pillar of the legitimite governing coalition under Prime Minister Fouad Siniora.

These actions were intended to deepen Hizballah’s control of its state-within-a-state, to intimidate Lebanon’s rulers and thereby increase Hizballah’s influence throughout the nation, and, most worrysome, to push Lebanon deeper into an Iranian-Syrian sphere of influence.

Unfortunately, Hizballah’s violence worked, and the government backed down rather than risk civil war. At least for now, the government has abandoned its plans to close Hizballah’s private communications network and remove a pro-Hizballah general who presides over security at Beirut International Airport. Perhaps the government will re-coup some of its losses during negotiations with Hizballah now taking place in Qatar—but it will not be easy.

Let me make two points. First, it is time to go beyond words. It is time for the United Nations Security Council to take specific actions in response to Syria’s and Iran’s flouting of Lebanese sovereignty in direct contravention of UN Security Council resolutions. Resolution 1701 forbids the transfer of arms into Lebanon without the consent of the Lebanese government. Resolution 1747, passed under Chapter VII, forbids Iran from transferring arms to any entity.

Iran provides training, equipment, and arms for Hizballah. Syria, at the least, facilitates the transfer of these arms. The United States, before us urges the Security Council to ban all air traffic between Iran and Lebanon and between Iran and Syria. It calls on all states on transit routes between Iran and Lebanon to implement strict controls. A total ban on commercial flights to and from Iran and Syria—such as that which brought Libya to its knees—also should not be ruled out.

Second, it is long past time for the European Union to designate Hizballah as a terrorist group and treat it accordingly. The European insistence that Hizballah should be seen as a legitimate political party is now transparently undermined by facts on ground, including the more than 80 Lebanese who have needlessly perished in the fighting of the past week.

Legitimate political parties do not have an independent military capability. They do not initiate wars with neighboring states. And they do not engage in international terrorism.

Last week The New York Times quoted Israeli journalist Ehud Yaari as labeling Iran’s growing regional influence as “a pax Iranica.” Fortunately, there are brave men and women in Lebanon who want to resist this pax Iranica, and at their head, I believe, is Prime Minister Siniora and his government, even if their most recent effort to assert their sovereignty over the Hizballah terrorists has fallen short. Now is the time for us to affirm our support for him and his legitimate, democratically-elected government and to urge the international community to do likewise.

That is why I support this resolution, and ask my colleagues to support it as well.

RECOGNIZING MR. JOSEPH E. HICSWA

HON. BILL PASCRELL, JR.
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. PASCRELL. Madam Speaker, I would like to call to your attention the work of a man I am proud to represent in Congress, Mr. Joseph E. Hicswa. Mr. Hicswa is being recognized, with pride and gratitude, on Monday, on
HONORING JOHN B. CHEEK OF HOMOSASSA, FLORIDA

HON. GINNY BROWN-WAITE
OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 21, 2008

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor a soldier who fought bravely in one of the deadliest and decisive battles of the bulge. John B. Cheek, a resident of my district for the past twenty-six years and who lives in Homosassa, Florida, was born on August 7, 1923 in Olitic, Indiana. Following the entry of the United States in World War II, Mr. Cheek joined the military, where he served from 1943 to 1946 in the United States Army.

From his home, the Battery B 556th Anti-Aircraft Artillery Automatic Weapons Battalion. It was in this position that he fought the axis powers as a lateral tracker on 40 caliber and 50 caliber machine guns in Rhinelands and Central Europe. During his three-year tour of duty, Mr. Cheek earned several medals for his service, including the good conduct medal, the American Campaign Medal, the European African Eastern Campaign Medal, the WWII Victory Medal, the Honorable Service Lapel Pin, and the Honorable Discharge Button.

A current resident of Homosassa, in Citrus County, Florida, Mr. Cheek has been married to Helen F. Goodwin for sixty-two years. He and his wife have three loving daughters, Carol, Sandra and Sue, one son, Ron, eight grandchildren and seven great-grandchildren.

Mr. Cheek has been a long-time member of the Disabled American Veterans and a proud member of the masons for many years, to this day remaining active in his community.

Madam Speaker, members of the greatest generation and brave veterans like Mr. Cheek pass on from this life each and every day. Having fought the enemy in Belgium, France & Germany, it wasn’t until recently that Mr. Cheek would discuss the war with his family and tell them how proud he was to have been a part of it. Like every soldier who has worn the uniform, Mr. Cheek feels honored to be an American that helped fight for all of our freedoms and defeat the Germans in World War II.

Mr. Cheek has served more than six years as a member of the masons for many years, to this day remaining active in his community.

Today is the time for Congress to honor his memory and recognize his accomplishments on the field of battle.

COMMEMORATING THE 50TH ANNIVERSARY OF THE MACKINAC ISLAND STATE PARK COMMISSION'S HISTORICAL PRESERVATION AND MUSEUM PROGRAM

SPEECH OF
HON. CANDICE S. MILLER
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Monday, May 19, 2008

Mrs. MILLER of Michigan. Mr. Speaker, I rise today in strong support of H. Con. Res. 325, celebrating the 50th Anniversary of the Mackinac Island State Park Commission’s Historical Preservation and Museum Program. This program is of special importance to the people of my state as it has preserved Mackinac’s valuable history for generations to come.

From Mackinac’s roots as an American Revolutionary War post, a battleground during the War of 1812, and a Civil War prison, Mackinac has been an important site in shaping American history. It was the Historical Preservation and Museum Program which restored the remarkable treasure of Fort Mackinac and opened its doors to eager and interested tourists in 1958. Now for 50 years, visitors have been able to step back in time and experience the setting of the old Northwest and frontier.

In addition to the undeniable preservation undertaken by the Mackinac Island State Park Commission’s Historical Preservation and Museum Program, I value the strong impact the program provides the tourism economy of Michigan. Mackinac is a tourist destination because of its beautiful scenery and captivating history, and has welcomed more than 10 million visitors to the Mackinac State Historic Parks since 1958.

The people of Michigan are blessed to continue to share stories from our state that shaped the nation. We recognize the vital role the Mackinac Island State Park Commission’s Historical Preservation and Museum Program has played in preserving our noteworthy history and conveying it in such an exciting way. The Commission’s restoration and reopening of Old Mackinac Point Lighthouse in 2004, which further added to the rich traditions enjoyed on Michigan’s waterways, is another example of history coming alive.

For these reasons and more the Mackinac Island State Park Commission’s Historical Preservation and Museum Program deserves recognition for 50 years of preserving Michigan’s history while working to make history accessible and engaging.
I urge my colleagues to support the passage of this legislation.

FRANK BUCKLES

HON. SAM GRAVES
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 21, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Frank Buckles, the last remaining American veteran of World War I. Mr. Buckles was born on a farm near Bethany, Missouri in 1901. Mr. Buckles lied about his age to enlist after turning 16, and fought in France and Germany. Later, in World War II he became a prisoner of war for 39 months after the Japanese invaded the Philippines.

Mr. Buckles’ life represents the last of a generation that fought for our country to protect the freedoms that this country was founded upon. It is his service, and the service of those that he fought with that we will always remember and pay tribute to. Mr. Buckles is planning to honor his Commanding General John J. Pershing by visiting his boyhood home on Memorial Day, May 26, 2008.

Madam Speaker, I proudly ask you to join me in recognizing Frank Buckles, a true patriot that represents all those who have served to protect this nation. It is truly an honor to serve Mr. Buckles in the United States Congress.

RECOGNIZING MR. JEROME L. SCHOSTAK

HON. JOE KOLLENBERG
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 21, 2008

Mr. KOLLENBERG. Madam Speaker, I want to recognize and congratulate Mr. Jerome L. Schostak for receiving the 2008 Lifetime Achievement Award from the Detroit District Council of the Urban Land Institute.

In 1954, Mr. Schostak joined the commercial and industrial real estate development, management, and brokerage firm, Schostak Brothers & Co., which was founded by his father Louis in 1920. Jerome Schostak’s leadership, ingenuity, and vision transformed the company from a brokerage firm into the national property management and development company that it is today.

Now, as Chairman and Chief Executive Officer of Schostak Brothers & Co., Mr. Schostak is continuing the traditions and practices that have made him so successful. So his family business, as three of his sons are now part of the firm, Schostak Brothers still follows the core values of serving both client and community. This is evident in their many philanthropic efforts, including the Juvenile Diabetes Research Foundation, the Detroit Institute of Arts, and Gleaners Community Food Bank of Southeastern Michigan.

The Urban Land Institute was founded in 1936, as a nonprofit research and education organization with the mission of providing responsible leadership in the use of land and in creating and sustaining thriving communities worldwide. The Detroit District Council was founded in 1997, and has regularly sponsored programs and forums to encourage an open exchange of ideas and experiences within the development community in Michigan. For the past four years the District Council has awarded the Lifetime Achievement Award to individuals for their work in real estate, commitment to the community, and demonstration of civic, charitable, and philanthropic endeavors.

Madam Speaker, for more that fifty years, Mr. Schostak has been a shining example of excellence in both the national real estate and local community. I commend him for his achievements and wish him continued success.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 21, 2008

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately yesterday, May 20, 2008, due to ground crew delays at Reagan National Airport and subsequent delays getting to the terminal, I was unable to cast my vote on H.R. 6081 and wish the record to reflect my intentions had I been able to vote.

Had I been present, I would have voted No. 331 on suspending the rules and passing H.R. 6081, the Heroes Earnings Assistance and Relief Tax Act, I would have voted “aye.”

EARMARK DECLARATION

HON. BILL SHUSTER
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 21, 2008

Mr. SHUSTER. Madam Speaker, consistent with the Republican Leadership’s policy on earmarks, I am placing this statement in the Congressional Record.

Requesting Member: Congressman Bill Shuster (PA-9).

Bill Number: H.R. 5658.

Project Name: Army Reserve Center, Letterkenny Army Depot.

Account: MILCON, ARMY RESERVE.

Legal Name of Requesting Entity: Letterkenny Army Depot.

Address of Requesting Entity: Letterkenny Army Depot, Franklin County, Pennsylvania.

Description of Request/Justification of Federal Funding:

Provide an authorization of $17.9 million for Army Reserve Center, Letterkenny Army Depot.

It is my understanding that funding for this project would consist of three area Army Reserve facilities at the Letterkenny Army Depot (LEAD) in Franklin County, Pennsylvania. The project will provide a 300 member training facility with administrative areas, classrooms, assembly hall, arms vault, kitchen, equipment storage, and administrative/educational facilities. LEAD has set aside 7.5 acres of secure federal land for construction of the Reserve Center. The Center will be constructed behind the Letterkenny fence and adjacent to 600 acres of federal land which are used for Reserve training. This facility will also meet all projected force protection and anti-terrorism standards. This project is in including the President’s FY 2009 budget and the US Army Reserve Fiscal Year 2009 FYDP.

Project Name: Upgrade Munition Igloos, Phase 2. Letterkenny Army Depot.

Account: MILCON, ARMY.

Legal Name of Requesting Entity: Letterkenny Army Depot.

Address of Requesting Entity: Letterkenny Army Depot, Franklin County, Pennsylvania.

Description of Request/Justification of Federal Funding:

Provide an authorization of $7.5 million for Upgrade Munition Igloos, Phase 2, Letterkenny Army Depot.

It is my understanding that funding for this project would modify igloo doors and provide concrete ramps to significantly increase productivity and enhance Letterkenny Army Depot’s (LEAD) ability to rapidly and safely support mission requirements. Letterkenny is a major receiving, storage, maintenance, and shipping site for both tactical missiles and conventional ammunition. These munitions are stored in 902 igloos constructed in the 1940s to store low technology ammunition that could be carried by hand. 706 of these igloos have 1 foot wide single doors ad a two step differential between the pavement and igloo floor. Funding for this project will modify approximately 100 igloos to 10 foot doors and provide concrete ramps direct from the pavement to the igloo. This project is in the US Army Fiscal Year 2011 FYDP. Letterkenny’s munitions storage mission continues to grow and its need for upgraded igloos to meet this mission requirement is more immediate than programmed.

Project Name: Expeditionary Persistent Power.

Account: RESEARCH, DEVELOPMENT, TEST, & EVAL, DEFENSEWIDE.

Legal Name of Requesting Entity: Mission Critical Solutions, LLC.

Address of Requesting Entity: 271 Industrial Lane, Alum Bank, PA 15521.

Description of Request/Justification of Federal Funding:

Provide an authorization of $3 million for Expeditionary Persistent Power.

It is my understanding that funding will be used for research, development, testing, and evaluation. This program builds on the recent success and advancements in ground based power and alternative propulsion systems for USSOCOM as well as advancements in the ultra thin film solar and small wind driven regeneration systems. The power/propulsion system will use latest-generation, commercially available Li-ion polymer batteries storing power from wind, solar, and regeneration techniques.

USSOCOM has a continuing requirement for Expeditionary Power and Clandestine Propulsion Systems for ground, marine, and UV’s for all operations environments and tactical scenarios.

It is also my understanding that approximately 55 percent of funding would be used for labor costs, approximately 40 percent of funding would be used for materials, and approximately 5 percent of funding would be used for travel and other costs.

Project Name: Fire Support Technology Improvement Program.

Account: RESEARCH, DEVELOPMENT, TEST, & EVAL, ARMY.

Legal Name of Requesting Entity: Critical Solutions, Inc.

Address of Requesting Entity: 100 East Pitt Street, Suite 300, Bedford, PA 15522.
Description of Request: Justification of Federal Funding:
Provide an authorization of $1.5 million for Fire Support Technology Improvement Program.
It is my understanding that funding for this project would be used for research, development, testing, and evaluation to leverage and develop advanced artillery battle management technologies and to integrate these advanced technologies into the Army fire support modernization initiatives.
This program will help in Battlefield Damage Assessment (BDA) for target re-fire, to include target of opportunity avoidance due to weighted benefits of a current intel information resource that is supplying crucial tactical intel information. This effort will also decrease the time from target identification to firing. The program will also provide Theater Commanders with the intelligence to determine if a fire mission may affect critical infrastructures or resources (water and oil pipelines, power lines or support facilities) that are critical to the civilian population.
It is also my understanding that approximately 50 percent of funding would be used for staff, approximately 17 percent of funding would be used to design and implement a test facility, and approximately 3 percent of funding would be used for travel and other costs.
Project Name: Maritime C4ISR System.
Account: RESEARCH, DEVELOPMENT, TEST, & EVAL, ARMY.
Legal Name of Requesting Entity: Mission Critical Solutions, LLC.
Address of Requesting Entity: 271 Industrial Lane, Alum Bank, PA 15521.
Description of Request/Justification of Federal Funding:
Provide an authorization of $1 million for Maritime C4ISR System.
It is my understanding that funding would be used for research, development, testing, and evaluation. This project would be used to support C4ISR situations awareness for maritime protection activities. The Maritime C4ISR System is a comprehensive suite of sensor devices together with IP based network communications to support C4ISR situational awareness for maritime protection activities.
The system was conceived for port and coastal missions requiring enhanced situational awareness, integrating and fusing existing sensors via IP. The Maritime C4ISR system allows the user to manage several complex and diverse tasks simultaneously through remote access, automation, information management, and the development of enhancement of decision aids to simplify decision-making and support defensive action by joint forces.
It is also my understanding that approximately 50 percent of funding would be used for staff, approximately 42 percent of funding would be used for material, and approximately 8 percent of funding would be used for travel and other costs.
Project Name: Strengthening LEAD Environmental, Energy, and Transportation Management.
Account: RESEARCH, DEVELOPMENT, TEST, & EVAL, ARMY.
Legal Name of Requesting Entity: Mountain Research LLC.
Address of Requesting Entity: 825 25th Street, Altoona, PA 16601.
Description of Request/Justification of Federal Funding:
Provide an authorization of $500,000 for Strengthening LEAD Environmental, Energy, and Transportation Management.
It is my understanding that funding for this project would be focused on technology transfer and implementation to reduce the impact of legacy use of toxic chemicals, investigate alternative fuel use for non-tactical fleet vehicles, reduce energy intensity, implement alternative renewable energy technologies, support the design and construction of sustainable buildings, and improve Environmental Management Systems at the Letterkenny Army Depot in Franklin County, Pennsylvania.
The President signed E.O. 13423 on January 24, 2007, requiring Federal agencies to “conduct their environmental, transportation, and energy-related activities under the law in support of their respective missions in an environmentally, economically and fiscally sound, integrated, continuously improving, efficient, and sustainable manner.” Letterkenny Army Depot’s unique mission, including manufacturing, depot level maintenance, and demilitarization, presents significant challenges to maintaining operations while achieving aggressive sustainable targets. Letterkenny Army Depot’s leadership in technology implementation will not only benefit Letterkenny, but will also facilitate horizontal technology transfer to surrounding Pennsylvania military installations, other Army depots, and installations across the DoD.
It is also my understanding that approximately 57 percent of funding would be used for labor, approximately 40 percent of funding would be used for material, and approximately 3 percent of funding would be used for travel and other costs.

EARMARK DECLARATION
HON. JERRY LEWIS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 21, 2008
Mr. LEWIS of California. Madam Speaker, pursuant to Republican earmark guidance, I am submitting for the RECORD the following project that has been authorized in H.R. 5658—the National Defense Authorization Act for fiscal year 2009.
Requesting Member: Congressman JERRY LEWIS.
Bill Number: H.R. 5658.
Account: Military Construction—Navy.
Legal Name of Requesting Entity: Marine Corps Base Twentynine Palms.
Address of Requesting Entity: 73549 29 Palms Hwy., Twentynine Palms, CA 92277.
Description of Request: Phase I of the Life Long Learning Center, LLC, project at the Marine Corps Base Twentynine Palms provides a facility to help Marines and their families fulfill their educational goals. The project will replace the old, dated building with a 17,000-square-foot, three-story building which will include classrooms, office spaces, a computer room and other supporting infrastructure. When completed, the LLC will facilitate more than 40 higher education classes with an anticipated enrollment exceeding 1500 students per term. The Marine Corps supports this project as it would dramatically improve the quality of life for our soldiers.

EARMARK DECLARATION
HON. DOC HASTINGS
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 21, 2008
Mr. HASTINGS of Washington. Madam Speaker, I believe funding to clean up the Hanford site in Washington State, and the Department of Energy’s other Environmental Management sites across the country, is a fundamental federal obligation, not an earmark as it is labeled in this bill. However, because it has been so labeled in the Committee report, I voluntarily submit to the House an explanation and justification of this funding in an effort to provide as much public disclosure as possible on congressionally directed funding and earmarks. The $10 million programmatic increase provided for in the bill will be used for the Department of Energy’s Environmental Management program at the Hanford Site in Fiscal Year 2009. The entity to receive the funding is the U.S. Department of Energy located at 1000 Independence Avenue, S.W., Washington, D.C. 20585. The Federal Government has a legal and moral obligation to clean up the massive wastes and contamination it created at Hanford during the Manhattan Project, World War II and the Cold War. Funding to clean up Hanford is not a luxury sought by myself or my constituents, it is an essential responsibility of the United States government. The over 500-square-mile Hanford site is the world’s largest and most complex environmental cleanup project, and the Federal Government must keep its commitment to clean it up. No matching funds are required.
Mr. SOUDER. Madam Speaker, I would like to make a few brief comments to clarify the fruit and vegetable provisions that were in the conference report.

In this and previous Congresses, Madam Speaker, I have cosponsored legislation to allow farmers who grow fruit and vegetables for processing to opt out of farm programs on an acre-for-acre basis without limitation, changes that would reduce farm program costs and improve the environment by allowing more extensive crop rotations. I am very pleased that the farm bill conference report takes a step in this direction by establishing a pilot project to allocate 75,000 acres of new unused acreage among states.

To administer this pilot project, the conference report gives the USDA broad discretion. It does not specify a procedure for allocation of the pilot project acreage or other administrative matters, such as re-allocation of unused acreage allocations among states. However, the agreement does clearly state that USDA is required to establish rules to assure that this additional fruit and vegetable production authority will not be abused. For example, only fruit and vegetables under contract for processing are to be produced under this authority, and the USDA is to assure that all of the crop produced is delivered to a processor and that the quantity of crop delivered under the original contract (the contract in existence upon Farm Service Agency certification) does not exceed the quantity that is produced on the contracted acreage.

Furthermore, the effects of the pilot project and fruit and vegetable restrictions on the specialty crop industry, both fresh and processed, are to be evaluated. These restrictions are intended to protect the objectives of the pilot project, not to compel food waste or excessively burden Farmers with added regulation. Finally, the conference report includes an important statement of policy indicating that in the next re-calculation of base acreage, fruit and vegetable production will not cause a reduction in a farmer's base acreage. While this is a small step in reducing restrictions on the production of fruits and vegetables, it is a step in the right direction, and I commend the conference committee for including it.

Legal Name and Address of Receiving Entity: Peckham Industries, 2822 North Martin Luther King Jr. Boulevard, Lansing, Michigan 48906.

Earmark Description: The CWLS is part of the Marine Corps’ Mountain and Cold Weather Clothing and Equipment Program, which provides lightweight, durable combat clothing that allows Marines to operate in all kinds of cold weather environments. It is the intent of the Commandant of the Marine Corps to provide warfighters with a “capability set” of clothing to facilitate expeditionary operations in mountainous and cold conditions. The goal is for the CWLS to reduce the weight and volume that a Marine operating as dismounted infantry must carry to accomplish combat missions in those conditions.

Earmark Budget: Cost of Garments Per System (for Peckham/Polartec layer of system ONLY)—$137.07; Test and build approximately 29,000 total systems—$4,000,000; Garment Production—$2,000,000; Materials—$1,600,000; Quality Control/Fielding—$400,000; Total—$4,000,000.

The Cold Weather Layering System includes: 1 Polartec Windpro MarPat Jacket; 1 Polartec Stretch Windpro Hat; 1 Set of Polartec PowerDry Silkweight underwear top and pants; 1 Set of Polartec PowerDry Grid long underwear top and pants.

BILL CASTOR: BROUGHT THE WORLD TO HIS CLASSROOM

HON. STEVE BUYER
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 21, 2008

Mr. BUYER. Madam Speaker, as Americans we begin our careers with lofty goals; the sky is the limit because in America it is “okay” to dream big. And when we retire, and as we look back over our lives can we say that we made a difference and left the world a better place? I can assure you Bill Castor can say that with no hesitation.

After 39 years of teaching in public education, Bill Castor has been an inspiration to his profession, the community, and most importantly, his students.

Bill graduated from Lapel High School in May 1964, and in 1969 he graduated from Ball State University where he received a Bachelor of Science degree in Social Studies, Sociology, American History, and Psychology. In 1973, he received his Masters degree in Social Studies Education from Purdue University.

As a young teacher in the 1970s at West Central High School, Bill taught my wife—then Joni Geyer. Joni always speaks fondly of the mention of his name.

Throughout his teaching career, Bill has taught both high school and middle school. His teaching assignments have included psychology, sociology, geography, government, and American history.

In his teaching career, Bill brought the world into his classroom. He knew how to bring history to life. Stepping into Bill’s classroom was like stepping into the past as he incorporated his love for antiques in his lessons. Whether looking at old weather maps in the cabinet or a showcase of his antiques, history was not just read from a book in his classroom, but tangible items that students could see and touch.

