United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, SECOND SESSION

Vol. 154 WASHINGTON, WEDNESDAY, SEPTEMBER 24, 2008 No. 152

House of Representatives

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, DC,
September 24, 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:

Lord God, because You are the Almighty, You move and act ceaselessly without hesitation. Congress and the Nation stand before You in need. Make of us what You will. Move and act within us for the common good of the Nation and all its citizens.

Relying on Your revelation throughout history, knowing the power of Your Word and Your saving grace, we stand in freedom and desirous of a greater union.

We lift the broken pieces of our covenant, knowing Your power to admonish and heal. We proclaim once again to all who would hear and understand, as we pray, ''In God We Trust.'' 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. The Pledge of Allegiance will be led by the gentleman from Washington (Mr. LARSEN).

Mr. LARSEN of Washington led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

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

H.R. 3068. An act to prohibit the award of contracts to provide guard services under the contract security guard program of the Federal Protective Service to a business concern that is owned, controlled, or operated by an individual who has been convicted of a felony.

H.R. 6984. An act to amend title 49, United States Code, to extend authorizations for the airport improvement program, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes.

The message also announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4120 An act to amend title 18, United States Code, to provide for more effective prosecution of cases involving child pornography, and for other purposes.

The message also announced that the Senate has passed bills and agreed to a concurrent resolution of the following titles in which the concurrence of the House is requested:

S. 1255. An Act to protect Indian arts and crafts through the improvement of applicable criminal proceedings, and for other purposes.

S. 1382. An Act to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1810. An Act to amend the Public Health Service Act to increase the provision of scientifically sound information and support services to patients receiving a positive test diagnosis for Down syndrome or other prenatally and postnatally diagnosed conditions.

S. 2816. An Act to provide for the appointment of the Chief Human Capital Officer of the Department of Homeland Security by the Secretary of Homeland Security.

S. 1932. An Act to amend the Public Health Service Act to reauthorize the poison center national toll-free number, national media campaign, and grant program to provide assistance for poison prevention, sustain the funding of poison centers, and enhance the public health of people of the United States.

S. 3328. An Act to amend the Homeland Security Act of 2002 to provide for a one-year extension of other transaction authority.

S. Con Res. 101. Concurrent resolution honoring the University of Nebraska at Omaha for its 100 years of commitment to higher education.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

CELEBRATING 40TH ANNIVERSARY OF THE NORTH CASCADES NATIONAL PARK

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

Mr. LARSEN of Washington. Mr. Speaker, I rise to celebrate the 40th anniversary of the North Cascades National Park.

On October 2, 1968, President Johnson signed the North Cascades Act and 680,000 acres of peaks, glaciers, old growth forest and salmon-bearing streams were protected. North Cascades National Park became a reality thanks to the tireless efforts of local activists and bipartisan support from elected officials, including former Senator Henry Scoop Jackson, Representative Lloyd Meeds and Governor Daniel Evans.

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The North Cascades are home to numerous species, including the Bald Eagle, Spotted Owl and grizzly bear. The park is also home to world-class recreation areas. Families can hunt, fish and boat in and around scenic mountain lakes.

During the last four decades, millions of Americans have experienced the beauty of the North Cascades. I want to thank all of the men and women who have worked so hard to create the North Cascades National Park, and I invite all Americans to come visit this national treasure.

FINANCIAL GUN TO THE HEAD OF AMERICA

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

Mr. POE. Mr. Speaker, because Wall Street has made bad judgment calls, the American taxpayer has been forced to bail them out at $700 billion. Seven hundred billion, what does that mean? That means every man, woman, child and illegal in the United States will have to fork over $2,000 apiece to bail out the money grabber barons on Wall Street. And that's just wrong.

Why is it, Mr. Speaker, the bigger the business, the more the Federal Government thinks it should swoop in save these incompetent business people? Small businesses, mom and pop stores, don't get this break. When they make bad financial decisions, they go out of business. But the rich and famous Wall Street New York City fat cats expect ''Joe Six-Pack'' to buck it up and pay for all this nonsense.

Reward people for being irresponsible and expect responsible people to pay for the sins of the financial industry? I don't think so.

Putting a financial gun to the head of America is not the answer. The government has no authority to force Americans to ante up a $700 billion ransom to save the hides of the rich robber barons on Wall Street.

And that's just the way it is.

STATEMENT ON HURRICANE IKE

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

Mr. GENE GREEN of Texas. Mr. Speaker and Members, I want to use my 1 minute today to talk about the disaster from Hurricane Ike in the district I represent.

These two pictures behind me are two separate homes that were hit by the wave action, the storm surge. You can see, this house is totally destroyed, and in this home, literally the waves went right through the home, knocked down the brick and everything else.

That is not counting the thousands of homes and businesses and even industry that the power is out. Certain zip codes are more than 50 percent out of power, and when you have a Houston September, which is really summertime, I have folks living outside their homes literally for the last 10 days.

Mr. Speaker, the supplemental today for the CR is something that is so important to my area and all of Southeast Texas. I want to thank both the Speaker and Chairman OBEY and my colleagues for helping work on funding for that for the initial disaster assistance, $22 billion for disaster relief activities, including $6.5 billion for CDBG funding and $8 billion for FEMA assistance, which is just the down payment.

You have the fourth largest city in the country. Southeast Texas is devastated. To get that community back up, we need the assistance. Just like we helped California with the fires and the earthquakes, the floods in the Midwest and everywhere else, our community needs that help too, and I want to thank the leadership for doing it.

These two homes are in Baytown, Texas, in East Harris County, that I share with Congressman TED POE. This is actually in our district that I saw Monday morning with the mayor, Steve DonCarlos, and a city council member.