Bill’s sense of humor makes it easy to understand how he made such an impact on his students. Whether lecturing, involving students in a class project or discussion, or telling stories about the people and events in our country’s history, his sense of humor was deeply woven throughout the classes that he taught, keeping participation and interest high for his students.

Bill’s love for the liberties which make this Nation great are reflected in his efforts to honor the sacrifices made by our men and women in uniform. In that regard Bill organized Veteran’s Day celebrations to make sure his students did not forget the people who spend their lives protecting our freedom. I have enjoyed participating in several of these activities honoring America over the years including the annual 8th grade trip to Washington, D.C. Bill would do along with his fellow teacher, Jody Healy.

The staff and students Roosevelt Middle School will miss Bill Castor. The teaching profession will miss him. He has left behind a fine legacy. His pleasant and positive outlook on life has been a refreshing and motivating influence on the students and faculty of Roosevelt Middle School.

Teachers often say that the biggest reward they get from their profession is when they “connect” with students. Bill Castor connected with his students on a daily basis. He set the bar high as he brought the world to his classroom and challenged his students every day. In short, he made a difference in so many students’ lives.

Mr. Castor, you should be proud of your contributions to your students, your fellow teachers and your community. Thank you for being a part of the Roosevelt Middle School faculty.

EARMARK DECLARATION

HON. FRED UPTON
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 21, 2008

Mr. UPTON. Madam Speaker, I submit the following:

Requesting Member: Congressman FRED UPTON.

Bill Number: H.R. 5658.

Account: Research, Development, Test and Evaluation—Army.

Legal Name of Requesting Entity: Eaton Corporation.

Address of Requesting Entity: 9218 B Drive South, Marshall, MI 49068.

Description of Request: This request is to provide funding for the final phase of an ongoing three phase program between Eaton and the U.S. Army. Eaton Corporation, which produces truck components in Galesburg, Michigan, has successfully worked with the Army over the past several years to develop and test torque-modifying differentials for the HUMVEE to improve the vehicle safety. Phase I and II of the project was structured to first adapt commercial Eaton side-to-side torque modifying differentials to HUMVEES. These programs have proven very successful in quantitatively demonstrating improved vehicle safety by increasing mobility and stability on rough terrain and drastically reducing vehicle rollovers. Prototype systems will be delivered to the Army for additional testing in May.
2008. Military-hardened systems will be subsequently designed.

The third and final phase of the program is to develop a front-to-rear transfer case to modulate the driving torque between the front and rear axles. In conjunction with the side-to-side system developed in Phases I and II, this will provide the soldier with the ultimate system for HUMVรёE stability and mobility through complete 4×4 active torque management.

Financial Breakdown:
Funding Source Breakdown: Total Phase III project cost: $3,500,000; Federal funds: $2,500,000; Eaton internal funds: $1,000,000; Percent matching funds = $1,000,000 + $3,500,000 × 100 percent = 29 percent.

Allocation of Funds: 15 percent—$375,000—Model hardware function and vehicle maneuvers; 25 percent—$825,000—Materials—modifications to transfer case and addition of differential; 10 percent—$250,000—Preliminary Bench test and vehicle functional tests; 50 percent—$1,250,000—Labor—Design/procure hardware, develop preliminary controls software.

Justification for the use of taxpayer dollars: This program addresses a key military need for tactical wheeled vehicle stability and mobility. The technology will greatly improve soldier safety and survivability and mission effectiveness. Eaton Automotive is a commercial company currently serving military customers. Taxpayer dollars are requested for this program to adapt Eaton commercial technology to military vehicles.

HONORING THE MEMORY OF BARRY H. GOTTEHRER
HON. ROBIN HAYES
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 21, 2008

Mr. HAYES. Madam Speaker, I wish to submit the following earmark:

Requesting Member: Congressman ROBIN HAYES


Account: Military Construction, Additional Defense Access Roads funding for Fort Bragg Access Roads, Phase I (Bragg Boulevard/Murchison Road)

Legal Name of Requesting Entity: BRAC Regional Task Force, Inc. Fort Bragg, NC
Address of Requesting Entity: P.O. Box 70999 Fort Bragg, NC 28307, USA.

Description of Request: This request increases the Department of Defense funding authorization from the President’s FY09 Budget, level of $13.24 million by an additional authorization for $8.56 million. The increase is due to revisions to the original project necessary by the U.S. Army Soldier Systems Development Command and other mission growth at Fort Bragg. This is a high priority security project to close Bragg Boulevard to public traffic through Fort Bragg. This action is necessary to ensure the safety of the new FORSCOM HQ which is being built in close proximity to Bragg Boulevard. The project will widen Murchison Road to flow traffic around Fort Bragg and includes two new interchanges to access control points at Fort Bragg. The project is currently being planned and designed by North Carolina Department of Transportation (NCDOT) in two phases. This increase is necessary to construct Phase I which will widen NC 210 (Murchison Road) to six lanes beginning at the new 1295 Fayetteville Outer Loop interchange and continue north to include a new interchange at Honeoye Rd. The new interchange, rather than an at-grade crossing is the reason for the additional funds. NC DOT is providing additional funding for this.

Account: Defense-Wide, RDTE.
Legal Name of Requesting Entity: Partner-ship for Defense Innovation.
Address of Requesting Entity: 455 Ramsey Street, Fayetteville NC 28301.

Description of Request: The Partnership for Defense Innovation received an authorization for $3 million for an expansion of the PDI Special Operations Forces Wireless Testbed by establishing a testing and evaluation assessment center. This added capability will provide rapid testing and assessment, development, and operational application of wireless communications equipment. This capability will include an indoor high-bay for vehicle modification and testing, a radio frequency testing chamber for evaluation of communications equipment, and environmental testing chambers designed to test and assure the performance of equipment. USSOCOM requires testing and assessment of emerging technologies in net-centric operations. USSOCOM is facing a convergence of factors constraining military bandwidth. The reliance on the vast amount and types of data that the net-centric warrior requires for computing, communication, command & control and surveillance is challenging. These different types of data are collected from a plethora of different sources and types, which rely on different data transfer protocols that can affect the size of the files and thus bandwidth demands. The Laboratory will continue to solve these issues while providing a proximate test bed for just-in-time new product tests and evaluations on WiFi battlefield solutions.

Requesting Member: Congressman ROBIN HAYES


Account: Defense-Wide, RDT&E, R=1 Line Number: 23; PE #: 1160401BB.
Legal Name of Requesting Entity: DropMaster, Inc.
Address of Requesting Entity: 3600 Abernathy Drive, Fayetteville, NC 28311.

Description of Request: Provide a $3.5 million defense authorization to produce a stealthy and expendable small payload system of aerial re-supply providing Special Operations Forces with immediate on-call logistical airdrop leveraging existing technologies to produce a scalable family of CopterBox units with precision guidance. Special Operations Forces have successfully used hundreds of unguided CopterBox units in Afghanistan and seek to replace depleted inventory. FY09 funding will supply current needs and produce a guidance system and a scalable family of precision-guided expendable airdrop delivery vehicles (EADS). Using FY08 USSOCOM appropriations, the U.S. Army Soldier Systems Center is preparing to undertake initial certification drop-testing of CopterBox. Full FY09 funding will develop scalable variants and result in a self-sufficient program as certified EADS units are purchased in the ordinary procurement process.

Requesting Member: Congressman ROBIN HAYES

Account: Operations & Maintenance, Marine Corps, Operating Forces.
Legal Name of Requesting Entity: Longworth Industries.

Address of Requesting Entity: 480 E. Main Street, Candor, NC 27229.

Description of Request: Provide an authorization of $5,000,000 for Acclimate Flame Resistant High Performance Base Layers. Acclimate flame resistant high performance base layers are designed to provide an increased degree of protection against potential exposure to heat and flame of a short duration. In a flash fire situation, Acclimate flame resistant base layers are thermo-static meaning they will remain physically intact when exposed to a short duration heat source. They will not break open, thus helping to minimize burn injuries as well as eliminating the intensified burns caused by the melting or dripping of other synthetic materials. The Marine Corps has a $27.0 million “Unfunded Requirement” to provide, “modernized clothing and equipment that is more effective, lighter and more durable to support the warfighter in austere environments that have been identified in the Global War on Terrorism.” The Clothing and Flame Resistant Organizational Gear (FROG) program (including the Fire Resistant Desert Combat Jacket) has been funded to meet the Marine Corps’ flame resistant apparel requirements with products like the Acclimate Flame Resistant High Performance Base Layers. The $44.9 million authorization provided by the Committee for the FROG program will be used to meet an ongoing requirement to procure sets of flame resistant crews and pants for deploying and training Marines, providing them with an added capability to meet their difficult missions. Longworth Industries will be eligible to compete for contracts within the $44.9 million allocation.

Requesting Member: Congressman ROBIN HAYES.


Account: Air Force RDT&E, PE 0603112F.

Legal Name of Requesting Entity: Metals Affordability Initiative (MAI) Consortium.

Address of Requesting Entity: MAI Program Management Office Mail Stop 114-45, 400 Main Street, E. Hartford CT 06108.

Description of Request: Provide an authorization for $14 million above the FY09 President’s Budget Request for the Metals Affordability Initiative (MAI), an Air Force research program, whose mission is to maintain leadership in the strategic aerospace metals industrial sector by using technology innovation to maintain global competitiveness while improving performance and increasing affordability of weapons systems. This sector includes the entire domestic speciality aerospace metals industrial manufacturing base, representing all elements of the supply chain, which produce aluminum, beryllium, nickel-base superalloys, and titanium. MAI programs have accomplished 47 current or planned technology insertions into military systems. Many MAI programs impact sustainability of the AF fleet which consists of over 6000 aircraft at an average age of over 25 years. The technology developed is pervasive and applicable to other military systems. New programs will be directed at sustainment/life extension, fuel savings/environmental impact, and access to space. ATl Alivac of Monroe, North Carolina is a specialty metals member of the MAI Consortium.

Requesting Member: Congressman ROBIN HAYES.


Account: Navy, O & M.

Legal Name of Requesting Entity: U.S. Naval Sea Cadet Corps.


Description of Request: Provide an authorization of $300,000 for the U.S. Naval Sea Cadet Corps. When added to the $1,700,000 in the FY 2009 budget request will fund the program at the full FY09 $2,000,000 requirement. The program is focused upon development of youth ages 11–17, serving almost 9,000 Sea Cadets managed by adult volunteers. It promotes interest and skill in seaman- ship and aviation and instills qualities that mold strong moral character in an anti-drug and anti-gang environment. Summer training onboard Navy and Coast Guard ships and shore stations is a challenging training ground for developing self-confidence and self-discipline prior to high standards of conduct and performance and a sense of teamwork. Funds will be utilized to “buy down” the out-of-pocket expenses for training to $85/week as Sea Cadets are responsible for all program expenses. Military accessions related to this program are a significant asset to the Services: Over 2,000 ex-Sea Cadets enlist annually and an average of over 10% of USNA Midshipmen are ex-Cadets. Cadets will pay $170 each for a two week training which is over 20% of the project cost. One of the units in this nationwide program is in Charlotte, North Carolina.

REMEMBERING THE PUBLIC SERVICE AND LIFE OF JUDGE LARRY T. CRAIG

HON. RALPH M. HALL of TEXAS IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. HALL of Texas. Madam Speaker, I rise along with Congressman LOUIE GOHMERT to honor today a distinguished County Judge and great American, Judge Larry T. Craig, of Tyler, TX, who recently passed away at the age of 71 on April 12th.

Judge Craig was born in Fort Sumner, New Mexico, on July 20, 1936. After moving to Tyler in the summer of 1949, he attended Tyler public schools, graduating from Tyler High School and Tyler Junior College. Having served his country in the United States Naval Reserve, he was honorably discharged in 1963 and attended The University of Texas and the University of Houston, where he earned his bachelor of science in Pharmacy. For the next 25 years Judge Craig worked in retail pharmacy, with 10 of those years as the owner and operator of Craig Pharmacy. In March of 1972, Judge Craig married Barbara Jean Copeland, with whom he raised a family of five children.

Judge Craig continued his education and graduated from the Reserve Law Enforcement Academy at Tuskegee Institute and the Police Academy at Kilgore College, where he was licensed by the Texas Commission on Law Enforcement Education and Standards.

He was elected County Judge of Smith County in 1986, and was re-elected in 1990, 1994, and 1998. With four terms of service as Smith County Judge, he became the longest serving judge to hold that position.

It was an on-the-job learning process, and he learned that the legal aspect of the job initially difficult. But he studied hard, read late into the evenings, and did his job well. Judge Craig consistently received high marks for his work on the bench in local bar polls, and of the three decisions he rendered that were appealed, all were eventually upheld by higher courts.

Judge Craig also served on several statewide boards, associations, and commissions, including the Texas Commission on Jail Standards. Then Texas Governor George W. Bush appointed Craig and designated him chairman in 1995, where he would become the longest serving Chair of the agency after holding the post for five years.

Judge Craig will be remembered as a man of service and a gentleman, but above all, his memory will be honored by the commitment he made to “keep God and your family first and foremost.” It has been said that Judge Craig “was the kind of man that made God proud,” and we would concur.

Madam Speaker, we ask our colleagues to join us in paying tribute to a gentleman, an outstanding public servant, and a great American—Judge Larry Craig.

EARMARK DECLARATION

HON. TOM LATHAM
OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. LATHAM. Madam Speaker, I wish to make the following disclosure in accordance with the new Republican Earmark Transparency Standards requiring Members to place a statement in the CONGRESSIONAL RECORD prior to a floor vote on a bill that includes earmarks they have requested, describing how the funds will be spent and justifying the use of federal taxpayer funds.

Requesting Member: Congressman TOM LATHAM.


Account: MiCon, Air National Guard

Legal Name of Requesting Entity: Iowa Air National Guard.

Address of Requesting Entity: 7700 NW Beaver Drive, Johnston, Iowa, 50131.

Description of Request: Authorizes appropriation of $56.6 million for the construction of a new Vehicle Maintenance Facility and remodeling of the existing Communications Facility located at the 133rd Test Squadron in Fort Dodge, Iowa. Updating facilities at the 133rd Test Squadron is of the utmost importance and highest priority for the Iowa National Guard. This project is approved on the U.S. Air Force Future Year Defense Plan (FYDP), and has been assigned the number HEMT039066. The facility is significantly short of space due to the expansion of the unit’s mission, manning and resources. Since it is the only unit designated to test future Command and Control (C2) projects for the U.S. Air Force, the performance of the 133rd Test Squadron is vital to Air Force missions. A detailed financial
plan based on form DD 1391 required by the Department of Defense for military construction projects follows.

<table>
<thead>
<tr>
<th>Item</th>
<th>U/M</th>
<th>Quantity</th>
<th>Unit cost</th>
<th>Cost ($000)</th>
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<tr>
<td>Vehicle Maintenance/Comm Training Facility</td>
<td>SF</td>
<td>32,369</td>
<td>4,171</td>
<td></td>
</tr>
<tr>
<td>Vehicle Maintenance Area</td>
<td>SF</td>
<td>7,000</td>
<td>230 (1,470)</td>
<td></td>
</tr>
<tr>
<td>Age Addition to Comm Area</td>
<td>SF</td>
<td>2,600</td>
<td>186 (484)</td>
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<tr>
<td>Upgrade Communications Area</td>
<td>SF</td>
<td>22,769</td>
<td>91 (2,072)</td>
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</tr>
<tr>
<td>Anti-Terrorism/Force Protection Measures</td>
<td>SF</td>
<td>32,369</td>
<td>2 (60)</td>
<td></td>
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<tr>
<td>LEED</td>
<td>SF</td>
<td>104</td>
<td>60 (1,530)</td>
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<tr>
<td>Supporting Facilities</td>
<td>LS</td>
<td>844</td>
<td>150 (121,600)</td>
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</tr>
<tr>
<td>Paint</td>
<td>LS</td>
<td>844</td>
<td>110 (93,080)</td>
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<tr>
<td>Site Improvements/Park-Ing</td>
<td>LS</td>
<td>230</td>
<td>100 (23,000)</td>
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<tr>
<td>Communications Support</td>
<td>LS</td>
<td>120</td>
<td>130 (15,600)</td>
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<td>Pre-Wired Work Stations</td>
<td>LS</td>
<td>22,769</td>
<td>2072</td>
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<td>Temporary Trailers</td>
<td>LS</td>
<td>15</td>
<td>100 (1,500)</td>
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<tr>
<td>Demolition</td>
<td>SF</td>
<td>3,270</td>
<td>15 (49)</td>
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<td>Subtotal</td>
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<td>5,287</td>
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<tr>
<td>Contingency (5%)</td>
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<tr>
<td>Total Contract Cost</td>
<td></td>
<td></td>
<td>5,539</td>
<td></td>
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<tr>
<td>Total Request (Rounded)</td>
<td></td>
<td></td>
<td>5,600</td>
<td></td>
</tr>
</tbody>
</table>

10. Description of Proposed Construction: New Construction: Reinforced concrete foundation and floor slab with steel-framed monastery walls and sloped roof structure. Includes overhead crane/hoist, all utilities, pavements, fire protection, site improvements, and support. All interior walls, ceilings, interior finishes and pre-wired workstations. Alteration: Rear-range and extend interior walls and utilities. Provide anti-terrorism force protection measures. Demolish three buildings (304 SM) and landscape the site. Air Conditioning: 60 Tons. 

REQUIREMENT: 32,369 SF ADEQUATE: O SF SUBSTANDARD: 22,769 SF.

PROJECT: Vehicle Maintenance and Communications Training Facility (Current Mission).

REQUIREMENT: The base requires an adequately sized, properly configured, and environmentally safe vehicle maintenance facility for operations and training. Vehicles to be repaired and maintained include cars, trucks, sweepers, and snowplows. Functional areas consist of maintenance bays, paint bay, office area, parts/tool storage, battery shop, vehicle dispatch, fuel dispensing facility and wash rack. An adequately sized and properly configured facility is required for the operations, maintenance, and training in support of a 132-personnel combat communications squadron responsible for tactical communications-electronic warfare (C2-ELW) functional areas. The command section, communication systems (i.e., satellite, base, and network), communications center, combat support, secure storage, deployment control center, classrooms, physical fitness center, dining area, and medical training.

CURRENT SITUATION: The vehicle maintenance functions are accomplished in a facility that has reached the end of its useful life. Facility maintenance and repair of the mechanical and electrical systems are no longer cost effective due to the lack of replacement parts. The facility is significantly short of maintenance, office, and training space due to the expansion of the unit’s manning and resources over the years. Maintenance and repair operations on larger vehicles must be done outside because they do not fit in the small bays. The facility has numerous safety, health, and environmental hazards. The communications and electronics facility portion of this project will reconfigure and renovate existing spaces while adding to the complex to alleviate facility shortfalls. Mission accomplishment and Status of Readiness and Training System (SORTS) levels are degraded as there is no adequate space to properly store civil engineering equipment, generators, and equipment assets to be deployable within a prescribed time criteria given winter conditions. The 133rd is accomplishing part of the test mission requirements in a facility on the other side of the airport runway. This requires them to take valuable time and manpower to go to the support functions such as medical and supply items. The area is 12 percent short of the required space needed to support the mission. Several Control and Reporting Center (CRC) testing events have been located in building 102, which has been identified to be demolished. This facility requires roof repairs and electrical and mechanical upgrades to meet code requirements. The space is not functionally set-up to house a test squadron, which causes interruptions in training/testing requirements. They do not have the space to test, maintain, train and repair equipment that they are required to support. The office space is not properly configured. The Aerospace Ground Equipment (AGE) facility (building 101) is not functionally efficient as an AGE shop with its current layout. Equipment is stored outside due to a lack of covered storage space. The administrative area is congested and not properly configured. The existing forced air heat system is inefficient and requires repair. The existing floor drains are not connected to an oil water separator. The majority of the base infrastructure system is over 40 years old and has been upgraded only as part of new construction. Parts of the system that have not been upgraded are deteriorated due to age.

IMPACT IF NOT PROVIDED: Operations and training suffer from lack of up-to-date and adequate facilities. The overcrowded and antiquated facility seriously degrades the unit’s capability to maintain a safe, operationally ready fleet, and severely limits the unit’s ability to train. Continued safety and environmental problems with the installations of federal and state environmental statutes. Quality of life is negatively impacted affecting morale, recruiting, and retention.

ADDITIONAL: This project meets the criteria specified in Air National Guard Handbook 32-1084, “Facility Requirements” and is in compliance with the base master plan. These facilities are “inhabited” buildings and meet the stewardship distance requirements. There is minimal threat and the level of protection is low so minimum construction standards have been applied. All known alternatives options were considered during the development of this project. No other option could meet the mission requirements; therefore, no economic analysis was needed or performed. The following buildings are to be demolished as a result of this project: 101 (214 SM), 104 (45 SM), and 105 (45 SM) for a total of 304 SM. VEHICLE MAINTENANCE AREA—7,000 SF = 1,650 SM. AGE ADDITION TO COMM AREA—2,600 SF = 242 SM.

UPGRADE COMMUNICATIONS AREA—22,769 SF = 2,115 SM.

DESTRUCTION/ABSESTOS REMOVAL—3,270 SF = 304 SM.

RECOGNIZING THE 100TH ANNIVERSARY OF THE FOUNDING OF THE CONGRESSIONAL CLUB

SPEECH OF

HON. JOHN S. TANNER
OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 2008

Mr. TANNER. Mr. Speaker, I rise today to acknowledge the 100th anniversary of the founding of the Congressional Club, founded 100 years ago as an official organization of the spouses of those of us serving in this House and in the Senate. I am very familiar with their great work, because my wife Betty Ann is an active member and presently serves on the Congressional Club’s board.

The Congressional Club is host to one of the most important nonpartisan events that happen in Washington—the annual First Lady’s Luncheon. It also hosts monthly lectures, children’s parties, tours for charitable organizations, and senior citizen luncheons.

The members of the Congressional Club realize the incredible opportunities and responsibilities they have toward national service. During World War I and World War II, the Congressional Club curtailed many of its social events so that members of the Club could roll bandages for the Red Cross, help provide for servicemen’s families and assist troops in transit to their service. At the encourage-ment of First Lady Eleanor Roosevelt, the Congressional Club sold war bonds, using the proceeds to purchase two evacuation air-planes, one named The Congressional Club and one named The U.S. Congress, to airmilt wounded troops from the battlefield.

The important role spouses play in the work we do is evident in one legend surrounding the establishment of the Congressional Club. According to the story, one wife knew her hus-band, a member of this body, planned to vote against the incorporation of the Congressional Club, so she came into the Capitol and distracted him outside the House Chamber while the House voted on and approved the resolution that allowed for the formal recognition of the organization.

Mr. Speaker, no one is quite sure whether that story is true, but it does help stress an impor-tant point with which few can argue: Congressional spouses play an instrumental part in the work we do. I am honored to join with you in honoring their work on this 100th anni versary of the Congressional Club.

A TRIBUTE TO COLONEL KENNETH FLOWERS

HON. MIKE MCINTYRE
OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. MCINTYRE. Madam Speaker, I rise today to pay tribute to the career of Colonel Kenneth Flowers from Red Springs, North Carolina. With 26 years of active and commis-sioned service, Colonel Flowers has served our country in a variety of diverse assignments. Now, as he prepares for retirement, I
Colonel Flowers’ assignments have been extensive. He has served as Director of Open Systems Joint Task Force, an Army Staff Officer, Commander, Signal Officer, Platoon Leader, Battle Staff Officer, to name only a few. Colonel Flowers’ awards and decorations include the Defense Superior Medal, Meritorious Service Medal with 6 Oak Leaf Clusters, Army Commendation Medal, Army Achievement Medal with 2 Oak Leaf Clusters, National Defense Service Medal, Armed Forces Expeditionary Medal, South- west Asia Service Medal, Kuwait Liberation Medal, Global War on Terrorism Medal, Armed Forces Service Medal, the Office of the Secretary of Defense Staff Badge, the Army Staff Badge, the Joint Meritorious Unit Award, and the Army Superior Unit Award. His hard work has benefited his community and nation, and for that reason I stand today to express my deepest appreciation.

Colonel Flowers currently resides in Manassas, Virginia, and has been blessed with a wife and three children. He will be retiring from his current assignment to the Office of the Assistant Secretary of Defense for Networks and Information Integration. I wish the very best for Colonel Flowers in his future endeavors, and I ask that you join me today in recognition of his impressive career of courageous duty and enduring public service.

CELEBRATING LIVESTRONG

HON. JOE COURTNEY
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 21, 2008

Mr. COURTNEY. Madam Speaker, on May 13, 2008, communities in Connecticut and around our Nation collectively clad in yellow, celebrated LiveSTRONG Day. LiveSTRONG Day is a day of national reflection, where cancer survivors and disease awareness are recognized in an effort to raise funds to support cancer research and education.

Over a decade ago, one of the world’s greatest athletes, Lance Armstrong, was diagnosed with testicular cancer. Although his prognosis was grim, he overcame seemingly insurmountable obstacles to become a cancer survivor. With his disease in remission, he founded the LiveSTRONG Foundation, which has since connected communities around the Nation with the collective goal of promoting cancer research and education. The LiveSTRONG Day codifies the priorities of the foundation through national grassroots efforts.

In eastern Connecticut, LiveSTRONG Day was celebrated in a number of forms, from yellow fashions to a pickup game of hockey. Several years ago, my good friend and cancer survivor Nancy Brouillet gave me a LiveSTRONG wristband, which I am proud to wear and show my support for these efforts and broader efforts around the Nation. Through these simple acts, the eastern Connecticut community offered support to the cancer survivors in our community as well as raised awareness of the disease in our region.

Madam Speaker, the LiveSTRONG Foundation is fighting some of the widest sweeping diseases in the U.S. and around the world. Although much has been accomplished with disease research and treatment, our Nation must continue to invest and support comprehensive efforts to find a cure for the millions that continue to suffer from this disease. The LiveSTRONG Foundation and the priorities of the annual LiveSTRONG Day have served and will continue to serve an invaluable role with achieving these necessary objectives. I ask my colleagues to join with me and my constituents in recognizing these contributions.

EARMARK DECLARATION

HON. FRANK A. LOBIONDO
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 21, 2008

Mr. LOBIONDO. Madam Speaker, as per the requirements of the Republican Conference Rules on earmarks, I secured the following earmarks in H.R. 5658.

Requesting Member: Congressman Frank LoBiondo (NJ-02).
Bill Number: H.R. 5658.
Legal Name of Requesting Entity: 177th Fighter Wing.
Address of Requesting Entity: 400 Langley Road, Egg Harbor Township, NJ 08234.
Description of Request: Provide an earmark of $8.5 million for the construction of Phase I of a two phase Operations and Training Facility for the 177th Fighter Wing at the Atlantic City International Airport in Egg Harbor Township, NJ. The Facility will house key wing administrative functions to better enable the 177th to perform its Air Sovereignty Alert mission in defense of the homeland.
Requesting Member: Congressman Frank LoBiondo (NJ-02).
Bill Number: H.R. 5658.
Account: Army—Research, Development, Test, and Evaluation.
Legal Name of Requesting Entity: (1) Drexel University; (2) Waterfront Technology Center.
Address of Requesting Entity: (1) 3141 Chestnut Street, Philadelphia, PA 19104; (2) 200 Federal Street, Suite 300, Camden, NJ 08103.
Description of Request: Provide an earmark of $7.0 million for Applied Communications and Information Networking (ACIN). ACIN enables the warfighter to rapidly deploy state-of-the-practice communications and networking technology for warfighting and National Security. This funding will build on funding from previous years to fully develop this technology.
Requesting Member: Congressman Frank LoBiondo (NJ-02).
Bill Number: H.R. 5658.
Legal Name of Requesting Entity: Accenture.
Address of Requesting Entity: 200 Federal Street, Suite 300, Camden, NJ 08103.
Description of Request: Provide an earmark of $7.0 million for Distributed Mission Interoperability Toolkit (DMIT). DMIT is a suite of tools that enables an enterprise architecture for on-demand, trusted, interoperability among and between mission-oriented C4I systems. This spending will build on funding from previous years to allow DMIT to be extended to Joint and coalition requirements, and address current weaknesses in Air Force management years ahead of current schedules. Adoption by major programs and commercial entities would lead to savings in the $100 millions on current and future DoD programs.

Requesting Member: Congressman Frank LoBiondo (NJ-02).
Bill Number: H.R. 5658.
Account: Army—Other Procurement.
Legal Name of Requesting Entity: L-3 Communications Corp.—East.
Address of Requesting Entity: 1 Federal Street, Camden, NJ 08103.
Description of Request: Provide an earmark of $6.0 million for Battlefield Anti-Intrusion System (BAIS). BAIS is the U.S. Army’s type standard tactical Unattended Ground Sensor (UGS) system for physical security/force protection. The system uses Seismic/Acoustic Sensors (SAS) to detect and classify potential threats for forward intelligence collection or perimeter self-protection. To date, 773 systems plus spares have been fielded representing 100% effective for the requisition Objective, yet approved fielding requirements for small unit protection and perimeter security exceed 8,933 systems. This $6.0 million will provide 270 additional BAIS units to the Army.

Requesting Member: Congressman Frank LoBiondo (NJ-02).
Bill Number: H.R. 5658.
Legal Name of Requesting Entity: McGee Industries.
Address of Requesting Entity: 9 Crozenville Road, Aston, PA 19014–0425.
Description of Request: Provide an earmark of $3.0 million for Improved Corrosion Protection for the ElectroMagnetic Aircraft Launch System (EMALS) for the CVN–21 class of carriers. The environment around aircraft carrier catapults is among the most corrosive (i.e. seawater spray, heat, deck contaminants) with which the Navy must contend. No reliable corrosion control or fracture detection system exists for the new EMALS configuration and the materials which will be used to construct it, in a catapult-like environment. This funding will continue the program from FY08 to develop design-specific corrosion data under simulated catapult conditions and needs to be continued in order to permit further design refinement, that will: (1) prevent premature component failures (2) minimize costly fleet maintenance and (3) enhance operational readiness.

Requesting Member: Congressman Frank LoBiondo (NJ-02).
Bill Number: H.R. 5658.
Legal Name of Requesting Entity: U.S. Naval Sea Cadet Corps.
Description of Request: Provide an earmark of $300,000 for the Naval Sea Cadet Corps Operational Funding. The program is focused upon development of youth ages 11–17, serving almost 9,000 Sea Cadets managed by adult volunteers. It promotes interest and skill in seamanship and aviation and instills qualities that mold strong moral character in an anti-drug and anti-gang environment. Funds are utilized to “buy down” costs for training at $85/week. A significant percent of Cadets join the Armed Services often receiving accelerated advancement,
Mr. ROGERS of Alabama. Madam Speaker, in accordance with the Republican Conference standards regarding Member initiatives, I rise today to provide a description for how funds authorized in response to my requests submitted to the House Armed Services Committee will be allocated. In making those requests, I submitted a financial certification letter to Chairman SKELTON which accompanied my requests, and included the following information:

I hereby certify that to the best of my knowledge (1) are not directed to any entity or program that will be named after a sitting Member of Congress; (2) are not intended to be used by any entity to secure funds for other entities unless the use of funding is consistent with the specified purpose of the earmark; and (3) meet or exceed all statutory matching funding requirements where applicable. I further certify that should any of these requests (1) are not directed to my requests, and included the following information:

In order to fully comply with these standards, Madame Speaker, I hereby submit a description of how the funds authorized in the National Defense Authorization Act for Fiscal Year 2009 will be used for the projects to follow.

Requesting Member: Congressman MIKE ROGERS (Alabama).

Address of Requesting Entity: 440 Hillabee St., Alexander City, AL 35010 USA.

Description of Request: Provide an earmark of $2,000,000 for the development of the Next Generation of Tactical Environmental Clothing (NGTEC) being conducted with the AFSEC. Approximately, $1,000,000 is for research and development of a lighter, quieter, waterproof material; $400,000 for engineering and manufacturing; $75,000 for laboratory analysis; $25,000 for field assessment; and $500,000 for risk and plan management. Special Operations Command (AFSOC) Special Tactics Teams and Combat Controllers operate in environments where extreme effects of physical exertion over difficult terrain result in hypothermia and other related conditions that degrade mission effectiveness. Current clothing articles provided to our combat airmen do not offer the best protection or prevention of these debilitating conditions. Recent developments in fibers research indicates that better materials can be made available for use in under and outer garments to greatly reduce the effects of moisture on the body. These capabilities, which now include a thermally efficient wicking fiber and a fabric and surface treatment combined with water-proof and tear resistant fibers should produce a garment with superior protective characteristics. This technology is at hand, and THY’s early prototypes have been field tested and found to resolve several of the shortcomings highlighted by troops from cold weather training exercises in Montana, and from the current combat theaters of operation.

Requesting Member: Congressman MIKE ROGERS (Alabama).

Address of Requesting Entity: 202 Samford Hall, Auburn University, Auburn, AL 36849 USA.

Description of Request: Earmark additional funds $1,000,000 to PE 0203735A of the DoD Combat Vehicle Improvement Program for Auburn University in FY 2009. The DoD Combat Vehicle program provided funds of $1,000,000 to Auburn University in FY 2008 to initiate the research project. Approximately $500,000 requested will be used by Auburn University to research and develop sensors for the detection of oil breakdown in the Abrams tank and associated military vehicles. Since this is an ITAR DoD restricted project, no corporate or other non-federal funds will be accepted for this project. Total projected cost of the project is $6,000,000. This research project benefits the public and non-profit segments of our economy (citizens and government). Implementation of condition based maintenance on military vehicles will improve vehicle readiness, reduce personnel injury, increase battlefield efficiency and result in a reduction of maintenance costs. No congressionally appropriated funding has been received by this project to date.

Requesting Member: Congressman MIKE ROGERS (Alabama).

Address of Requesting Entity: 3951 Alabama Highway 229, Tallassee, Alabama 36078.

Description of Request: Provide an earmark of $2,000,000 for the development of a composite cabin demonstrator for the Black Hawk helicopter. Approximately $75,000 is for program management, $50,000 is for engineering planning, $200,000 is for tooling, $200,000 for design engineering, $75,000 is for material purchase, $500,000 is for generation of material mechanical property testing for use in design, and $200,000 for the test structure. $400,000 is for process development through part manufacture, $500,000 is for structure testing. Current and new helicopter designs are experiencing weight increases through the addition of a lighter, quieter, waterproof material; $400,000 for engineering and manufacturing; $75,000 for laboratory analysis; $25,000 for field assessment; and $500,000 for risk and plan management. Special Operations Command (AFSOC) Special Tactics Teams and Combat Controllers operate in environments where extreme effects of physical exertion over difficult terrain result in hypothermia and other related conditions that degrade mission effectiveness. Current clothing articles provided to our combat airmen do not offer the performance and effectiveness of the aircraft. Recent DoD requested changes to the Black Hawk. As part of this technology demonstrator cabin, a floor sub-structure used thermoplastic composite materials to reduce the weight by almost 25% over the baseline metal structure while, at the same time, reduce development costs. Further development is required to take full advantage of the savings that composite materials technology can offer. Work for this program will occur in Montgomery and Tallassee, AL.

Requesting Member: Congressman MIKE ROGERS (Alabama).

Address of Requesting Entity: 730 Discovery Drive, Huntsville, Alabama 35806.

Description of Request: Provide an earmark of $10M to finalize development and validation of the Space Control Test Capability for the United States Air Force. Of the funds provided approximately $5 million dollars or 1/2 of the available funding is for final development of a Monte-Carlo version of SCTC which will join the already developed closed-form version to give a new combined capability to analyze important transient command/control situations (e.g. satellite outages). The combined closed-form/Monte-Carlo version provides both closed-form steady-state and transient-event analysis capabilities builds upon Air Force selected analytical engines and is already in the hands of the users in support of Terminal Fury. The Monte-Carlo addition completes the required analytical suite. Approximately $5 million dollars or 1/2 of the funding is for tool validation. When completed, the combined closed-form/Monte-Carlo SCTC tool is the only tool of its type and caliber in the Air Force analytical inventory. Completion of this combined closed-form/Monte-Carlo tool in GFY 2009 is needed to provide quantitative data support for acquisition decisions. The tool will provide decision time-lag and throughput data for combination steady-state and transient situations to quantify performance of alternative system implementations. The Air Force will use these performance predictors to make sound, quantitative-based acquisition decisions for upcoming space systems in areas such as OCS, DCS, SSA and communications now and in the future, providing additional AF funding to enhance operational capabilities as required.

Requesting Member: Congressman MIKE ROGERS (Alabama).

Address of Requesting Entity: Frontier Technology, Inc.

Description of Request: May it be noted for the record that a technical error was made and it is anticipated that the remedy will occur in the conference report. The correct Identification Number, 0603005A, Line 33 should be
The Air National Guard (ANG) operates a fleet in direct support of Special Operations Forces. The National Guard provides 26B aircraft deployed in support of missions, training or state missions, resulting short of this authorization by almost 100 aircraft. The ARNG has already invested $250 M to implement CBM for the Future Combat Systems. The above capabilities would need to be incorporated at the same time because of the large cost associated with the integration/installation of the aircraft subsystems identified above. Additional funding would be required to install this capability into the remaining Air National Guard fleet. Funding execution and expenditure plans shall be developed and approved by the responsible program manager for the Department of Defense, and Air National Guard, pursuant to applicable federal acquisition laws, regulations and guidelines.

The $3.0M funding is needed for concept development, design, integration and flight verification (on-aircraft only) of the following technologies that would enhance the current Block 20 RC-26B performance and effectiveness. Specific capability improvements would include:

- $0.5 M—Incorporation of digital video recorders capable of recording the increased data rates associated with the new digital imaging.
- $1.75 M—Incorporation of new digital EO/IR frame camera capability to replace the obsolete cameras eliminated from the prior modification.
- $0.75M—Incorporation of a new high capacity down link system that can manage the transfer of the increased data flow from the airborne RC-26B to a ground station.

The above capabilities would need to be incorporated at the same time because of the large cost associated with the integration/installation of the aircraft subsystems identified above. Additional funding would be required to install this capability into the remaining Air National Guard fleet. Funding execution and expenditure plans shall be developed and approved by the responsible program manager for the Department of Defense, and Air National Guard, pursuant to applicable federal acquisition laws, regulations and guidelines.

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Incorporation of a new high capacity down link system that can manage the transfer of the increased data flow from the airborne RC-26B to a ground station.

The $3.0M funding is needed for concept development, design, integration and flight verification (on-aircraft only) of the following technologies that would enhance the current Block 20 RC-26B performance and effectiveness. Specific capability improvements would include:

- $0.5 M—Incorporation of digital video recorders capable of recording the increased data rates associated with the new digital imaging.
- $1.75 M—Incorporation of new digital EO/IR frame camera capability to replace the obsolete cameras eliminated from the prior modification.
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be used to adapt Fleet Mission Readiness technologies from FCS to the tactical wheeled vehicle fleet to provide timely and accurate information for the Anniston Army Depot (ANAD) personnel deployed around the world in support of the warfighter.

Requesting Member: Congressman MIKE ROGERS (Alabama).


Account: MILCON, Army.

Legal Name of Requesting Entity: Congressmen MIKE ROGERS (Alabama).

Address of Requesting Entity: Anniston Army Depot, 7 Frankford Avenue, Anniston, AL 36201.

Description of Request: This earmark provides $1,463,000 for the Lake Yard Interchange. The funding will be used to construct an interchange and inspection building in the ammunition and explosives classification (Lake Yard) area of the Anniston Army Depot. This includes the move of ammunition classification from Turner Yard to the Lake Yard. Additionally, the site utilities will include electrical power, information technology, water, septic tank/field lines. The railroad track work will include new track for the interchange and spur.

Requesting Member: Congressman MIKE ROGERS (Alabama).


Account: MILCON, Army National Guard.

Legal Name of Requesting Entity: Congressman MIKE ROGERS.

Address of Requesting Entity: Alabama National Guard, 17204 – Congressman W.L. Dickinson Drive, Montgomery, AL 36109.

Description of Request: The $200,000 earmark will be used toward Project #010263, a project currently in the Future Years Defense Program for 2012. In the FYDP in FY2012, the completion project is budgeted for $15,367,000.00. The increase in total project cost is due to the updated DOD Facility Pricing Guide dated 2 July 2007. The updated FY09 cost is $20,205,000. If the project is left in the FYDP for FY12, the cost will need to be revised. This project is the Readiness Center Phase II of the Ft. McClel- lan Training Center. The construction will provide for an additional 112,375 square feet to the facility. Phase I is currently under construction 96,195 square feet for a total of 208,571 square feet when both phases are complete. The facility is required to house nine units with a required strength of 1,035 personnel. The 167th Theater Support Command will move from Birmingham to Anniston and be stationed in this facility when Phase I is completed in FY09. Phase II was programmed in the FYDP FY12, and was pushed out that year to FY12. Nearly half (42%) of the 167th TSC administrative space in the facility is being built in Phase II. This space is critical for the 167th TSC in meeting the unit’s CENTCOM mission and training objectives. If the project is included in the FYDP for FY12, it will be FY14 before Phase II is completed, five years after the unit moves from Birmingham to Anniston. This will have an adverse effect if personnel are not provided with adequate facilities to accomplish mission and training objectives. The lack of proper and adequate training support, and administrative areas could impair the attainment of required mobilization readiness levels for the unit and the daily support efforts for CENTCOM. The site of the project is on federal property. Approved by the Joint Services Reserve Component Facility Board 62/707.

EARMARK DECLARATION

HON. CHARLES W. “CHIP” PICKERING
OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 21, 2008

Mr. PICKERING. Madam Speaker, consistent with House Republican Earmark Standards, I am submitting the following earmark disclosure and certification information for one project authorization request that I made and which was included within the text of H.R. 5658, the “Duncan Hunter Defense Authorization Act for Fiscal Year 2009.”

Requesting Member: Congressman CHIP PICKERING.


Project Amount: $4.2 million.

Account: Defense-wide (DoD); RDT&E; Special Operations Intelligence Systems Development.

Legal Name of Requesting Entity: U.S. Special Operations Command.

Address of Requesting Entity: 7701 Tampa Point Boulevard, Florida.

Description of Request: A significant challenge in modern military operations is the ability to achieve and maintain real-time battlefield situational awareness. Achieving battlefield situational awareness requires the ability to robustly and persistently monitor the movements of the adversary in near real-time across a wide range of operational environments including foliage, mountainous, and urban terrain.

The funding will continue the research and development of small, low power UGS technologies that support critical USSOCOM reconnaissance and surveillance missions by providing robust: (1) target detection, classification and tracking; (2) high bandwidth, covert communication of data, voice and video, and (3) data/information exfiltration via satellite communications (SATCOM) for displaying advanced visualization technologies. The proposed UGS capability will provide USSOCOM with the ability to relay critical, actionable intelligence from remote areas of interest to analysts and commanders worldwide in near real-time ultimately allowing special operations forces (SOF) to think and react more quickly than the adversary. The proposed research program will also have applications in other areas such as border patrol.

IN RECOGNITION OF THE 2008 U.S. PHYSICS OLYMPIAD TEAM

HON. VERNON J. EHLERS
OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 21, 2008

Mr. EHLERS. Madam Speaker, I rise today to honor the achievements of the members of the 2008 United States Physics Olympiad Team.

The International Physics Olympiad brings together top students from all over the world to compete in a rigorous routine of mental gymnastics. To be considered for the U.S. team, students must first take a challenging physics exam. I am proud to say that the top 200 semifinalists included 3 students from Michigan this year. This exceptional group is further reduced to 24 students currently participating in a 10-day physics camp hosted by the University of Maryland.

As you might expect, this is not your ordinary summer camp but rather an intense boot camp of teamwork, sharpening mental and communication skills. Five of these exceptional students will advance and represent the United States in a tremendous international competition in July in the 67th International Physics Olympiad July 20–29 in Hanoi, Vietnam.

The 24 members of the 2008 team include: Kiranjay Bhattachar, Tucker Chan, Sway Chen, Joseph, Zer-Yi Chu, Alexia Dchekovskiaia, Yishun Dong, David Field, Edward Gan, Rui Hu, Gabriel Karpman, Brian Kong, Kevin Michael Lang, Dan Li, Andrew Lucas, Marianna Mao, Yoon Jae Nam, Anand Natarajan, Joshua Oremian, Thomas Schultz, Jack Z. Wang, James Yang, Alex Zhai, Danny Zhu, and Alex Zom.

I commend the American Institute of Physics, the American Association of Physics Teachers, and affiliated sponsors for organizing this annual event and fostering a passion for science in these students. Integrating science with real-world problems is critical to our national competitiveness. These students will become even more excited about applying physics to national and international challenges as they participate in the Olympiad preparation.

I know my colleagues share my pride in the achievements of these students. Their success is a testament to not only their individual determination, but also a group of exceptional teachers. These teachers often receive very little recognition for their work, so I hope each of the Olympiad finalists will make a point of thanking and recognizing the teachers that have guided them over the years.

I am very pleased for these students take time away from their purely scientific endeavors to meet with their legislators in Washington. Understanding how science fits into culture and politics are very important skills for a future physicist to master. I also hope that these students will consider running for public office and add their expertise to the policy world. I am very thankful for these future leaders and ask that you please join me in congratulating them on their wonderful achievements. We wish the top five the best of success as they represent the United States in Vietnam.

CONGRATULATING JIM TATE ON HIS INDUCTION INTO THE MOBILE SPORTS HALL OF FAME

HON. JO BONNER
OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 21, 2008

Mr. BONNER. Madam Speaker, it is with great pride and pleasure that I rise to honor Coach Jim Tate of St. Paul’s Episcopal School for his illustrious coaching career and his tremendous contribution to Alabama and the Southeast over the past 35 years.

Coach Tate and his coaching staff have produced more than 250 scholar-athletes during his tenure at St. Paul’s. His teams have won a combined 8 state championships and been named the NAIA Indoor Track Champions in 2000 and 2002. Coach Tate has also been named the NAIA Track and Field Coach of the Year in 2001 and 2007.

Coach Tate has been a vital part of the Mobile community for over 50 years. His philanthropic efforts have been immense and have included contributions to numerous organizations, including the University of Mobile and the Mobile Area YMCA.

As a former student at St. Paul’s, I am proud to call Coach Tate a mentor and friend. His dedication to his sport, his community, and his faith has inspired countless athletes, coaches, and students over the years. I am honored to congratulate Coach Jim Tate on his well-deserved induction into the Mobile Sports Hall of Fame.
Recognize those sports figures whose accomplishments and service have greatly benefited—and reflected credit on—the city of Mobile.

A graduate of The Citadel, Coach Tate spent five years in the U.S. Army as a para-trooper and field artillery officer with a year's service in the Vietnam War. He also earned his master's degree from the University of Alabama.

Coach Tate, a Mobile native, was working in Georgia when St. Paul's headmaster, Rufus Bethra, recruited him to return to Mobile to coach the boys' basketball team. It was not until 1983, however, after interest in the cross country and track programs increased, that Coach Tate was named the full-time coach for both sports, boys', and girls' teams. That very same year, St. Paul's won its first state championship, the same year the first of 17 straight girls' cross county state championships was won with a team of all seventh-graders.

As coach of what Mobile's Press-Register refers to as the "most dominant girls' cross country program in the country," Coach Tate is an institution among American high school track and cross country coaches. In his 30 years at St. Paul's, Coach Tate has led the cross country and track teams to 75 state championships, including a national record of 17 straight girls' cross country state titles.

In 1999, Coach Tate was selected as the national cross country coach of the year. Twenty-five of his former athletes have gone on to compete at the collegiate level in either track or cross country, and currently, St. Paul's has 10 state record holders in track and cross country.

Madam Speaker, throughout his life, Jim Tate has been an outstanding role model for both children and adults alike. I know his family; his wife, Becky; their children, Lee, Luther, Leigh, and Ginny; and his many friends join me in congratulating him on this remarkable achievement and extending thanks for his many efforts over the years on behalf of the city of Mobile, the First Congressional District and the state of Alabama.

EARMARK DECLARATION

HON. JIM SAXTON
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. SAXTON. Madam Speaker, pursuant to House Republican earmark guidance, I am including the following requests, which are authorized in H.R. 5658:

Project: Ballistic Missile Defense—Aegis.
Account: Research, Development, and Testing and Evaluation Ballistic Missile Defense Aegis
Legal Name of Requesting Entity: Lockheed Martin.
Address of Requesting Entity: 199 Borton Landing Rd, Moorestown, NJ 08057.
Description of Request: Ballistic Missile Defense Aegis system provides resources to close the capability gap between current sea Based BMD capabilities and the emergent BMD threats.
Legal Name of Requesting Entity: SMH International, LLC.
Address of Requesting Entity: 100 Technology Way, Suite 210, Mount Laurel, NJ 08054.
Description of Request: Vehicle Common Armor Manufacturing Process develops a common armor manufacturing process for force protection aimed at enhancing soldier survivability by reducing vehicle weight and speeding production.
Project: Battlefield Anti-Intrusion System (BAIS).
Legal Name of Requesting Entity: L-3 Communications.
Address of Requesting Entity: 1 Federal Street, Camden, NJ 08103.
Description of Request: Battlefield Anti-Intrusion System detects and classifies intruding personnel, wheeled, and tracked vehicles for forward intelligence collection or perimeter self-protection.
Project: Software Lifecycle Affordability Management (SLAM), Phase II.
Legal Name of Requesting Entity: PRICE Systems, LLC.
Description of Request: Software Lifecycle Affordability Phase II model enables the Army to determine which software lifecycle strategies design realizes the greatest number of capabilities at the lowest cost, following the best schedule.
Project: Advanced Propulsion Non-Tactical Vehicle (APNTV).
Legal Name of Requesting Entity: General Motors.
Address of Requesting Entity: 100–400 Renaissance Center, Detroit, MI 48226.
Description of Request: Advanced Propulsion Non-Tactical Vehicle will reduce the Air Force's dependence on foreign fossil fuel sources and provide and operational learning/execution roadmap for the eventual use of these technologies in the overall mission of the Air Force. An Air Force demonstration of two Chevrolet Equinox fuel cell electric vehicles at McGuire AFB will take place to include vehicle service, maintenance, spare parts, technician support and program management. The demonstration will also include the installation of a hydrogen refueling station at McGuire AFB.
Project: Large Diameter Precision Aspheric Glass Molding.
Legal Name of Requesting Entity: Edmond Optics, Inc.
Address of Requesting Entity: 101 E. Gloucester Pike, Barrington, NJ 08007.
Description of Request: Large Diameter Precision Aspheric Glass Modeling technology is key in developing a secure US manufacturing base for low-cost precision aspheric optics, thus eliminating the current dependence of the DOD on foreign sourced products.
Project: Virtual Interactive Combat Environment (VICE).
Account: Army Procurement Training Devices.
Legal Name of Requesting Entity: Dynamic Animations Systems.
Address of Requesting Entity: 12015 Lee Jackson Highway, Suite 200, Fairfax, VA 22033.
Description of Request: Virtual Interactive Combat Environment (VICE) provides a virtual environment within which small combat teams can be trained in current rules of engagement and tactics, techniques, and procedures. Six configurations of VICE will be procured for the NJ National Guard Joint Training and Training Development Center at Ft. Dix, which will improve the training for New Jersey Guardsmen and Reservists, as well as those from other States, mobilizing at Fort Dix and preparing to deploy into combat.
Project: Dismounted Soldier Millimeter Wave BTD RF Tag.
Legal Name of Requesting Entity: Sierra Monolithics.
Address of Requesting Entity: 103 W. Torrance Blvd, Redondo Beach, CA 90277.
Description of Request: Dismounted Soldier Millimeter Wave Tag, will significantly decrease fratricide deaths and add to battlefield awareness by allowing the dismounted soldier to interoperate with the deployed system.
Project: Short Range Ballistic Missile Defense.
Legal Name of Requesting Entity: Rafael Advanced Defense Systems Ltd.
Address of Requesting Entity: 6903 Rockledge Drive, Bethesda, MD 20817.
Description of Request: Short Range Ballistic Missile Defense is a joint Missile Defense Agency (MDA) and Israel Missile Defense Organization (IMDO) program to develop and deploy a cost-effective, broad-area defense for the State of Israel against short range ballistic missiles, large caliber rockets, and cruise missiles.
Project: Unified Security Forces Operations Facility, McGuire, AFB.
Account: Defense Wide Military Construction.
Legal Name of Requesting Entity: McGuire Air Force Base.
Address of Requesting Entity: McGuire Air Force Base, NJ.
Description of Request: Unified Security Forces Operations Facility, McGuire Air Force Base, Fort McGuire, NJ. The facility is intended for joint use and will consolidate all security operations command and control at the McGuire-Dix-Lakehurst Joint Base.
Project: Modification of Authorization for Barnegat Inlet to Little Egg Harbor Inlet, NJ project to address handling of military munitions.
Legal Name of Requesting Entity: U.S. Army Corps of Engineers.
Address of Requesting Entity: 100 East Penn Square, Philadelphia, PA 19107.
Description of Request: Modifies the authorization for the Barnegat Inlet to Little Egg Harbor Inlet, NJ project to address the handling of military munitions placed on the beach during construction at Federal expense.
Flight Crew Technical Corrections Act. I want to thank my friend and colleague from New York, Representative Tim Bishop, for his strong leadership on this issue.

This bill corrects an oversight in the current version of the Family and Medical Leave Act, which did not take into account the unique circumstances of employment as a flight attendant or pilot. To qualify for leave under FMLA now, all employees must work a minimum of 1,250 hours per year, or 60 percent of what is considered a full-time work schedule in most industries.

For flight attendants and pilots, however, there is a different standard for full-time employment. Their hours are calculated purely on the basis of "in-flight" time, which does not include any time in between flights, time spent preparing for a flight, or periods when they are on "reserve" status in the event that someone cannot fly their scheduled flight. An average full-time flight attendant works 960 hours per year. Additionally, pilots are prohibited by the FAA from working more than 1,000 hours per year.

The Airline Flight Crew Technical Corrections Act will amend FMLA to reduce the hours-of-service requirement for flight crews, so that they will be eligible when they work 60 percent of a full-time schedule in their industry. Airline flight crews have difficult jobs, and the number of "in-flight" hours that they work does not accurately measure all that they do. I urge my colleagues to support H.R. 2744, to give flight attendants a benefit that so many other American workers already have.

INTERNATIONAL FOOD CRISIS AND HAITI

SPEECH OF
HON. MICHAEL R. McNULTY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 20, 2008

Mr. McNULTY. Madam Speaker, millions are being swept away in a "silent tsunami." Not the product of a disaster or war, this crisis is the result of a silent tsunami. Drought and ever-climbing prices coupled with the mounting demand of nations unable to sustain themselves have wrought devastating food shortages from the Philippines, to Egypt, to our neighbor Haiti. Starving families turn to cakes baked of sugar, oil, and mud. Parents avoid eye contact with the children they cannot feed. Rioters, unable to afford even a loaf of bread, fill the streets. And this Congress is not deaf to their cries.

Not the product of a disaster or war, this crisis is the result of a silent tsunami. Drought and ever-climbing prices coupled with the mounting demand of nations unable to sustain themselves have wrought devastating food shortages from the Philippines, to Egypt, to our neighbor Haiti. Starving families turn to cakes baked of sugar, oil, and mud. Parents avoid eye contact with the children they cannot feed. Rioters, unable to afford even a loaf of bread, fill the streets. And this Congress is not deaf to their cries.

The Farm Bill we just sent to the President's desk reauthorizes many of our most important programs for fighting hunger, addressing both the immediate demands of the crisis and recognizing the work needed for the long-term goal of prevention. In the face of this epidemic, all is the more reason that President Bush sign these essential programs into law.

This bill extends until 2012 the Bill Emerson Humanitarian Trust, allowing us to continue to respond to the anticipated and unexpected crises that may emerge. I was happy to hear last month that President Bush ordered the release of $200 million in emergency food aid from the Trust, but without replenishment, the benefit of this stockpile of cash and commodities will be unavailable to us in the future.

Hoping to create a bulwark against this spread of hunger and rising prices at home, many governments have been pushed by the fear of impending food shortages to the false hope of halting or restricting food exports. This beggar thy neighbor strategy will only make the situation worse and shows our need to promote long-term food production and security.

To this end, the just-passed Farm Bill has reauthorized $2.5 billion for our vital Title 11 spending, with an additional $850 million for the Emergency Food Supplemental in last week's supplemental. Our most powerful instrument, these dollars are administered by USAID every year to address global food needs. Yet in 2007, only 20 percent of this went to non-emergency development projects. The emergencies in countries like Haiti deserve an immediate response, but without longer-term diversified food production, conservation, and infrastructure projects, this crisis will only deepen, which is why this Congress mandated that no less than $375 million a year be spent on these production, development, and security goals. The Farm Bill has implemented newer approaches, as well, including an authorization for a $60 million pilot program for local and regional food purchases, avoiding deadly time lags in delivery and eliminating high transportation costs.
political stability is in jeopardy. Also this month, 10 Senate seats in Haiti will be up for election. Originally scheduled for last fall, these elections had to be postponed after members of the country's electoral commission accused their leaders of embezzlement. In a country where political turnover has become the norm, President Préval's stability offers hope for Haiti. I urge the United States not to allow the current humanitarian crisis to become a political one as well.

Poverty is one of the greatest ills to plague mankind. Those who survive in poverty are under the constant threat of death. The debt forgiveness offered by the Jubilee Act will enable Haiti to address the issues of poverty, create opportunities for economic growth and establish sound governing practices. The Jubilee Act also promotes responsible development assistance by prioritizing grants over loans, which is an important measure to prevent poor nations from falling back into debt. Releasing Haiti from its onerous debt will allow the country to feed its own people and rebuild its struggling economy without the burden of diverting resources to fill the coffers of wealthy, multi-lateral financial institutions. The U.S. House of Representatives has gone on record supporting the immediate cancellation of Haiti's debt, it is now time for the President to make sure that this struggling nation is no longer held captive to its past and is put on a sustained path to development.

Haiti serves a wake up call to the potential looming global food crisis. It is taking an immense toll on the world's poorest people, who typically spend up to 80 percent of their income on food. After many years of working to end hunger and poverty, the United States and other developed nations must put forth bolder efforts to ensure progress is not lost in resolving global hunger.

**EARMARK DECLARATION**

**HON. MICHAEL R. TURNER**

**OF OHIO**

**IN THE HOUSE OF REPRESENTATIVES**

**Wednesday, May 21, 2008**

Mr. TURNER. Madam Speaker, I submit the following:

1. Project—Operable Unit-1 (OU-1) Clean-up at the Miamisburg Mound.
   
   Requesting Member: MICHAEL TURNER.
   
   Bill Number: H.R. 5658.
   
   Description of Request: $3,500,000 is authorized for an Integrated Electrical Starter/Generator in fiscal year 2009. The entity to receive funding for this project is Air Force Research Laboratory at Wright Patterson Air Base in Dayton, OH. The funding would be used to help develop a pre-production, solid state-less IES/G demonstrating the feasibility of supplying both main engine start function and the electrical power necessary to operate all aircraft systems.

   
   Requesting Member: MICHAEL TURNER.
   
   Bill Number: H.R. 5658.
   
   Description of Request: $3,000,000 is authorized for an Integrated Electrical Starter/Generator in fiscal year 2009. The entity to receive funding for this project is Wright-Patterson Air Force Base, Dayton, OH. The funding would be used to help develop a pre-production, solid state-less IES/G to demonstrate the feasibility of supplying both main engine start function and the electrical power necessary to operate all aircraft systems.

   
   Requesting Member: MICHAEL TURNER.
   
   Bill Number: H.R. 5658.
   
   Description of Request: $14,700,000 is authorized for a Security Forces Operations Facility in fiscal year 2009. The entity to receive funding for this project is Wright-Patterson Air Force Base located at Dayton, OH. The funding would be used to house the operations of the 99th Air Base Wing Security Forces Squadron (88 SFS), which provides security and police services for Wright-Patterson Air Force Base.

4. Project—Tactical Metal Fabrication System (TacFab).
   
   Requesting Member: MICHAEL TURNER.
   
   Bill Number: H.R. 5658.
   
   Description of Request: $6,300,000 is authorized for the Tactical Metal Fabrication System in fiscal year 2009. The entity to receive funding for this project is the Army Tank Automotive Research, Development, Engineering Center in Dearborn, MI. The funding being requested will help develop a mobile, containerized foundry, deployable overseas as a companion to RMS, the Army's Rapid Manufacturing System.

5. Project—Open Source Research Centers.
   
   Requesting Member: MICHAEL TURNER.
   
   Bill Number: H.R. 5658.
   
   Description of Request: $3,000,000 is authorized for Open Source Research Centers in fiscal year 2009. The entity to receive funding for this project is the National Air and Space Intelligence Center.

   
   Requesting Member: MICHAEL TURNER.
   
   Bill Number: H.R. 5658.

Account: Air Force, Research Laboratory.

Address of Requesting Entity: Wright-Patterson Air Force Base, Dayton, OH.

Description of Request: $14,000,000 is authorized for the Metals Affordability Initiative (MAI) in fiscal year 2009. The entity to receive funding for this project is Air Force Research Laboratory at Wright-Patterson Air Force Base in Dayton, OH. This funding will enable MAI to maintain leadership in the strategic aerospace metals industrial sector by using technology innovation to maintain global competitiveness while improving performance and increasing affordability of weapons systems.

A TRIBUTE TO KARL AND LINDA BENNETT

HON. MIKE McIntyre

**OF NORTH CAROLINA**

**IN THE HOUSE OF REPRESENTATIVES**

**Wednesday, May 21, 2008**

Mr. McIntyre. Madam Speaker, I rise today to pay tribute to Karl and Linda Bennett of Calabash, North Carolina, for their twelve years of service to the Calabash Fire Department as they plan to retire on June 30th. Mr. Bennett serves as the Calabash Fire Chief while his wife serves as Administrative Assistant and Board Secretary for the department.

When Mr. and Mrs. Bennett first settled in North Carolina twelve years ago, they were retiring from their positions as fire volunteers with the Ravenna, New York Fire Department, where they met and eventually married. Gradually, however, they became involved in another full time profession with the Calabash Fire Department. Now, after twelve years of dedication, they are retiring from their posts and will serve simply on a voluntary basis.

Mr. and Mrs. Bennett truly are examples of enduring public service and hard work. I have worked with them through the years on several federal projects and programs to help the Calabash Fire Department, and I know personally the absolute devotion, admirable dedication, and awesome determination that they have demonstrated in their commitment. I stand today to express my appreciation for their active efforts to protect their fellow citizens. Madam Speaker, let us honor this couple's honorable dedication as their official service to the Town of Calabash comes to a close.

IN HONOR OF DEREK OLSON, FINALIST FOR MINNESOTA TEACHER OF THE YEAR

HON. MICHELE BACHMANN

**OF MINNESOTA**

**IN THE HOUSE OF REPRESENTATIVES**

**Wednesday, May 21, 2008**

Mrs. BACHMANN. Madam Speaker, I rise today to recognize Mr. Derek Olson of Afton-Lakeland Elementary School, a finalist for the prestigious Minnesota Teacher of the Year award. As a sixth-grade teacher at the Stillwater School District, Mr. Olson's contributions to our children's education and our nation's future deserve the utmost recognition and respect.
Derek Olson is viewed by his peers as an innovator in his field, pushing the standards of learning for his students in ways that show he genuinely cares about each and every one of them. He is said to “really bring learning to life for kids,” and “likes to teach by example and experience,” rather than solely relying on a textbook.

Upon hearing the news of his nomination, Derek was hesitant to apply for not wanting to overshadow the great work of his colleagues. Derek went forward with the nomination in hopes that his recognition could bring to light the time commitment, and sacrifice of his fellow teachers in the district.

Madam Speaker, it is my honor to stand today and honor Derek Olson’s selfless service and dedication to teaching America’s youth, our most valued treasure. I stand today and join my family, friends, and colleagues in wishing him a long career of success and look forward to seeing all that he does with his God-given talents.

HONORING THE SERVICE AND THE MEMORY OF REVOLUTIONARY WAR SOLDIER PRIVATE MARTIN MANEY

HON. HEATH SHULER
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 21, 2008

Mr. SHULER. Madam Speaker, I rise today to honor the service and the memory of Revolutionary War Soldier Private Martin Maney of Buncombe County, North Carolina.

Each year on Memorial Day, our Nation honors the service and sacrifice of all veterans. On Saturday, May 17, 2008, in the Western North Carolina town of Balsamville, the memory of Private Martin Maney, a Revolutionary War Soldier, was honored by the dedication of an official Veterans Administration headstone. The unveiling ceremony was conducted by the Edward Buncombe Chapter of the Sons of the American Revolution and the Button Gwinnett Chapter of the Georgia Society of the Sons of the American Revolution.

Private Martin Maney was a true American patriot and a proud North Carolinian. He served under Captain James Knox in the Eighth Virginia Regiment of Foot. He fought in the Battles of White Plains, New York, Germantown, Pennsylvania, and Monmouth, New Jersey prior to being discharged at Valley Forge. Following his discharge, he enlisted with the North Carolina Militia where he provided personal security for North Carolina Generals who were receiving death threats from the Tories. Following his service, Private Martin Maney received the 294th Land Grant from the Tories. Following his service, Private Martin Maney received the 294th Land Grant from the Tories.

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Mr. HALL of Texas. Madam Speaker, I am honored to stand today to celebrate the life of a young man who made the ultimate sacrifice, giving his life in defense of our Nation.

Second Lieutenant Peter H. Burks, 26, of Dallas, Texas, died November 14 in Baghdad, Iraq, of wounds suffered when his vehicle struck an improvised explosive device. He was assigned to the 4th Squadron, 2nd Stryker Cavalry Regiment, Vilseck, Germany.

Pete answered the call of service to his country in April of 2006 when he proudly enlisted with the North Carolina Militia where he provided personal security for North Carolina Generals who were receiving death threats from the Tories. Following his service, Private Martin Maney received the 294th Land Grant from the Tories. Following his service, Private Martin Maney received the 294th Land Grant from the Tories.

An excerpt from Pete’s emails to his fiancee, Melissa Haddad, includes the following: “I know that regardless of the circumstances, God is putting me EXACTLY where he wants me for the time being. I know that that is hard to swallow, but it is the truth. It’s my job to try to find the blessing in all that I do. So long as I do that, I have accomplished the real mission that has been set out for me.”

Pete answered the call to duty, accomplished his missions to the best of his ability, and has now been called home to the Lord. He leaves behind his fiancee, Melissa Haddad; his mother Jackie Merck; father Alan and stepmother Laura Burks; sisters Ali, Sarah and Georgia Burks; brother Zac Burks; grandparents; stepfather Haskell Burks; other family members and a multitude of friends both within and outside the service.

Second Lieutenant Peter Burks was a true American hero. As we honor all of America’s fallen soldiers on this coming Memorial Day, let us pay tribute to this fine soldier and offer our deepest condolences to his family and friends. May God bless all those who serve in our Armed Forces and who defend our Nation around the globe, and may the memory of Peter Burks live forever in the hearts of all those who knew him and loved him.

IN HONOR OF AMIT ZUTSHI

HON. FRANK PALLONE, JR.
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 21, 2008

Mr. PALLONE. Madam Speaker, I rise today to honor the life of Amit Zutshi, who passed away on March 19, 2008 at the age of thirty. This young man enriched the many lives he touched.

Mr. Zutshi thrived as a student at the Mission San Jose High School in Fremont, California. After receiving degrees in Information Technology and Business, he earned an MBA from the University of Phoenix.

Mr. Zutshi worked for Microsoft and later worked with an e-commerce company in Santa Clara, California. He embodied the best of his generation. He felt it essential to help others. To honor Mr. Zutshi’s legacy, his family is starting the Amit Zutshi Foundation to provide opportunities for disadvantaged children.

Madam Speaker, I sincerely hope that my colleagues will join me in celebrating the life of Amit Zutshi.

OPERATION EDUCATION

HON. BILL SALLIE
OF IDAHO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 21, 2008

Mr. SALIE. Madam Speaker, over 1,668,000 soldiers have been deployed in the service of our Nation in Afghanistan since September 11. These veterans sacrificed every day for the well-being of our Nation. Whether they have seen active combat or not, all veterans share a common readiness to commit their all to the defense of the land they love. Their willingness to freely sacrifice their lives epitomizes what makes our country great. As a nation, we will always owe them a great debt.

Several months ago I attended a funeral at Arlington Cemetery. That day a 19-year-old soldier from Pennsylvania was laid to rest. He was in a Bradley fighting vehicle in Iraq when an insurgent threw a grenade down the turret. It was reported that this soldier had time to get out of the vehicle before the grenade went off, and that is what he had been trained to do. Instead, he wrapped his body around the grenade as it went off, saving the lives of three other crew members.

In the Book of John 15:13 Jesus taught, “Greater love has no one than this, that one lay down his life for his friends.” The young man laid to rest at Arlington that day lived an example of the love of Christ. He and countless other who have lived stories of bravery and heroism deserve our highest honor and praise. But so do all of our veterans.

That is why I was happy to recently see some developments back in my home State of Idaho that will greatly benefit the wounded warriors in my district. Through the hard work of many, including Karen White, the University of Idaho, located in Moscow, Idaho, recently launched a program known as Operation Education. The purpose of this program is to help veterans “severely and permanently wounded” as a result of their service to our Nation since September 11. Through the Operation Education Scholarship, the University of Idaho is able to offer financial support in areas from tuition and books to transportation and child care. They also offer internships and assist in job placement.

Education is one of the greatest commodities we can offer our Nation’s veterans. The skills they have learned in the Armed Forces
invariably benefit them as they go on to future learning and higher education. Operation Education and other programs like it offer veterans the opportunity to continue pursuing their dreams and benefiting themselves, their families, and our Nation.

Not only is Operation Education open to disabled veterans, it is also available for the spouses of those veterans. Spouses of our soldiers are sometimes overlooked when we talk about the sacrifices that are made for our Nation. Those who stay at home while their spouses serve in faraway lands can sometimes do no more than pray and hope, trusting the fate of their loved ones to a higher power. I am familiar with the experience of a young couple split up less than five months after being married when this young man was called to go to Iraq to train canines for the next nine months. Not only is that young Marine separated from his brand new bride, he will miss the birth of their baby in six months. He and his wife moved just weeks before he was called to Iraq, and she is left at home in a new area faced with the prospect of delivering her first child on her own. Neither this proud soldier nor his brave wife are unique in their situation, and other young military families have faced more dire circumstances. However, their situation epitomizes the sacrifices that our military families make—both those who serve in uniform abroad and those who serve less visibly in the home.

I honor those whose service in defending our Nation has required their lives. I have learned that it is the calling of some in our Nation’s military to not come home. However, for those who do come home, the least we can do to show our respect for their service is to provide them with the opportunities they deserve. I commend the University of Idaho for making this program available, and I look forward to future developments that will bless the lives of our Nation’s veterans.

EARMARK DECLARATION

HON. JOHN M. MCHUGH
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. MCHUGH. Madam Speaker, I submit the following:

Requesting Member: Congressman John M. MCHUGH.
Bill Number: H.R. 5658.
Legal Name of Requesting Entity: Fort Drum Regional Health Planning Organization.

Provide an earmark of $800K for the Fort Drum Regional Health Planning Organization (FDRHPO). The funding will enable the organization, as part of the pilot program reauthorized and expanded in P.L. 110–181, to hire the necessary staff and conduct the required assessments.

Requesting Member: Congressman John M. MCHUGH.
Bill Number: H.R. 5658.
Account: RDT&E, Army.
Legal Name of Requesting Entity: Trudeau Institute.

Provide an earmark of $2 million for U.S. Navy Pandemic Influenza Vaccine Program. The funding will support the acceleration of studies of pandemic influenza vaccine research by developing and incorporating the use of bioinformatics (the use of techniques including mathematics, informatics, statistics) to solve biological problems associated with pandemic influenza vaccine and related issues.

Requesting Member: Congressman John M. MCHUGH.
Bill Number: H.R. 5658.
Account: RDT&E, Navy.
Legal Name of Requesting Entity: Trinity Research Corporation.
Address of Requesting Entity: 2366 Rayburn House Office Building, Washington, DC 20515.

Provide an earmark of $7.211 million for Project Number 57711 to construct a fire station at Fort Drum, New York. The entity to receive funding for this project is Fort Drum, located in Watertown, New York 13601. The funding will be used for military construction to help meet installation health and safety requirements.

Requesting Member: Congressman John M. MCHUGH.
Bill Number: H.R. 5658.

Provide an earmark of $1.4 million for Torque-Vectored Rollover Prevention Technology. With the use of commercially available vehicle simulation software, it has been demonstrated that torque vectoring technology applied to a Military HMMWV rear axle can result in preventing vehicle rollover incidents. This research and development project will demonstrate that commercially available torque-vectoring technology can contribute to safety, stability, and improved handling of the Army’s Lightweight Tactical Vehicle Fleet.
CONGRATULATING THE PASCO COUNTY LIBRARIES FOR OUTSTANDING ACHIEVEMENTS

HON. GINNY BROWN-WAITE
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 21, 2008

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise to congratulate the Pasco County Library System for being awarded the 2008 Library of the Year by the Florida Library Association. I would also like to recognize the Pasco County Library Cooperative for being one of a select number of library systems across the country to receive the We the People “Created Equal” Bookshelf from the National Endowment of the Humanities.

As a former college teacher, I know that there is no greater gift you can give than the ability to read and learn. It is exciting to see that libraries in Pasco County will receive this selection of “Created Equals” themed classic books and that the Pasco County System has been named the best library in Florida. Recognition by your industry group is quite an accomplishment and something that every employee in the system should be proud to have earned this year.

With the grant of books from the National Endowment of the Humanities, Pasco County children and adults of all ages can now have their eyes opened to the limitless ideas and dreams that can be found through reading and lifelong learning. Studies have consistently shown that children exposed to reading at an early age will perform better in school and throughout life.

Madam Speaker. It is truly an honor to have such outstanding libraries and library administrators in my district. The Pasco County Library System and the Pasco County Library Cooperative are to be commended for their commitment to learning and reading, and congratulated for the honors they have received.

HONORING DR. JAMES THOMSON
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 21, 2008

Ms. BALDWIN. Madam Speaker, I rise today to honor Dr. James Thomson, a professor of anatomy in the University of Wisconsin’s School of Medicine and Public Health, for the most recent accomplishments in his extraordinary scientific career.

Dr. Thomson is a world-renowned developmental biologist whose discoveries, in the words of Time Magazine, “have a potential that could be unlimited.” Time recently named Dr. Thomson to its Top 100 list of the “World’s Most Influential People.” The honor is well deserved. A decade ago, Dr. Thomson became the first person to isolate human embryonic stem cells and maintain them indefinitely in culture. As recognition for his discovery, he appeared on the cover of Time on August 20, 2001. Last year, in another breakthrough, Dr. Thomson developed a method for converting human cells that appear to share similar properties to embryonic stem cells. At the same time, a professor at Japan’s Kyoto University independently shared in the breakthrough. Over the past decade, Dr. Thomson’s work has opened new horizons in medicine and sparked new hopes for curing a vast spectrum of diseases.

Dr. Thomson’s colleagues honored him last month by electing him a Fellow of the National Academy of Sciences. In addition to his most prestigious associations—which was founded in 1863 and charged by Abraham Lincoln with advising the country on scientific and technological issues. In this capacity he will continue to serve not only the scientific community, but the country as well.

This year, Dr. Thomson accepted an additional appointment as Director of Regenerative Biology at the Morgridge Institute for Research, the nonprofit side of the new Wisconsin Institutes for Discovery. He is the first member of the Morgridge Institute’s multidisciplinary scientific leadership team and will continue his pioneering research at the Institute. In addition, Dr. Thomson is an Adjunct Professor in the Department of Molecular, Cellular, and Developmental Biology at the University of California, Santa Barbara.

Dr. Thomson’s latest achievements are in a long line of accolades, which include his receipt of the 2003 Frank Annunzio Award from the Christopher Columbus Fellowship Foundation, an independent Federal agency that gives the award to individuals who have improved the world through ingenuity and innovation. In 2005, Dr. Thomson was instrumental in the selection of the WiCell Research Institute—a private, nonprofit supporting organization of the University of Wisconsin-Madison— as the first National Stem Cell Bank. I was proud to join in celebrating the announce- ment of that selection. As noted by the managing director of the Wisconsin Alumni Research Foundation (WARF), Dr. Carl Gulbransen, Dr. Thomson “is really the reason why UW-Madison is the center of the universe for stem cell research.”

Madam Speaker, I rise today to commend and congratulate Dr. James Thomson for his extraordinary achievements. With a long career ahead, I wish him years of continued success, and I invite the Congress to join me in applauding him for his enormous contributions to development biology, which will shape the world and alleviate human suffering in the years to come.

RECOGNIZING THE SERVICE OF THE VOLUNTEERS OF THE CRISISLINK HOTLINE

HON. JAMES P. MORAN
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 21, 2008

Mr. MORAN of Virginia. Madam Speaker, the Volunteers of the CrisisLink Hotline, NSPL– 1–800–273–TALK— and 1–800–SUICIDE. For NSPL, the help of CrisisLink volunteers is crucial. Answering calls to prevent tragedies are performed by volunteers and staff at CrisisLink as well as other independent crisis centers across the country. It is a sad fact that 56 percent of all deaths in the U.S. are due to suicide. In comparison, homicides make up only 30 percent of all deaths. While distressing, these numbers would surely be higher if not for CrisisLink’s volunteers who help individuals in a time of crisis, promote stabilization, and provide resources to empower people to help themselves. With 20 percent of suicides attributed to veterans and active duty military, crisis centers are working closely with the Department of Veteran’s Affairs through the NSPL to answer calls from our service members in order to save lives and prevent tragedies.

I am very grateful to current and former volunteers for all they do to serve the residents of Virginia’s 8th District and our region. They are available 7 days a week, 365 days a year to help people when it is most desperately needed and there is nowhere else to turn. These volunteers give their time so that others may have the gift of time—time to survive a crisis, time to heal, time to live. I laud the efforts of these dedicated volunteers and thank CrisisLink for providing such a vital service to our community.

LAMAR MEN’S BASKETBALL OUTSTANDING 2007–2008 SEASON

HON. TED POE
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 21, 2008

Mr. POE. Madam Speaker, during the 1970’s and 80’s the Lamar University Cardinals dominated Southland Conference Basketball, at one point putting together 80 straight home wins, which is still the 7th longest home winning streak in NCAA history.

the following:

**EARMARK DECLARATION**

**HON. JIM McCREADY**

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 21, 2008*

Mr. McCREADY. Madam Speaker, I submit the following:

Requesting Member: Congressman Jim McCready (LA)


Account: Research and Development, Air Force.

Legal Name of Requesting Entity: Distributed Common Ground/Support Environment (CLOSE).

Address of Requesting Entity: 1382 Quartz Mountain Drive, Larkspur, CO 80118.

Description of Request: This $3M authorization authorizes appropriations for continued research and development of the Cybercraft initiative, a cyber security utility that will ensure secure communications between warfighters over computer networks. Research is presently underway on Cybercraft at the Air Force Research Laboratory, Rome NY. Project is supported by the Air Force Cyberspace Command (P), Barksdale Air Force Base, Bossier City, LA.

**EARMARK DECLARATION**

**HON. DON YOUNG**

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 21, 2008*

Mr. YOUNG of Alaska. Madam Speaker, I submit the following:

Bill Number: H.R. 5658: Army, RDT&E, Line 177, PE #0305208A (Distributed Common Ground/Support Systems).

Legal name and address of entity receiving earmark: Battle Command Battle Lab, Mr. Jason Dennis, Deputy Director, Fort Huachuca, AZ 85613.

Description of how the money will be spent and why the use of federal taxpayer funding is justified: The Constant Look system is a prototype biometric sensing capability developed for the U.S. Army to support MOUT (military operations in urbanized terrain). Its unique standoff capability gives users an ability to support surveillance and special operations remotely. User comments from several demonstration tests included requests for enhancements to improve usability and extend the capability of the system in terms of what can be collected. The Constant Look Operational Support Environment (CLOSE) will provide that additional functionality by leveraging several proven off-the-shelf technologies—a stand-off digital collection system and additional digital signal processing (DSP) to extract other types of biometric signatures.

The U.S. Army’s ISR Battle Command Battle Lab at Fort Huachuca (BCBL-H)—responding to user requests—has developed and tested a stand-off biometric sensor system that allows traditional and special operations units to conduct surveillance and identify potential hostiles from a safe distance with a low probability of detection. To date, the majority of the effort on Constant Look has focused on the core collection system technology and the user interface to that sensor. To support all of this research, the Air Force will provide $30M in funding. CLOSE will remedy that by leveraging millions of dollars in commercial investment and integrating that investment into the Constant Look baseline. CLOSE will provide CL users with a rapid capability to collect and model surveillance target facilities, including ingress and egress, from the same standoff range as the CL collection system itself. Secondly, it will extend the DSP capability resident within the CL baseline to extract other types of Indications and Warning (I&W) data.

Description of matching funds: Not applicable.

Authorized Amount: $4,000,000.

Project Name: Constant Look Operational Support Environment (CLOSE).

Funding Source: Army, RDT&E, Line 177, PE #0305208A (Distributed Common Ground/Support Systems).

Detailed Financial Plan for Earmark:

- System Engineering: $200,000
- System Engineering: $500,000
- Immersive Camera System: $900,000
- Interior Tactical Blue Force Tracking, Sense-Through-The-Wall Radar: $1,500,000
- Improvements: $650,000
- Biometric Databasing: $250,000
- Training, Testing, Delivery. Total: $4,000,000.

**EARMARK DECLARATION**

**HON. KEVIN McCARTHY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 21, 2008*

Mr. McCarthy of California. Madam Speaker, consistent with House Republican Earmark Standards, I am submitting the following:

- Description of Request: This $3M authorizes appropriations for continued research and development of the Cybercraft initiative, a cyber security utility that will ensure secure communications between warfighters over computer networks. Research is presently underway on Cybercraft at the Air Force Research Laboratory, Rome NY. Project is supported by the Air Force Cyberspace Command (P), Barksdale Air Force Base, Bossier City, LA.

**FORMAL DECLARATION**

**HON. HAROLD ROGERS**

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 21, 2008*

Mr. ROGERS of Kentucky. Madam Speaker, I submit the following:

Requesting Member: Congressman Harold Rogers.

Bill Number: H.R. 5658.


Project Amount: $3,000,000.

Legal Name of Requesting Entity: Aerojet-General Corporation.

Address of Requesting Entity: P.O. Box 13222, Sacramento, CA 95813-6000, USA

Description of Request: This funding authorization will be used to return the Hydrocarbon Boost Technology Demonstrator program to its initial programmed funding level. This critical, next-generation liquid rocket engine development effort run by the Air Force Research Laboratory at Edwards Air Force Base will not only provide the highest performing hydrocarbon engines ever developed in the United States, but also will provide higher operability, lower costs and greater reliability than any liquid booster engine ever made in the U.S. and perhaps the world. A match is not required for defense research projects, but I was informed that during the past eight years, Aerojet has invested approximately $30 million in internal research and development funding on this technology and intends continued support in FY09.
Description of Request: Provide directed funding of $7.836 million to complete construction of the Readiness Center Phase 3—London Joint Support Operations Center located in Laurel County, Kentucky. Of this amount, $646,200 is scheduled for design cost and $208,000 for supervision, inspection, and overhead costs. This third and final phase of construction will include administrative space, aircraft hangar space, and paving for hangar aprons, taxi ways, and aircraft parking. Aircraft will include various fixed wing aircraft and helicopters, OH-58s, UH-60s, and a C-130. The project is required to fully house the Joint Support Operations equipment and personnel in one facility located in the vicinity of operations. Currently the operation is spread over several facilities approximately 100 miles apart. At the conclusion of this project, the unit will be able to respond quicker and in a much more efficient manner which will allow a greater return on investment funds spent on the operation.

HONORING WALLACE CARDEN, WORLD WAR II VETERAN AND SURVIVOR OF THE NAZI BERGA POW CAMP

HON. SPENCER BACHUS
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 21, 2008

Mr. BACHUS. Madam Speaker, on Memorial Day 2008, let us take time to reflect on the courage and indomitable will of a special group of World War II veterans: the survivors of the Berga POW camp.

Wallace Carden of Vestavia Hills in Alabama’s Sixth District was one of the soldiers imprisoned in a cruel camp that simultaneously destroyed the spirit of man’s humanity—and the transcendent ability of the human spirit to endure and ultimately triumph.

Berga was a German concentration camp. Three hundred and fifty American soldiers were sent there after being captured during the Battle of the Bulge. Some were exiled there because they were Jewish. Wallace Carden, then just 19 years old, was detained simply because Nazi officers thought he looked Jewish.

The soldiers were ill-fed, heavily worked, and badly beaten; some were even killed. By day, they were forced to dig underground tunnels for weapons factories; by night, they shivered in squalid conditions, emaciated from hunger. But confronted with such inhumanity, these American soldiers persevered. They gave each other support, equally shared what little food they had, held faith in their country and God, and never allowed their spirit to be consumed by the evil and hate surrounding them.

Though physically separated from their brothers on the battlefield, the Berga soldiers honored America with their determination and will to survive. In the decades since, Wallace Carden and his fellow survivors have provided important personal testimonials about Nazi brutality and prejudice, so that succeeding generations never forget the Holocaust and fully appreciate what it took for freedom to triumph during World War II.

Congressional Resolution H. Res. 883 rightly recognizes the service and sacrifice of the U.S. soldiers imprisoned at Berga, and I am a proud cosponsor. Their story is an integral part of the history of World War II, and their conduct under the most extreme and trying conditions an enormous credit to themselves and their country.

For my part, I want to thank Wallace Carden for his service to his community and country. Alabamaians are proud of him, and it is appropriate that on this Memorial Day recognition is being bestowed on Mr. Carden as well as an entire group of American soldiers whose soaring spirit should continue to inspire all of us.

PERSONAL EXPLANATION

HON. ROBERT E. ANDREWS
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 21, 2008

Mr. ANDREWS. Madam Speaker, I was not present on May 20, 2008. Had I been present, I would have voted “yea” on the following roll call votes: rollcall No. 331, rollcall No. 332, rollcall No. 333, rollcall No. 334, rollcall No. 335, rollcall No. 336, rollcall No. 337.

INTRODUCTION OF LEGISLATION

AMENDING THE FEDERAL CHARTER OF THE GOLD STAR WIVES

HON. JAMES P. MORAN
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 21, 2008

Mr. MORAN of Virginia. Madam Speaker, I rise today to introduce legislation that will amend the Federal charter of the Gold Star Wives of America to allow their officers to fully participate in the legislative process. This is a change that is long overdue and releases these advocates from the unnecessary and likely unconstitutional restraints in their charter.

The Gold Star Wives have a long and storied history of advocacy on behalf of the families of our Nation’s fallen heroes. From World War II through today’s current conflicts, these military widows and widowers have shared the perception we have about families’ struggle after the death of a loved one in military service. In doing so, they have risen from humble beginnings to become a force on Capitol Hill. Today there are more than 60 chapters nationwide that count more than 10,000 widows and widowers as their members.

The Gold Star Wives are hardly an idle group. Winning key legislative victories to reinstate education benefits for survivors. They have consistently fought for and won increases in dependency and indemnity compensation affecting over 300,000 survivors who depend on that benefit.

It is toward the aim of helping the Gold Star Wives maintain their voice in Congress that I introduce this commonsense legislation. My legislation solution is to remove the prohibition that none of the officers of the organization could influence any legislation in any manner. Since the Gold Star Wives rely on the volunteer work of its board and officers, the prohibition particularly hurts their advocacy on behalf of military families.

Other patriotic and national organizations—such as AMVETS, the VFW, the American Legion, and the Military Order of the Purple Heart—do not share this unusual restriction. I believe that this provision in the Gold Star Wives Federal charter is punitive, not practically enforceable and potentially an unconstitutional infringement upon the freedom to petition the Government. My legislation solution is simple—it will strike this unusual restriction from the Gold Star Wives Federal charter.

Madam Speaker, the Gold Star Wives is a top-notch organization that effectively advocates on behalf of military families. It is my intention that Congress pass this commonsense change to their charter and relieve the Gold Star Wives from this unnecessary and unconstitutional burden.

HONORING JOSEPH J. WALTERS
OF BROOKSVILLE, FLORIDA

HON. GINNIE BROWN-WAITE
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 21, 2008

Ms. GINNIE BROWN-WAITE of Florida. Madam Speaker, I rise to honor Joseph K. Walters, a constituent from Brooksville, Florida, who served with honor and distinction during World War II. It was during an aerial battle over Belgium in 1943 that Mr. Walters’ plane was shot down, and he was forced to parachute into enemy territory. As a result of the landing and damage from the plane, Mr. Walters was wounded in battle, suffering a broken arm and earning him his Purple Heart.

On the morning of August 17, 1943, SSG Joe Walters, a ball turret gunner on a B-17 bomber in the European campaign of World War II, had already flown 14 missions into enemy territory. This morning’s mission was to bomb German ball bearing plants. Once the squadron took flight, they came under fierce attack from enemy gunners. Thankfully they were able to drop their bombs on the targets, but on the return flight to England came under attack and all 10 men in his airplane were forced to bail out.

Landing in a fruit orchard in Boris, Belgium, Mr. Walters was helped by local farmer Lambert Tiltik and his son, men who were part of the underground resistance and who were able to get Mr. Walters to safety. It was during this parachute landing that Mr. Walters suffered his broken arm. Thankfully his arm healed during the 109-day journey back to England, a journey that had him walking through France, over the Pyrenees and through Spain.

In addition to his Purple Heart, Mr. Walters has received the Distinguished Service Cross, the Air Medal with 3 Oak Leaf Clusters, the World War II Victory Medal, The American Campaign Medal, The European-African-Middle Eastern Campaign Medal with 1 Bronze Service Star, The Army Good Conduct Medal and the Honorable Lapel Gutter.

Madam Speaker, soldiers like Joseph J. Walters should be recognized for their service to our Nation and for their commitment and sacrifices in battle. I am honored to present
Mr. Walters with his long overdue Purple Heart. He should know that we truly consider him one of America's heroes.

CONGRATULATING STAFF SERGEANT MICHAEL BROUSSARD AND STAFF SERGEANT SHAYNE CHERRY

HON. LYNN A. WESTMORELAND
OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 21, 2008

Mr. WESTMORELAND. Madam Speaker, I rise today to congratulate SSG Michael Broussard and SSG Shayne Cherry, winners of the 2008 Best Ranger Competition, a rigorous contest at Fort Benning, GA, between elite two-man teams.

Broussard and Cherry won a home-court victory, as they hail from Benning's 75th Ranger Regiment.

The Best Ranger Competition started out as a contest between the best two-man teams at Fort Benning in the early 1980s but quickly expanded Army-wide. It easily rates as one of the toughest, most physically demanding competitions in the world. Contestants endure extreme levels that far exceed the expectations in the world. Contestants endure extreme levels that far exceed the expectations of average soldiers.

Today, the competition pits the best of the best against each other. It's an honor to simply win a spot in the contest, making Broussard and Cherry's accomplishment all the more extraordinary. The event lasts 3 days and teams face elimination unless they complete all events, which include marksmanship, climbing a 60-foot rope and long, wet hikes. It's easy to see why of the 27 teams that entered only 16 finished all courses.

The pair took an early lead on the first day and never trailed again. Army Chief of Staff George Casey was on hand at Fort Benning to congratulate the winners.

Casey had high praise for all involved: "The men that have been through this competition . . . are a fitting example of what this Army stands for—about discipline, about mental and physical agility, about strength and about the warrior ethos."

Both SSG Broussard and SSG Cherry have been awarded many medals, including the Army Commendation Medal, the Army Achievement Medal, the Valorous Unit Award and many others.

Broussard, from Brentwood, CA, joined the Ranger Regiment in 2002. He has served in Afghanistan and two tours in Iraq. He is working on his master's degree and plans to become a physician assistant after his military career. Broussard had competed in the Best Ranger Competition twice before.

Cherry, from Monroe, NE, has served since 2001 and has deployed to Iraq and Afghanistan seven times. He and his wife Amanda have two children.

"We said to each other . . . we're doing this to win," Broussard told the Army Times. "Everything just sort of clicked for us." SSG Broussard and Sergeant Cherry have dedicated their lives to the service of this Nation and have dedicated years of their lives to fighting on the front lines of the war on terrorism in Afghanistan and Iraq. With a combination of hard work, dedication and talent, they have proven on the field of battle and on the field of competition that they rank amongst the best soldiers in the U.S. Army—the greatest fighting force in the history of the world.

Madam Speaker, I call on the U.S. House of Representatives to join me and the people of Georgia's 3rd Congressional District in honoring the service and applauding the stellar achievements of Sergeant Michael Broussard and Sergeant Shayne Cherry. They are a tribute to Fort Benning, the U.S. Army Rangers, and the United States.

RECOGNIZING THE CITY OF LAGUNA NIGUEL

HON. JOHN CAMPBELL
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 21, 2008

Mr. CAMPBELL of California. Madam Speaker, I am pleased to recognize the city of Laguna Niguel, located within the 48th Congressional District of California, for recently formalizing its Sister Cities Agreement with Al Qa'im, Iraq. This is the tenth Sister City relationship to be established between United States and Iraqi jurisdictions, and I see this as a clear sign to the people of Iraq that citizens and volunteers within communities like Laguna Niguel stand beside them in their time of building a free and prosperous society.

The Sister City Program, administered by Sister Cities International, was initiated by President Dwight D. Eisenhower back in 1956 to encourage greater friendship and cultural understanding between the United States and other nations through direct personal contact. The partnership between Laguna Niguel and Al Qa'im will be for the purpose of exploring and implementing mutually beneficial programs in the areas of government and business information exchange, health, education, cultural arts, and sports.

As a preliminary first gesture, the city of Laguna Niguel's Military Support Committee sent hundreds of soccer balls, uniforms and pumps to Al Qa'im to help the Marines deployed there build relations with the local citizens. According to their commanding officer, the city played an extremely important role in assisting the Marines in accomplishing their mission.

This is just an early indicator of many great things to come as the activities of their mutual cooperation agreement unfold. Mayor Farhan Tekai and SSG John Danforth were recently quoted in Marine Corps News, saying that "this is a great occasion for Al Qa'im, and God willing, this relationship will prove to be a promising one."

I especially want to thank the 1st Battalion, 4th Marine Regiment, led by LTC Jason Bohm, for initiating the program with Laguna Niguel and Al Qa'im, and the recently deployed Task Force 3rd Battalion, 2nd Marine Regiment, Regimental Combat Team 5, led by LTC Peter B. Baumgarten, for facilitating the official signing for the Sister City Program. I look forward to hearing and telling more about many other good things to come from this innovative program over the months and years ahead.

CELEBRATING THE 50TH ANNIVERSARY OF THE MACKINAC ISLAND STATE PARK COMMISSION’S HISTORICAL PRESERVATION AND MUSEUM PROGRAM

SPEECH OF
HON. JOHN CONYERS, JR.
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Monday, May 19, 2008

Mr. CONYERS. Mr. Speaker, today I rise to support H. Con. Res. 325, Celebrating the 50th Anniversary of the Mackinac Island State Park Commission’s Historical Preservation and Museum Program, which began on June 15, 1958.

In 1958, the State of Michigan granted authority to the Mackinac Island State Park Commission to restore and interpret Fort Mackinac and other historical properties at the Straits of Mackinac.
The Mackinac State Historic Parks complex is one of the most successful historic site complexes in North America. The Mackinac Island State Park Commission helps bring tourism to the Upper Peninsula of Michigan and aids the local economy. This resolution commemorates the restoration and opening of Fort Mackinac to the public in 1958.

As a native Michigander, I have always enjoyed the beautiful and abundant natural resource that is Mackinac Island. All of my visits to Mackinac Island have been rewarding and fulfilling. I join my fellow colleagues, in honoring the accomplishments and creation of the Mackinac Island State Park Commission’s Historical Preservation and Museum Program, and to commemorate the 50th anniversary by supporting this resolution.

EARMARK DECLARATION
HON. BOB INGLIS
OF SOUTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 21, 2008

Mr. INGLIS of South Carolina. Madam Speaker, I submit the following:
Requesting Member: Congressman Bob Inglis
Legal Name of Requesting Entity: Cytec Carbon Fibers LLC.
Address of Requesting Entity: 7139 Augustia Road, Piedmont, South Carolina 29673.
Description of Request: The purpose of the request is to provide an earmark of $3,000,000 to conduct research and development aimed at producing a domestic source of cost effective, high performance carbon fiber used to manufacture efficient manned and unmanned air and space vehicles for the military. Approximately, $250,000 (8%) is to continue R&D for optimization to ensure equivalent or superior product performance through modified polymer chemistry; $200,000 (7%) is to continue R&D for scale process optimization to ensure equivalent or superior product performance through carbon fiber surface science for improved property translation in composites; $250,000 (8%) to produce (pilot scale) and test 12k versions of phase I defined advanced PAN-based carbon fibers; $200,000 (7%) to establish testing protocols with Greenville and York Technical Colleges; $350,000 (12%) to generate meaningful preliminary composite data for use by target program managers; $150,000 (5%) to establish training parameters for manufacturing and use of high performance carbon fibers; $300,000 (10%) to begin scale-up of production/commercial capability; $350,000 (12%) to produce multiple production-scale carbon fiber lots of selected 12k versions of advanced fibers; $600,000 (20%) to initiate qualification/design allowable database test programs based on key military applications, and $350,000 (12%) for Air Force Research Laboratory project management.
In an effort to reduce the Department of Defense’s fossil fuel dependence, the DoD has recently given significant attention to lightweighting manned and unmanned ground and air vehicles through advanced materials, such as composite structures, which are currently only available from foreign suppliers. The military has demonstrated a need for access to a lower cost domestic source of new advanced carbon fibers and testing protocols. Cytec Carbon Fibers will provide a domestic solution to assist in manufacturing high performance carbon fibers in its Greenville, South Carolina plant to be used for military applications including J-UCAS, UCAR, Global Hawk, Predator, F-16 E/F, JSF and V-22 as well as missile and satellite components. The ultimate goal would be for Cytec to work with local technical colleges, such as Greenville and York Technical Colleges to establish a knowledge base on the manufacturing, testing, repair and efficient use of advanced composite materials. This request is consistent with the intended and authorized purpose of the Research, Development, Test & Evaluation, Air Force—Materials Account. Since 2006, Cytec Carbon Fibers has invested $7 million to upgrade its R&D facilities and pilot plan capabilities.

HONORING STEVE L. BUTTS OF HERNANDO, FLORIDA
HON. GINNY BROWN-WAITE
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 21, 2008

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise to honor Steve L. Butts, a veteran from Hernando, Florida who has recently been recognized with the Saint Martin Award, a tribute given under the authority of the U.S. Army Quartermaster General. At the age of 17, Mr. Butts enlisted in the Army, and was sent to Quartermaster School in Ft. Lee, Virginia, eventually rising to the rank of sergeant. Assigned to the 1st LOG Battalion, he served with the 2nd LOG Command at Okinawa in 1970. Prior to his retirement in 1989, Butts was appointed to warrant officer and was commissioned at West Point Academy. In addition to his service in Panama, Germany, Italy, France, England, Ireland, Turkey, Afghanistan, Korea, Japan, Spain, Netherland and Greenland, Mr. Butts was sent to Lockie, Scotland as part of the team investigating the wreckage of Pan Am Flight 103, for which he was awarded the Meritorious Service Medal 5th OLC.
For his two decades of service to the Army Quartermasters, Mr. Butts was recently honored with the Saint Martin Award for distinguished service to the military. Martin was a Roman soldier who served during the time of Emperor Constantine and who during a campaign in Gaul kindly gave half of his warm cloak to a beggar who had been ignored by the rest of his troops. That evening Martin was visited by the Lord, who praised him for his kindness toward the poor beggar. Today, Saint Martin serves as the patron saint of the Quartermaster Regiment and lends his name to the award recently bestowed upon Steve Butts for his lifetime of service to the Army Quartermasters. The award recognized not just his years of military service, but also his continued commitment to the men and women who serve today in the Army Quartermaster units throughout the world. Madam Speaker, it is veterans like Steve Butts who have served our Nation with honor and distinction and who deserve our praise and recognition. Completing his service and retiring from the Army, Mr. Butts continued to work with the Quartermasters around the world, serving as an example for all men and women seeking to serve our great Nation. I congratulate Steve on his well deserved recognition and hope that he continues his service to the Quartermasters for many years to come.

PERSONAL EXPLANATION
HON. MARIO DIAZ-BALART
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 21, 2008

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, on Tuesday, May 20, 2008, I was unavoidably detained and thus I missed rollcall votes No. 331 through No. 337. Had I been present, I would have voted in the following manner:
On rollcall vote No. 331 on H.R. 6081, The Heros’ Earnings Assistance and Relief Tax Act, I would have voted “aye.”
On rollcall vote No. 332, on H.R. 6074, Gas Price Relief for Consumers Act, I would have voted “aye.”
On rollcall vote No. 333, on H. Res. 1144, Expressing support for designation of a “Frank Sinatra Day” on May 13, 2008, in honor of the dedication of the Frank Sinatra commemorative, I would have voted “aye.”
On rollcall vote No. 334, on Adjournment Resolution, Providing for the Memorial Day Recess, I would have voted “nay.”
On rollcall vote No. 335, on H.R. 1464, to assist in the conservation of rare felds and rare candid, I would have voted “aye.”
On rollcall vote No. 336, on H.R. 2649, to make amendments to the Reclamation Projects Authorization and Adjustment Act of 1992, I would have voted “aye.”
On rollcall vote No. 337, on H.R. 2744, Airline Flight Crew Technical Corrections Act, I would have voted “aye.”

COMMORATING THE 100TH ANNIVERSARY OF THE PILGRIM VALLEY MISSIONARY BAPTIST CHURCH
HON. MICHAEL C. BURGESS
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 21, 2008

Mr. BURGESS. Madam Speaker, I rise today to commemorate the 100th anniversary of the Pilgrim Valley Missionary Baptist Church in Fort Worth, Texas. The church, which was organized in 1908 in a three-room house by Reverend James Hardeman, has grown and become a candlestick light in the community. The congregation, which was originally located on Orr Street, has several times outgrown their buildings and therefore several moves have been required. The church is now located on South Riverside Drive. For years,
Pilgrim Valley Missionary Baptist Church has had an open-door policy towards the entire community, which has surely led to its continual growth in membership.

The church has been a cornerstone of the African-American community, providing a comprehensive drug abuse prevention program called Pilgrim Valley People Against Drugs (PAD). The church has also provided sustenance for the needy, mentoring programs for the local children of the community, clothing giveaways, and college scholarships to its members seeking higher education.

Throughout the difficult times and the good times, Pilgrim Valley Missionary Baptist Church has always been a welcoming home for many in Fort Worth. Those who sacrifice their own needs for others are of the utmost moral excellence, and this church and its congregation are the epitome of selfless.

Madam Speaker, today I extend my sincere congratulations to the Pilgrim Valley Missionary Baptist Church and their continual outreach towards the community. I would also like to thank the recently retired Reverend W. G. Daniels for his 36-year devotion and service to the church. It is an honor to represent such a civic-minded organization and individuals the 26th Congressional District of Texas.

CELEBRATING THE VISIT TO WASHINGTON OF HIS EXCELLENCY NECHIRVAN BARZANI, PRIME MINISTER OF THE KURDISTAN REGIONAL GOVERNMENT OF IRAQ

HON. LINCOLN DAVIS
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. DAVIS of Tennessee. Madam Speaker, I rise today to welcome to Washington and to the U.S. Congress a close friend of the United States, Prime Minister Nechirvan Barzani of the Kurdistan Regional Government of Iraq.

On the occasion of this important visit, I am also pleased that Congressman Joe Wilson of South Carolina has joined me to serve as co-chair and co-founder of the Kurdistan-American Caucus.

America has no better friend in Iraq than Prime Minister Barzani and the country’s Kurdish population. The Kurds have been among America’s best allies in the overthrow of Saddam Hussein’s regime and in supporting the transition to a democratic Iraq. Kurdish forces fought and died alongside U.S. troops in support of our mission in Iraq and are unambiguously grateful for America’s many sacrifices in Iraq.

They welcome a continued military presence in the Kurdistan Region as part of any redeployment of U.S. forces in the future, and offer their sincere friendship in the peace process.

The Kurds are a model of stability and moderation in Iraq and have set themselves apart from the bloody sectarianism and factionalism that bedevils the political establishment in Baghdad today.

For those of my colleagues who have not visited the Kurdistan Region of Iraq, I would urge you to do so. My visit to Erbil earlier this year was an extraordinary lesson in how democracy can flourish in the Middle East. It is economically vibrant, peaceful and secure, and pro-American. The Kurdistan Regional Government has seized the opportunity of liberation from Saddam Hussein to establish a government that is both a model for Iraq and a gateway to the rest of the country. This is not to say that there are no challenges ahead. However, with the inspired leadership of Prime Minister Barzani and his colleagues in the region, and his excellent representative in Washington, I am confident of a bright future.

I invite my colleagues to join me in the Kurdish-American Caucus and to visit the Kurdistan Region of Iraq so they, too, can see how the ideals of a free and peaceful people can succeed even in war-torn nations of the Middle East.

EARMARK DECLARATION

HON. JIM McCREERY
OF LOUISIANA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. McCREERY. Madam Speaker, I submit the following:

Requesting Member: Congressman Jim McCready (LA-04)


Account: Research and Development, Air Force.

Legal Name of Requesting Entity: U.S. Air Force Cyberspace Command (Provisional) which will administer funds to Louisiana Tech University, Ruston, LA.

Address of Requesting Entity: Barksdale Air Force Base, Bossier City LA/Louisiana Tech University, Railroad Ave, Wly Tower 1629, Ruston, LA 71272.

Description of Request: This $4M authorization authorizes appropriations for continued research and development of the Remote Suspect Identification (RSI) initiative, a cyber security program that directly supports the Air Force’s Cyberspace Command (Provisional) and the Eighth Air Force at Barksdale Air Force Base, LA. Funding will be utilized exclusively for research and development costs and well as associated administrative costs.

TRIBUTE TO ALLEN E. TACKETT
WEST VIRGINIA AIR NATIONAL GUARD

HON. SHELLEY MOORE CAPITO
OF WEST VIRGINIA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mrs. CAPITO. Madam Speaker, today I rise to give my congratulations to the West Virginia Army National Guard, under Adjutant General Allen E. Tackett, for being the special category winner of the Army Chief of Staff Army Communities of Excellence.

The ACOE Awards are presented every year to recognize excellence in performance for installation management. The award recognizes installation improvement, innovation, groundbreaking initiatives, and dedication to efficiency, and effectiveness. The award also acknowledges support to soldiers, non-military employees, veterans, and military families who reside on Army installations.

The West Virginia Army National Guard, which has 32 units, is currently supporting missions in Iraq, Afghanistan and Kosovo. It has been rated number one in readiness for the past 11 years.

The West Virginia Army National Guard has proven itself to be an elite, efficient military force. I am so proud that they have won recognition for their outstanding performance. I know that they will continue to give their all for the homeland, and serving the American people at home and abroad.

I want to take this opportunity to thank and honor my fellow West Virginians who serve in the West Virginia National Guard as well as all branches of the military. Their bravery and sacrifice exemplifies the best our country has to offer.

I encourage them to continue their hard work and am confident that they will continue to impress our Nation.

CLAY WALKER
HON. TED POE
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. POE. Madam Speaker, it has been said that a real leader faces the music, even when he doesn’t like the tune. Country music superstar Clay Walker has heard sour notes in his life before, but like a real leader he has stood strong and fought for what he believes is right.

Because of his tireless dedication to fighting and finding a cure for Sclerosis he has earned the title of Artist Humanitarian of the Year for 2008 by the Country Radio Broadcasters.

Clay was born in Beaumont, TX, where country music is king. He was given his first guitar at the age of 9. Only 7 short years later, he walked up to a local radio station with a tape of a song that he had written himself. The station went against its own policy of not playing self-submitted tapes because, as the DJ announced, it was “too good to pass up.”

After graduating high school he went on a tour of Texas and took a job as the house singer in a local bar where he was discovered by a record producer from a major label. The rest, as they say, is history. Walker has released 10 albums, with 4 having been certified platinum and two certified gold. He has placed more than 30 singles on the charts, including 6 number 1s.

Walker’s musical career hit some unexpected turbulence in 1996 when he was diagnosed with Multiple Sclerosis, the leading cause of non-traumatic disability in young people throughout the world. Despite dealing with occasional side effects like tiredness and tingling in his hands, Clay has been able to live, work, and maintain his quality of life through daily treatments and a healthy lifestyle. He knows that everyone diagnosed with MS can and enjoy their comfort. So in 2003 he formed the Band Against MS Foundation, a non-profit organization that aims to provide encouragement and education to those living with MS while also raising money to help find a cure for the disease. They have raised over a million dollars to fund research. He has also partnered with the Make-A-Wish Foundation, the Ronald McDonald House, and Habitat for Humanity, among other charities. Clay Walker was recently recognized for his selfless commitment.
to helping others by the Country Radio Broadcasters as he was named their Humanitarian of the Year for 2008. He joins other recipients such as Garth Brooks, Vince Neil, Kenny Rogers, Willie Nelson, and Reba McEntire.

On behalf of the Second Congressional District of Texas, I applaud my personal friend Clay Walker on his outstanding achievements. He personifies the spirit of Texas and Texas country music. He has faced the music and has tried to make the world a better place to live, for those affected by MS and for those without. And that’s the way it is.

EARMARK DECLARATION

HON. RODNEY ALEXANDER
OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 21, 2008

Mr. ALEXANDER. Madam Speaker, I submit the following:

Requesting Member: Congressman RODNEY ALEXANDER.

Bill Number: H.R. 5658.

Provision: Title I APA line 020.

Legal Name of Requesting Entity: Army National Guard Readiness Center.

Address of Requesting Entity: 111 S. George Mason Drive, Arlington, VA 22204.

Description of Request: The UH–60 Black Hawk helicopter is an essential capability of the National Guard. It provides units in every state with a multi-mission aircraft for search and rescue, utility lift, disaster relief and medical evacuation. The Army National Guard (ARNG) is authorized 782 Black Hawk aircraft, but is short of this authorization by almost 100 aircraft. This shortage requires ARNG units to loan or transfer Black Hawks to support deployments, training or state missions, resulting in a higher usage rate of available airframes. Additionally, more than 500 of the 782 National Guard aircraft are older UH–60A models, with an average age of approximately 25 years. The Army is procuring over 1200 UH–60M Black Hawks for utility, special operations and MEDEVAC missions to replace the aging UH–60A from operational units by 2016. The Army acquired 33 UH–60M Black Hawks by the end of FY07, and from FY09 to FY13, the Army plans to acquire an additional 300 UH–60M Black Hawks (70 of those aircraft are procured for the National Guard units). However, without an accelerated procurement of the UH–60M, the Army National Guard will be operating more than 400 UH–60A helicopters beyond 2020. The ARNG and the Active Army developed a program to support the continued modernization of the ARNG Black Hawk fleet. Unfortunately, this program is not fully funded. The ARNG plan is to accelerate the fielding of UH–60M Black Hawks by 10 aircraft per year. Although the Active Army has programmed UH–60M recapitalization for the ARNG with Operations and Maintenance (O&M) funds, which includes an airframe life extension, fleet-wide product improvements and the replacement of components, the UH–60A to L upgrade is not funded. The UH–60L Black Hawk is more economical to operate and has 1000 lbs of additional lift than the UH–60A. The desired rate of UH–60 A to L upgrades is 38 per year. Funding the UH–60A to L upgrade will significantly improve the Black Hawk fleet, and assure that ARNG units are ready, deployable, and available to protect our national interests both abroad and at home. This ARNG aviation initiative has been identified by the Chairman of the National Guard Bureau (CNGB) as FY09 “Essential 10–Top 25” unfunded priorities.

Requesting Member: Congressman RODNEY ALEXANDER.

Bill Number: H.R. 5658.

Provision: Title II, RDA 0602720A line 22.

Legal Name of Requesting Entity: Mezzo Technologies.

Address of Requesting Entity: 716 Florida Blvd., Baton Rouge, LA 70806.

Description of Request: This is an Environmental Quality Technology initiative in the Pollution Prevention category that will address the Army’s Unfunded need for additional CBRN soldier protection. The program will develop and test critical components for an Integrated ECS/CARS. Current chemical, biological, radiological, and nuclear (CBRN) air filtration systems rely on carbon filters to remove harmful agents from air being used to ventilate armored military vehicles. The program will provide the following benefits to the military: increased CBRN soldier protection; reduced operation and support costs over traditional filtration systems; reduced logistical burden associated with replacement of filters; and reduced dependence on global warming refrigerants.

Requesting Member: Congressman RODNEY ALEXANDER.

Bill Number: H.R. 5658.

Provision: Title II, RDA 0602787A line 26.

Legal Name of Requesting Entity: Biomedical Research Foundation of Northwest Louisiana.

Address of Requesting Entity: 1505 Kings Highway, Shreveport, LA 71103.

Description of Request: The Biomedical Research Foundation in collaboration with Emberra Technologies, Inc. is seeking federal assistance to develop a collaborative research plan with the Department of Defense to test the effectiveness of EMB 001 for treatment of post traumatic stress disorder (PTSD) and related neuropsychiatric disorders. EMB 001 is a novel therapeutic patent-pending drug, currently in development. This is the only emerging drug that reduces the cravings of the addict for the drug; thus, works to cure the addiction through decreased need. It does this by diminishing the effects of the environmental cues that trigger the cravings for the drug in the brain that cause drug use or relapse to drug use. While most other medicines designed to treat drug and alcohol addictions typically only target the limbic system of the brain, Emberra’s approach targets the prefrontal cortex, which is a higher cognitive center than the limbic system. Emberra’s lead therapeutic patent-pending drug, EMB 001, developed by Dr. Goeders, is a novel composition of two off-patent, FDA-approved drugs with a long history of use and an established safety profile. Dr. Goeders, currently serves as the Head of Pharmacology and Director, Stress and the Neurobiology of Drug and Alcohol Dependence Training Program at the Louisiana State University Health Sciences Center.

Requesting Member: Congressman RODNEY ALEXANDER.

Bill Number: H.R. 5658.

Provision: Title II, RDAF 0301555F line 4.

Legal Name of Requesting Entity: Air Force Cyberspace Command Louisiana Tech University.

Address of Requesting Entity: P.O. Box 16106, Ruston, LA 71272.

Description of Request: "UNCLASSIFIED DESCRIPTION" Remote Suspect Identification (RSI) is a novel technology that uses mathematical models for identity verification over electronic networks. Aspects of this work have been commercialized in the private sector. Building upon recent collaborative successes with Louisiana Tech University in Ruston, Louisiana, the Air Force has expressed strong interest in further development of the algorithms and associated software for military applications. This project will enhance the Air Force’s capability to capitalize upon innovations from Louisiana Tech University’s Cyber Research Laboratory, where ongoing research is helping to support the goals of the Air Force’s Cyber-space Command (AFCYBER) at Barksdale Air Force Base in Bossier City, LA. This important Air Force initiative, driven by research at Louisiana Tech, has already benefited from valuable research expertise from the Air Force Research Laboratory’s Information Directorate (Rome, NY), Sandia National Laboratories, and the Massachusetts Institute of Technology’s Lincoln Laboratory.

Requesting Member: Congressman RODNEY ALEXANDER.

Bill Number: H.R. 5658.

Provision: Title III, OMDW ba04–0100d line 260.

Legal Name of Requesting Entity: National World War II Museum.

Address of Requesting Entity: 945 Magazine Street, New Orleans, LA 70130.

Description of Request: This request would provide a one-time permanent $50 million authorization, subject to appropriations, for the National WW II Museum in New Orleans, Louisiana. On June 6, 2000, the National D-Day Museum opened in New Orleans. On December 7, 2001, the Pacific Wing of the Museum opened.

The National D-Day Museum was officially designated by the U.S. Congress as “America’s National World War II Museum” in the Fiscal Year 2004 Supplemental Appropriations Act (Pub. L. 108–87, Section 8134). A key reason for this national designation is clearly spelled out in the second Congressional finding of Section 8134 that “The National World War II Museum is the only museum in the United States that exists for the exclusive purpose of interpreting the American experience during the World War II years (1939–1945) on both the battlefront and the homefront and, in doing so, covers all of the branches of the Armed Forces and the Merchant Marine.” Approximately $33 million in state funds and another $50 million in private funds already available and pledged in matching state/local/private funding for other Pavilions of the WWll Museum. It is planned that a total of $240 million in non-Federal support will match any future Federal appropriations. The State of Louisiana, which has already appropriated $33 million towards the Federal Authorization request, has also pledged to match dollar for dollar up to the total amount of the Federal Authorization, (the entire Federal million Authorization) if it is approved by Congress.
E1044 CONGRESSIONAL RECORD — Extensions of Remarks May 22, 2008

HON. J. GRESHAM BARRETT OF SOUTH CAROLINA IN THE HOUSE OF REPRESENTATIVES Wednesday, May 21, 2008

Mr. BARRETT of South Carolina. Madam Speaker, I submit the following:

Requesting Member: Congressman J. GRESHAM BARRETT.
Bill Number: H.R. 5658.
Authorized Amount: $4,000,000.
Project Name: Combat Casualty Equipment Upgrade Program.
MN: Navy.
PE Number: 0.
Line Number: 050.
Legal Name and Address Receiving Earmark: North American Rescue Products, 481 Garlington Road, Suite A, Greenville, SC 29615–4619.

Description of how money will be spent and why use of federal taxpayer funding is justified: Provide Congressionally directed spending of $4,000,000 to greatly improve field medical equipment that meets the stringent requirements of today’s counter-insurgency combat operations and littoral warfare. Program objectives are due to the DoD to reduce preventable combat deaths at the point of wounding, more quickly stabilize and evacuate casualties during the critical “golden hour” after the initial trauma, and improve survival and recovery times. Funding will be used to maintain and expand operations to improve new intermediate-medical-care equipment.

E1044 CONGRESSIONAL RECORD — Extensions of Remarks May 22, 2008

HON. ROBERT J. WITTMAN OF VIRGINIA IN THE HOUSE OF REPRESENTATIVES Wednesday, May 21, 2008

Mr. WITTMAN of Virginia. Madam Speaker, I submit the following:

Vehicle Paint Facility, Fort Eustis.
Requesting Member: Congressman ROBERT J. WITTMAN.
Bill Number: HR 5658.
Account: U.S. Department of the Army, Military Construction.
Legal Name of Requesting Entity: City of Newport News.
Address of Requesting Entity: 2400 Washington Avenue, Newport News, VA 23607.

Description of Request: Provide $4.076 million to construct a Vehicle Paint Facility at Fort Eustis with paint booths to accommodate the preparation and painting of vehicles, equipment, components, helicopters, and modular causeway sections. This project is required to support the preparation for and painting of approximately 1600 pieces of vehicular equipment. Most of this equipment belongs to the 7th Support Brigade, which is one of the Army’s most frequently deployed units. If this project is not provided, Fort Eustis will incur negative mission impacts and will not meet Virginia Environmental Quality requirements. Currently existing operations will have an ele- vated cost because existing facilities cannot accommodate oversized equipment. The facility is critical to rapidly prepare equipment for deploying units in conjunction with time phased deployment schedules. In addition, the Deputy Secretary of the Army (Installations and Housing) certifies that this project has been considered for joint use potential.

The estimated contract cost is approximately $3.9 million with an estimated contingency percent of 5 percent. Inspection, inspection and overhead costs at an estimated 5.7 percent, design/build design costs at an estimated 4 percent and additional expenses for installed equipment.

This request is consistent with the intended and authorized purpose of the U.S. Department of the Army for multiple type Operations and Maintenance. The project is listed on the USMC FY09 Unfunded Programs List. The entity to receive funding for this project is the Navy.

The estimated contract cost for the 13,250 square foot facility is approximately $4 million with an estimated contingency percent of 5%. Supervision, inspection and overhead costs at an estimated 5.7%, design/build design costs at an estimated 4% and additional expenses for installed equipment. The funds will be used for the OCS headquarters construction, technical operating manuals, information systems, anti-terrorism force protection, and supporting facilities (construction features, electrical, mechanical, paving and site improvements, demolition and environmental mitigation).

There is no matching requirement. This request is consistent with the intended and authorized purpose of the U.S. Department of the Navy for expeditionary base defense. The $5 million requested for FY09 would accelerate development of this program by two years. The Navy’s Joint Vision 2020 outlined an objective to develop directed energy weapons that provide unique capability against emerg- ing asymmetric threats. Directed energy and laser weapon systems research and development, including high power free electron and high brightness electron laser technology, is consistent with this objective. This request is consistent with the intended and authorized purpose of the U.S. Department of the Navy Research and Development account. There is no matching requirement. Detailed finance plan below.

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<td>Optics analysis</td>
<td>PSU-EOC</td>
<td>200,000</td>
<td>4.0</td>
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<td>Track systems</td>
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<tr>
<td>Sensor and mount interface</td>
<td>LBRM</td>
<td>100,000</td>
<td>2.0</td>
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Effort Activity/Company    Amount Percent
System Integration        NSWCDD    400,000 8.0
Technical support         EG&G       100,000 2.0
Testing/Validation        NSWCDD    300,000 6.0
Setup and data analysis.  PSU-EOC    200,000 4.0
Demonstration            NSWCDD    500,000 10.0
Technical support         EG&G       200,000 4.0
PROJECT GUILLOTINE        NSWCDD    375,000 7.5
Program management        BTPS      125,000 2.5
Target development        ENV       250,000 5.0
Field testing Dahlgren    BTPS      200,000 4.0
Field testing Yuma        ENV       400,000 8.0
Data Analysis             BAH       150,000 3.0

5,000,000 100.00

Sea Based Strategic Deterrent (SBSD)/Undersea Launched Missile Study (ULMS).
Requesting Member: Congressman ROBERT J. WITTMAN.

Bill Number: H.R. 5658.
Account: U.S. Department of the Navy, Research and Development.
Legal Name of Requesting Entity: N/A.
Address of Requesting Entity: N/A.
Representative WITTMAN requested that the Committee consider an increase in funding for Research and Development, Navy, to support risk reduction activities for the Undersea Launched Missile Study (ULMS) and the associated planned Sea Based Strategic Deterrent (SBSD). Since SBSD is not yet a program of record, and is therefore pre-competitive, Representative WITTMAN did not request that any increase in funding be awarded to a specific recipient. Representative WITTMAN is pleased that the Committee recommends an increase of $10.0 million to Research & Development, Navy, for this activity.

Subsequent to the submission of the request, Representative WITTMAN was informed that the Navy would apply any additional funding above the President’s Budget request for the Sea Based Strategic Deterrent (SBSD)/Undersea Launched Missile Study (ULMS) to Northrop Grumman and General Dynamics. The Navy has decided to apply these additional funds to the shipyards for detailed concept work to perform the Analysis of Alternatives (AoA) for SBSD.
Representative WITTMAN supports the Navy’s decision to execute these funds in a manner which achieves best value for the Government. There is no matching requirement.
HIGHLIGHTS

H.R. 2642, Military Construction and Veterans Affairs Appropriations Act (Supplemental Appropriations).

Senate upon reconsideration passed H.R. 2419, Food Conservation and Energy Act, the objections of the President to the contrary notwithstanding.


Senate

Chamber Action

Routine Proceedings, pages S4709–S4850

Measures Introduced: Twenty-five bills and eleven resolutions were introduced, as follows: S. 3048–3073, S.J. Res. 34–36, S. Res. 574–579, and S. Con. Res. 84–85.

Measures Reported:

S. 2420, to encourage the donation of excess food to nonprofit organizations that provide assistance to food-insecure people in the United States in contracts entered into by executive agencies for the provision, service, or sale of food, with an amendment in the nature of a substitute. (S. Rept. No. 110–338)

S. 1581, to establish an interagency committee to develop an ocean acidification research and monitoring plan and to establish an ocean acidification program within the National Oceanic and Atmospheric Administration, with amendments. (S. Rept. No. 110–339)

S. 2482, to repeal the provision of title 46, United States Code, requiring a license for employment in the business of salvaging on the coast of Florida. (S. Rept. No. 110–340)


S. Res. 563, designating September 13, 2008, as “National Childhood Cancer Awareness Day”.

S. Res. 567, designating June 2008 as “National Internet Safety Month”.

S. 1210, to extend the grant program for drug-endangered children.

S. 2982, to amend the Runaway and Homeless Youth Act to authorize appropriations, with an amendment in the nature of a substitute.

Measures Passed:

Heroes Earnings Assistance and Relief Tax Act: Senate passed H.R. 6081, to amend the Internal Revenue Code of 1986 to provide benefits for military personnel, clearing the measure for the President.

Protecting Children in the 21st Century Act: Senate passed S. 1965, to protect children from cybercrimes, including crimes by online predators, to enhance efforts to identify and eliminate child pornography, and to help parents shield their children from material that is inappropriate for minors, after agreeing to the committee amendments, and the following amendment proposed thereto:

Reid (for Stevens) Amendment No. 4819, to strike the authorization of appropriations and the additional child pornography amendments.

Native American Housing Assistance and Self-Determination Reauthorization Act: Senate passed S. 2062, to amend the Native American Housing Assistance and Self-Determination Act of 1996 to reauthorize that Act, after agreeing to the committee amendments, and the following amendment proposed thereto:

Reid (for Dodd/Shelby) Amendment No. 4820, to modify provisions relating to use of treatment of funds, amounts, an allocation formula, and a demonstration program.

Federal Food Donation Act: Senate passed S. 2420, to encourage the donation of excess food to nonprofit organizations that provide assistance to food-insecure people in the United States in contracts entered into by executive agencies for the provision, service, or sale of food.
nonprofit organizations that provide assistance to food-insecure people in the United States in contracts entered into by executive agencies for the provision, service, or sale of food, after agreeing to the committee amendment in the nature of a substitute.

National Childhood Cancer Awareness Day: Senate agreed to S. Res. 563, designating September 13, 2008, as “National Childhood Cancer Awareness Day”.

National Internet Safety Month: Senate agreed to S. Res. 567, designating June 2008 as “National Internet Safety Month”.

Gasoline Usage: Senate agreed to S. Res. 577, to express the sense of the Senate regarding the use of gasoline and other fuels by Federal departments and agencies.

Congressional Club 100th Anniversary: Senate agreed to S. Res. 578, recognizing the 100th anniversary of the founding of the Congressional Club.

National Hurricane Preparedness Week: Senate agreed to S. Res. 579, designating the week beginning May 26, 2008, as “National Hurricane Preparedness Week”.

Use of Capitol Rotunda: Senate agreed to S. Con. Res. 85, authorizing the use of the rotunda of the Capitol to honor Frank W. Buckles, the last surviving United States veteran of the First World War.

Adjournment Resolution: Senate agreed to H. Con. Res. 355, providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

Measures Considered:

Climate Security Act—Agreement: Senate began consideration of the motion to proceed to consideration of S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases.

A motion was entered to close further debate on the motion to proceed to consideration of the bill, and, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, and pursuant to the unanimous-consent agreement of Thursday, May 22, 2008, a vote on cloture will occur at 5:30 p.m., on Monday, June 2, 2008.

Subsequently, the motion to proceed was withdrawn.

A unanimous-consent agreement was reached providing that Senate resume consideration of the motion to proceed to consideration of the bill at approximately 3 p.m., on Monday, June 2, 2008, and that the time from 4:30 p.m. to 5:30 p.m., be equally divided and controlled between the two Leaders, or their designees.

Veto Messages:

Food Conservation and Energy Act—Veto Message: By 82 yeas to 13 nays, 1 responding present (Vote No. 140), two-thirds of the Senators voting, a quorum being present, having voted in the affirmative, H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, upon reconsideration was passed, the objections of the President of the United States to the contrary notwithstanding.

House Messages:

Military Construction and Veterans Affairs Appropriations Act: Senate resumed consideration of the House message to accompany H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and taking action on the following amendments proposed thereto:

Adopted:

By 75 yeas to 22 nays (Vote No. 137), Reid Motion to Concur in the House Amendment No. 2 to the Senate amendment to the bill with Amendment No. 4803, in the nature of a substitute. (A unanimous-consent agreement was reached providing that the motion, having achieved 60 affirmatives votes, be agreed to).

By 70 yeas to 26 nays (Vote No. 139), Reid Motion to Concur in the amendment of the House No. 1 to the amendment of the Senate to the bill with Reid Amendment No. 4818, in the nature of a substitute. (A unanimous-consent agreement was reached providing that the motion, having achieved 60 affirmatives votes, be agreed to).

Withdrawn:

The motion to invoke cloture on in the House Amendment No. 2 to H.R. 2642, Military Construction and Veterans Affairs Appropriations Act, with an amendment, Reid Amendment No. 4803.

Reid Amendment No. 4804 (to Amendment No. 4803), in the nature of a substitute.

By 34 yeas to 63 nays (Vote No. 138), Reid Motion to Concur in the amendment of the House No. 1 to the amendment of the Senate to the bill with Reid Amendment No. 4817, in the nature of a substitute.
reached providing that the motion, having failed to achieve 60 affirmative votes, be withdrawn.)
Page S4742

During consideration of this measure today, Senate also took the following action:

Chair sustained a point of order against Reid Motion to Concur in the amendment of the House No. 1 to the amendment of the Senate to the bill with Reid Amendment No. 4816, as being in violation of rule XVI of the Standing Rules of the Senate which prohibits legislation on an appropriation bill, and the amendment thus fell.
Pages S4741–42

Budget Resolution Conference Report—Agreement: A unanimous-consent-time agreement was reached providing that when the Senate considers the conference report to accompany S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013, all statutory time be yielded back except for 15 minutes to be equally divided and controlled between the Chairman and Ranking Member of the Committee on the Budget; that upon the use of that time the vote on adoption of the conference report occur at a time to be determined by the Majority Leader following consultation with the Republican Leader.
Page S4743

Authorizing Leadership to Make Appointments—Agreement: A unanimous-consent agreement was reached providing that, notwithstanding the recess or adjournment of the Senate, the President of the Senate, the President Pro Tempore, and the Majority and Minority Leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.
Page S4848

Nominations Received: Senate received the following nominations:

Michael B. Bemis, of Mississippi, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2013.

Patrick J. Durkin, of Connecticut, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2009.

David F. Girard-diCarlo, of Pennsylvania, to be Ambassador to the Republic of Austria.

John J. Faso, of New York, to be a Member of the Board of Trustees of the James Madison Memorial Fellowship Foundation for a term expiring May 29, 2013.

Joe Manchin III, of West Virginia, to be a Member of the Board of Trustees of the James Madison Memorial Fellowship Foundation for a term expiring November 5, 2012.

Harvey M. Tettlebaum, of Missouri, to be a Member of the Board of Trustees of the James Madison Memorial Fellowship Foundation for a term expiring October 3, 2012.

1 Army nomination in the rank of general.
1 Navy nomination in the rank of admiral.

Routine lists in the Foreign Service, National Oceanic and Atmospheric Administration.

Pages S4749–50

Messages from the House:
Pages S4790–91

Measures Referred:
Page S4791

Measures Placed on the Calendar:
Page S4791

Executive Reports of Committees:
Pages S4791–92

Additional Cosponsors:
Pages S4793–95

Statements on Introduced Bills/Resolutions:
Pages S4795–S4810

Additional Statements:
Pages S4789–90

Amendments Submitted:
Pages S4810–36

Authorities for Committees to Meet:
Pages S4836–37

Privileges of the Floor:
Page S4837

Record Votes:
Four record votes were taken today. (Total—140)
Pages S4741, S4742, S4749

Adjournment: Senate convened at 9:30 a.m. and adjourned at 7:46 p.m., until 10 a.m. on Friday, May 23, 2008. (For Senate’s program, see the remarks of the Majority Leader in today’s Record on page S4849.)

Committee Meetings
(Committees not listed did not meet)

NOMINATIONS

Committee on Armed Services: Committee concluded a hearing to examine the nominations of General David H. Petraeus, USA, for reappointment to the grade of general and to be Commander, United States Central Command, and Lieutenant General Raymond T. Odierno, USA, for appointment to the grade of general and to be Commander, Multi-National Force–Iraq, after each nominee testified and answered questions in their own behalf.

NOMINATIONS

Committee on Armed Services: Committee ordered favorably reported 144 nominations in the Army, Navy, and Air Force.
NOMINATION
Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine the nomination of Steven C. Preston, of Illinois, to be Secretary of Housing and Urban Development, after the nominee testified and answered questions in his own behalf.

TRADE ENFORCEMENT ACT
Committee on Finance: Committee concluded a hearing to examine S. 1919, to establish trade enforcement priorities for the United States, to strengthen the provisions relating to trade remedies, after receiving testimony from Warren Maruyama, General Counsel, Office of the United States Trade Representative; and Lael Brainard, Brookings Institution, John R. Magnus, TradeWins LLC, and Robert D. Atkinson, Information Technology and Innovation Foundation, all of Washington, D.C.

ANTI-DOPING TREATY

SECURITY CLEARANCE PROCESS
Committee on Homeland Security and Governmental Affairs: Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia concluded a hearing to examine improving the security clearance process, focusing on reform efforts to streamline, standardize, and update the process, after receiving testimony from Brenda S. Farrell, Director, Defense Capabilities and Management, Government Accountability Office; Clay Johnson, III, Deputy Director for Management, Office of Management and Budget; Elizabeth McGrath, Principal Deputy Under Secretary of Defense for Business Transformation; John P. Fitzpatrick, Director, Special Security Center, Office of the Director of National Intelligence; and Kathy L. Dillaman, Associate Director, Federal Investigative Services Division, Office of Personnel Management.

DEPARTMENT OF THE INTERIOR BACKLOGS
Committee on Indian Affairs: Committee concluded an oversight hearing to examine the status of probate backlogs at the Department of the Interior, after receiving testimony from Carl J. Artman, Assistant Secretary of the Interior for Indian Affairs; Gary Svanda, Madera City Council, Madera, California; Robert Chicks, Stockbridge Munsee Band of Mohican Indians, Bowler, Wisconsin; and Douglas Nash, Seattle University School of Law Institute for Indian Estate Planning and Probate, Seattle, Washington.

BUSINESS MEETING
Committee on the Judiciary: Committee ordered favorably reported the following:
S. 2756, to amend the National Child Protection Act of 1993 to establish a permanent background check system, with an amendment in the nature of a substitute;
S. 2982, to amend the Runaway and Homeless Youth Act to authorize appropriations, with an amendment in the nature of a substitute;
S. 1210, to extend the grant program for drug-endangered children;
S. Res. 563, designating September 13, 2008, as “National Childhood Cancer Awareness Day”; and
S. Res. 567, designating June 2008 as “National Internet Safety Month”.

The nominations of Elisebeth C. Cook, of Virginia, to be an Assistant Attorney General for the Office of Legal Policy, Department of Justice, William T. Lawrence, to be United States District Judge for the Southern District of Indiana, and G. Murray Snow, to be United States District Judge for the District of Arizona, and William Walter Wilkins, III, to be United States Attorney for the District of South Carolina.

CIVIL LEGAL ASSISTANCE
Committee on the Judiciary: Committee concluded a hearing to examine efforts to provide civil legal assistance to low-income Americans, focusing on the Legal Services Corporation, and improvements needed in governance, accountability, and grants management, and oversight, after receiving testimony from Jeanette Franzel, Director, Financial Management and Assurance, Government Accountability Office; Helaine M. Barnett, Washington, D.C., and Jonann C. Chiles, Little Rock, Arkansas, both of the Legal Services Corporation; Rebekah Diller, New York University School of Law Brennan Center for Justice, New York, New York; Lora J. Livingston, American Bar Association (ABA), Austin, Texas; Jo-Ann Wallace, National Legal Aid and Defender Association,

BUSINESS MEETING
Committee on Rules and Administration: Committee ordered favorably reported the nominations of Cynthia L. Bauerly, of Minnesota, Caroline C. Hunter, of Florida, and Donald F. McGahn, of the District of Columbia, each to be a Member of the Federal Election Commission.

MEDICARE PART D
Special Committee on Aging: Committee concluded a hearing to examine improving the Medicare program for the most vulnerable, focusing on senior citizens at risk, and including Medicare Part D and the Social Security Administration’s implementation of the low-income subsidy, after receiving testimony from Barbara D. Bovbjerg, Director, Education, Workforce, and Income Security Issues, Government Accountability Office; N. Joyce Payne, AARP, and Laura Summer, Georgetown University Health Policy Institute, both of Washington, D.C.; Lisa Emerson, Oregon Senior Health Insurance Benefits Assistance (SHIBA) Program, Salem, Oregon; and Judy Korynasz, Hillsboro, Oregon.

House of Representatives

Chamber Action
Public Bills and Resolutions Introduced: 44 public bills, H.R. 6123–6166; and 20 resolutions, H.J. Res. 88–89; H. Con. Res. 361–365; and H. Res. 1220–1232, were introduced. (See next issue.)

Additional Cosponsors: (See next issue.)

Reports Filed: Reports were filed today as follows:

H.R. 5540, to amend the Chesapeake Bay Initiative Act of 1998 to provide for the continuing authorization of the Chesapeake Bay Gateways and Watertrails Network (H. Rept. 110–667);

H.R. 3667, to amend the Wild and Scenic Rivers Act to designate a segment of the Missisquoi and Trout Rivers in the State of Vermont for study for potential addition to the National Wild and Scenic Rivers System, with an amendment (H. Rept. 110–668);

H.R. 5876, to require certain standards and enforcement provisions to prevent child abuse and neglect in residential programs, with an amendment (H. Rept. 110–669);

H.R. 554, to provide for the protection of paleontological resources on Federal lands, with an amendment (H. Rept. 110–670, Pt. 1);

H.R. 5683, to make certain reforms with respect to the Government Accountability Office, with an amendment (H. Rept. 110–671); and

H.R. 3774, to provide for greater diversity within, and to improve policy direction and oversight of, the Senior Executive Service, with an amendment (H. Rept. 110–672). (See next issue.)

Speaker: Read a letter from the Speaker wherein she appointed Representative Pastor to act as Speaker pro tempore for today.

Privileged Resolution: The House agreed to table H. Res. 1221, raising a question of the privileges of the House, by a yea-and-nay vote of 220 yeas to 188 nays with 10 voting “present”, Roll No. 352.

Suspensions: The House agreed to suspend the rules and pass the following measure:

Providing for the continuation of agricultural and other programs of the Department of Agriculture through fiscal year 2012: H.R. 6124, to provide for the continuation of agricultural and other programs of the Department of Agriculture through fiscal year 2012, by a 2⁄3 yea-and-nay vote of 306 yeas to 110 nays, Roll No. 353.

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and agree to the following measures which were debated on Tuesday, May 20th:

Reaffirming the support of the House of Representatives for the legitimate, democratically-elected Government of Lebanon under Prime Minister Fouad Siniora: H. Res. 1194, to reaffirm the support of the House of Representatives for the legitimate, democratically-elected Government of Lebanon under Prime Minister Fouad Siniora, by a 2⁄3 yea-and-nay vote of 401 yeas to 10 nays with 2 voting “present”, Roll No. 354 and

Recognizing the courage and sacrifice of those members of the United States Armed Forces who
were held as prisoners of war during the Vietnam conflict and calling for a full accounting of the 1,729 members of the Armed Forces who remain unaccounted for from the Vietnam conflict; H. Res. 986, amended, to recognize the courage and sacrifice of those members of the United States Armed Forces who were held as prisoners of war during the Vietnam conflict and to call for a full accounting of the 1,729 members of the Armed Forces who remain unaccounted for from the Vietnam conflict, by a ½ yea-and-nay vote of 394 yeas with none voting "nay", Roll No. 366.  

(See next issue.)


Pages H4656–H4763, H4763–78 (Continued next issue)

Rejected the Conaway motion to recommit the bill to the Committee on Armed Services with instructions to report the same back to the House promptly with amendments, by a recorded vote of 186 ayes to 223 noes, Roll No. 364.  

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill shall be considered as an original bill for the purpose of amendment under the five-minute rule.

(See next issue.)

Agreed to amend the title so as to read: "To authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, to amend the Servicemembers Civil Relief Act to provide for the protection of child custody arrangements for parents who are members of the Armed Forces deployed in support of a contingency operation, and for other purposes."

(See next issue.)

Accepted:

Skelton manager's amendment (No. 1 printed in H. Rept. 110–666) that makes technical corrections to the bill;  

Pages H4741–42

Skelton amendment (No. 2 printed in H. Rept. 110–666) that requires the Defense Secretary, Secretary of State, and USAID Administrator to establish a standing advisory panel to improve integration on matters of national security;  

Pages H4742–45

Skelton en bloc amendment No. 1 consisting of the following amendments printed in H. Rept. 110–666: No. 7, that clarifies that the Federal Advisory Committee Act does not apply to the Congressional Commission on the Strategic Posture of the United States; No. 9, that revises section 595 of the bill; No. 12, that provides $22.3 million for Army Reserve first term dental readiness and $8.5 million for Army Reserve demobilization dental treatment; No. 13, that requires defense contractors supporting the missions in Iraq and Afghanistan to report violent crimes committed against or by Defense Department contract employees and require that the information be made public; No. 16, that allows a service member with a minor dependent to request a deferment of a deployment to a combat zone if their spouse is currently deployed to a combat zone; No. 17, that requires the Navy Secretary and the Interior Secretary to negotiate a memorandum of agreement to transfer the decommissioned Naval Security Group Activity, Skaggs Island, Sonoma, California, from the Navy to the U.S. Fish and Wildlife Refuge System; No. 18, that adds an additional finding to title XVI of the bill to reflect the Administration's request for stabilization activities; No. 21, that requires the Secretary of Defense to report to Congress an acquisition strategy for insurance required by the Defense Base Act; No. 27, that directs the Secretary of Defense, in consultation with the United States Postal Service, to provide postal benefits to service members serving in Iraq or Afghanistan or currently hospitalized under the care of the Armed Forces; No. 29, that directs the Defense Secretary to study the use of power management software at DOD facilities to reduce the amount of electricity consumed by computers, monitors, and other electronic equipment; No. 34, that requires DOD to report to Congress on implementation of the recommendations of the report entitled, "Review of the Toxicologic and Radiologic Risks to Military Personnel from Exposure to Depleted Uranium During and After Combat"; No. 35, that requires the Chief of the National Guard Bureau to submit a report to Congress detailing the extent to which the various provisions enacted within title XVIII of the FY08 National Defense Authorization Act have been effective; No. 36, that allows the Defense Department six months to review appeals from service members who were denied full Army College Fund benefits under Army Incentive Program contracts; No. 37, that requires that for any Department of Defense contracts for truck transportation or service using fuel, the motor carrier, broker, or freight forwarder involved in the transaction must pass any fuel surcharge on to the person responsible for paying the cost of fuel and to disclose that surcharge and other charges in writing; No. 38, that requires a report from the Secretary of Defense within 45 days after the date of enactment on laboratory personnel demonstration projects; No. 39, that extends eligibility for military disability retired pay to individuals who left enlisted service in
order to attend a military academy between January 1, 2000 and October 28, 2004, and who suffered a disabling injury while attending the academy; No. 41, that expands existing authority for professional military education institutions of the Army, Navy, Air Force, and Marine Corps to award degrees to graduates of their schools; No. 44, that requires the Defense Secretary to establish a program to research and develop unexploded ordnance detection technology and facilitate the deployment of this technology in the field; No. 47, that requires a report be submitted to the congressional defense committees by the Secretary of the Navy not later than 120 days after enactment of the act on future jet carrier training requirements; No. 48, that requires the Secretary of Defense to conduct a demonstration project to assess the feasibility of providing a behavioral health care provider locator and appointment assistance service; No. 49, that requires the Secretary of Defense to report to Congress on DOD’s policies regarding the sale and disposal of used motor vehicle oil; No. 54, that expresses the sense of Congress that each military department should, to the maximum extent practicable, provide honor guard details for the funerals of veterans; and No. 57, that makes it the policy of the United States that any Status of Forces Agreement negotiated between the U.S. and Iraq include measures requiring the Iraqi Government to provide financial or other types of support for U.S. Armed Forces stationed in Iraq;

Boren amendment (No. 8 printed in H. Rept. 110–666) that includes clarifying language regarding the procurement by a federal agency of alternative or synthetic fuels; clarifies conditions by which DOD and other federal agencies would be allowed to enter into a contract to purchase a generally available fuel, if it is not predominantly an alternative or synthetic fuel; and sets forth a set of conditions pursuant to these changes;

Waxman amendment (No. 15 printed in H. Rept. 110–666) that requires agencies to enhance competition in contracting; limits the use of abuse-prone contracts; rebuilds the federal acquisition workforce; strengthens anti-fraud measures; and increases transparency in federal contracting;

Israel amendment (No. 50 printed in H. Rept. 110–666) that creates a joint Department of Defense/Department of State program for the purpose of hiring Iraqis (who supported the U.S. efforts in Iraq and have resettled in the U.S.) as interpreters, translators, and cultural awareness instructors for various agencies of the Federal government and to increase awareness of the existence of the program;

Skelton en bloc amendment No. 2 consisting of the following amendments printed in H. Rept. 110–666: No. 5, that requires the President to develop and submit to Congress a comprehensive inter-agency strategy for strategic communication and public diplomacy by December 31, 2009; No. 10, that provides that autistic children of members of the Armed Forces, who are enrolled in the Extended Care Health Option program, receive a minimum of $5,000 per month of autistic therapy services; No. 11, that establishes the Visiting NIH Senior Neuroscience Fellowship Program at the Defense Advanced Research Projects Agency and the Defense Center of Excellence for Psychological Health and Traumatic Brain Injury; No. 14, that gives the secretary of a military department authority to authorize military installations to enter into partnerships with colleges, universities, and technical schools for the purposes of improving the accessibility and flexibility of college courses available to active duty service members; No. 19, that finds that Congress and the Secretary of Defense should work to understand and identify the contributing factors related to suicide amongst our service men and women; No. 20, that increases (by offset) the amount provided for DOD military personnel by $3 million, one million for each of the Army Secretary, Navy Secretary, and Air Force Secretary, for the funeral honors program; No. 24, that amends safeguards and internal controls of DOD to require that appropriate inventory and property systems are updated promptly in response to expenditures charged to a purchase card related to sensitive and pilferable property; No. 28, that directs the Defense Secretary to include the effects of greenhouse gas emissions in planning, requirements development, and acquisition processes; No. 30, that permits the Army Secretary to award the Army Combat Action Badge to those soldiers who served during the dates ranging from December 7, 1941, to September 18, 2001, if the Secretary determines such individuals have not been previously recognized; No. 40, that requires the Defense Secretary to conduct a demonstration project to assess the feasibility and efficacy of providing a face to face post-deployment mental health screening between a member of the Armed Forces and a mental health provider; No. 42, that requires the Secretary of Defense of revise the regulations issued pursuant to section 862 of the Fiscal Year 2008 National Defense Authorization Act to ensure that private security contractors are not authorized to perform inherently governmental functions in an area of combat operations; No. 45, that permits the Transportation Secretary, acting through the Maritime Administration, to establish a Port of Guam Improvement Enterprise Program to provide for the planning, design, and construction of projects
for the Port of Guam; No. 46, that requires the Comptroller General to review, and report to Congress within one year on, the DOD’s implementation of the recommendations of the Department of Defense Task Force on Mental Health; and No. 43, that requires the Defense Secretary to study methods to verifiably reduce the likelihood of accidental nuclear launch by any nation;  

Lee (CA) amendment (No. 26 printed in H. Rept. 110–666) that provides that no provision in any status of forces agreement negotiated between the United States and the Government of Iraq that obligates the United States to the defense of Iraq from internal or external threats shall have any legal effect unless the agreement is in the form of a treaty requiring the advice and consent of the Senate, or is specifically authorized by an Act of Congress (by a recorded vote of 234 ayes to 183 noes, Roll No. 359);  

Braley (IA) amendment (No. 53 printed in H. Rept. 110–666) that requires the President to submit a report to Congress on the long-term costs of Operation Iraqi Freedom and Operation Enduring Freedom within 90 days of enactment; directs the estimate to be based on certain scenarios; make projections through at least Fiscal Year 2068; and take into account and specify various factors, including operational costs, reconstruction costs, and the cost of providing health care and disability benefits (by a recorded vote of 245 ayes to 168 noes, Roll No. 360);  

Bishop (GA) amendment (No. 52 printed in H. Rept. 110–666) that provides 180 days of transitional health care to those service members who separate honorably from active duty and agree to serve in the Guard or Selected Reserve at no charge to the service member;  

Ellsworth amendment (No. 55 printed in H. Rept. 110–666) that revises the Federal Acquisition Regulation by requiring each contract awarded by the Department of Defense to contain a clause prohibiting the contractor from performing the contract using a subsidiary or subcontractor that is a foreign shell company if the foreign shell company will perform the work of the contract or subcontract using United States citizens or permanent residents of the United States;  

Hodes amendment (No. 56 printed in H. Rept. 110–666) that provides that no funds authorized in the bill may be used for propaganda purposes, and directs the DOD Inspector General and GAO to report on whether or not the defense analysts program violated the propaganda provisions of Department of Defense appropriations bills for Fiscal Years 2002 through 2008;  

Foster amendment (No. 58 printed in H. Rept. 110–666) that amends title XXXI of the bill (DOE National Security Programs) to require the Administrator for Nuclear Security to establish a fellowship program for Ph.D. candidates in nuclear chemistry;  

Schwartz amendment (No. 51 printed in H. Rept. 110–666) that prevents future use of the airfield at NASJRB Willow Grove, Pennsylvania, for commercial passenger operations; commercial cargo operations; commercial, business, or nongovernment aircraft operations not related to missions of the installation; and as a reliever airport to relieve congestion at other airports;  

Spratt amendment (No. 4 printed in H. Rept. 110–666) that requires the DNI, on an annual basis, to submit to Congress an update of the National Intelligence Estimate entitled “Iran: Nuclear Intentions and Capabilities” and dated November 2007; such update may be submitted in classified form; the President shall notify Congress in writing within 15 days of determining that Iran has met or surpassed any major milestone in its nuclear weapons program or that Iran has undertaken to accelerate, decelerate, or cease the development of any significant element within its nuclear weapons program;  

Price (NC) amendment (No. 25 printed in H. Rept. 110–666) that prohibits agencies under the Department of Defense from using contractors to perform interrogations; the amendment allows the use of contractors for interpretation (by a recorded vote of 240 ayes to 160 noes, Roll No. 361);  

Holt amendment (No. 32 printed in H. Rept. 110–666) that requires the videotaping or electronic recording of detainee interrogations in the custody of or under the effective control of the Department of Defense; directs the Judge Advocates General of the respective military services to develop uniform guidelines for such videotaping or electronic recording, and for said guidelines to be provided to Congress (by a recorded vote of 218 ayes to 192 noes, Roll No. 362); and  

McGovern amendment (No. 31 printed in H. Rept. 110–666) that requires the Defense Secretary to release to the public, upon request, the names, ranks, countries of origin, and other information of students and instructors of the Western Hemisphere Institute for Security Cooperation (“WHINSEC”); the amendment covers fiscal years 2005–2008 and any fiscal year thereafter (by a recorded vote of 220 ayes to 189 noes, Roll No. 363).  

Rejected:  

Akin amendment (No. 3 printed in H. Rept. 110–666) that sought to increase funding (by offset) for Future Combat Systems by $193 million (by a
recorded vote of 128 ayes to 287 noes, Roll No. 355;  
Pages H4745–46 (continued next issue)  
Franks (AZ) amendment (No. 6 printed in H. Rept. 110–666) that sought to add $719 million (by offset) to the Missile Defense Agency’s Budget (by a recorded vote of 186 ayes to 229 noes, Roll No. 356);  
Pages H4756–59 (continued next issue)  
Tierney amendment (No. 23 printed in H. Rept. 110–666) that sought to reduce funding (by offset) for the Missile Defense Agency by $966.2 million (by a recorded vote of 122 ayes to 292 noes, Roll No. 357); and  
Pages H4759–62 (continued next issue)  
Pearce amendment (No. 35 printed in H. Rept. 110–666) that sought to remove $10 million in funding for energy conservation on military installations and increase funding for the Reliable Replacement Warhead program by $10 million (by a recorded vote of 145 ayes to 271 noes, Roll No. 358).  
Pages H4763–64 (continued next issue)

Withdrawn:  
Flake amendment (No. 22 printed in H. Rept. 110–666) that was offered and subsequently withdrawn that would have prohibited any funds appropriated to carry out H.R. 5658 from being used for a library/lifelong learning center at Marine Corps Base Twentynine Palms, California.  
(See next issue.)  
Agreed that the Clerk be authorized to make technical and conforming changes to reflect the actions of the House.  
(See next issue.)  
H. Res. 1218, the rule providing for further consideration of the bill, was agreed to by a yea-and-nay vote of 223 yeas to 197 nays, Roll No. 351, after agreeing to order the previous question by a yea-and-nay vote of 228 yeas to 192 nays, Roll No. 350.  
Pages H4457–68

Calendar Wednesday: Agreed by unanimous consent to dispense with the Calendar Wednesday business of Wednesday, June 4th.  
(See next issue.)  
Speaker Pro Tempore: Read a letter from the Speaker wherein she appointed Representative Hoyer and Representative Van Hollen to act as Speaker pro tempore to sign enrolled bills and joint resolutions through June 3, 2008.  
(See next issue.)  
Senate Messages: Messages received from the Senate today appear on page H4778.  
Senate Referrals: S. Con. Res. 85 was held at the desk.  
Quorum Calls—Votes: Six yea-and-nay votes and eleven recorded votes developed during the proceedings of today and appear on pages H4467–68, H4468, H4469, H4654–55, H4655–56 (continued next issue). There were no quorum calls.  
Adjournment: The House met at 10 a.m. and at 10:35 p.m., pursuant to the provisions of H. Con. Res. 355, the House stands adjourned until 2 p.m. on Tuesday, June 3, 2008.

**Committee Meetings**

**CAPITOL VISITOR CENTER**

Committee on Appropriations: Subcommittee on Legislative Branch held a hearing on Capitol Visitor Center. Testimony was heard from Office of the Architect of the Capitol: Stephen Ayers, Acting Architect; Terrie Rouse, CEO, Visitor Services; and Bernie Ungar, Project Executive, both with the Capitol Visitor Center; and Terry Dorn, Director, Physical Infrastructure Issues, GAO.

**U.S. MAINLAND EXOTIC DISEASE RESEARCH**

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations held a hearing entitled “Germs, Viruses, and Secrets: Government Plans to Move Exotic Disease Research to the Mainland United States.” Testimony was heard from Nancy R. Kingsbury, Managing Director, Applied Research and Methods, GAO; Bruce I. Knight, Under Secretary, Marketing and Regulatory Programs, USDA; Jay M. Cohen, Under Secretary, Science and Technology Directorate, Department of Homeland Security; and public witnesses.

**CONFORMING LOAN LIMIT INCREASE**

Committee on Financial Services: Held a hearing entitled “Impact on Homebuyers and Housing Market of Conforming Loan Limit Increase.” Testimony was heard from Heather Peters, Deputy Secretary, Business Regulation and Housing, State of California; and public witnesses.

**OIL PRICES AND HOMELAND SECURITY**

Committee on Foreign Affairs: Held a hearing on Rising Oil Prices: Declining National Security? Testimony was heard from David Sandalow, former Assistant Secretary of State; and public witnesses.

**U.S. HUMAN RIGHTS/DEMOCRACY PROMOTION**

Committee on Foreign Affairs: Subcommittee on International Organizations, Human Rights, and Oversight held a hearing on City on the Hill or Just Another Country? The United States and the Promotion of Human Rights and Democracy. Testimony was heard from John Shattuck, former U.S. Assistant Secretary of State for Democracy, Human Rights, and Labor and former U.S. Ambassador to the Czech Republic; and a public witness.
BORDER SECURITY CHALLENGES

GAS PRICES AND OIL INDUSTRY COMPETITION
Committee on the Judiciary: Task Force on Competition Policy and Antitrust Laws held a hearing on Retail Gas Prices, Part 2, Competition in the Oil Industry. Testimony was heard from public witnesses.

EARTHQUAKE HAZARDS PROGRAM
Committee on Natural Resources: Subcommittee on Energy and Mineral Resources held an oversight hearing on The United States Geological Survey’s Earthquake Hazards Program—Science, Preparation, and Response. Testimony was heard from David Applegate, Senior Science Advisor, Earthquakes, U.S. Geological Survey, Department of the Interior; and public witnesses.

MISCELLANEOUS MEASURES

IRAQ FUNDING ACCOUNTABILITY LAPSES
Committee on Oversight and Government Reform: Held a hearing on Accountability Lapses in Multiple Funds for Iraq. Testimony was heard from the following officials of the Office of the Inspector General, Department of Defense: Mary L. Ugone, Deputy Inspector General, Auditing; Patricia Marsh, Assistant Inspector General; and Daniel Blair, Deputy Assistant Inspector General, Defense, both with the Defense Financing Auditing Service Directorate.

MORTGAGE CRISIS-AFFLICTED NEIGHBORHOODS
Committee on Oversight and Government Reform: Subcommittee on Domestic Policy, and the Subcommittee on Housing and Community Opportunity of the Committee on Financial Services, joint hearing on Neighborhoods: Targeting Federal aid to neighborhoods distressed by the subprime mortgage crisis. Testimony was heard from Todd M. Richardson, Director, Program Evaluation Division, Office of Policy Development and Research, Department of Housing and Urban Development; and public witnesses.

U.S. JOBS/TECHNOLOGY GLOBALIZATION IMPACTS
Committee on Science and Technology: Subcommittee on Investigation and Oversight held a hearing on American Decline or Renewal?—Globalization Jobs and Technology. Testimony was heard from public witnesses.

REAL ESTATE SETTLEMENT PROCEDURES ACT
Committee on Small Business: Held a hearing entitled “RESPA and its Impact on Small Business.” Testimony was heard from Ivy Jackson, Director, Office of Real Estate Settlement Procedures Act and Interstate Land Sales, Department of Housing and Urban Development; and public witnesses.

MISCELLANEOUS MEASURES
Committee on Transportation and Infrastructure: Ordered reported the following bills: H.R. 5001, amended, Old Post Office Building Redevelopment Act of 2008; H.R. 6109, Pre-Disaster Mitigation Act of 2008; and H.R. 6003, amended, Passenger Rail Investment and Improvement Act of 2008.

VETERANS BENEFITS ADMINISTRATION OUTREACH
Committee on Veterans’ Affairs: Subcommittee on Disability Assistance and Memorial Affairs held a hearing on Examining the Effectiveness of VBA Outreach Efforts. Testimony was heard from Diana Rubens, Associate Deputy Under Secretary, Field Operations, Veterans Benefits Administration, Department of Veterans Affairs; the following officials of the Department of Defense: Leslie Arsh, Deputy Under Secretary, Military Community and Family Policy; and Kevin Crowley, Deputy Director, Manpower Personnel, National Guard Bureau; and representatives of veterans organizations.
VETERANS HEALTH ADMINISTRATION
HUMAN RESOURCES CHALLENGES

Committee on Veterans Affairs: Subcommittee on Health held a hearing on Human Resources Challenges within the Veterans Health Administration. Testimony was heard from Joleen Clark, Chief Officer, Workforce Management and Consulting, Veterans Health Administration, Department of Veterans Affairs; representatives of veterans organizations; and public witnesses.

BRIEFING—COUNTERNARCOTICS PROGRAM

Permanent Select Committee on Intelligence: Subcommittee on Terrorism, Human Intelligence, Analysis and Counterintelligence met in executive session to receive a briefing on Counternarcotics Program. The Subcommittee was briefed by departmental witnesses.

ADMINISTRATION’S ENERGY POLICY


NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, p. D638)

H.R. 493, to prohibit discrimination on the basis of genetic information with respect to health insurance and employment. Signed on May 21, 2008. (Public Law 110–233)

COMMITTEE MEETINGS FOR FRIDAY, MAY 23, 2008

(Committee meetings are open unless otherwise indicated)

Senate
No meetings/hearings scheduled.

House
No Committee meetings are scheduled.
Next Meeting of the SENATE
10 a.m., Friday, May 23

Program for Friday: Senate will meet in pro forma session.

Next Meeting of the HOUSE OF REPRESENTATIVES
2 p.m., Tuesday, June 3

Program for Tuesday, June 3rd: To be announced.

Extensions of Remarks, as inserted in this issue

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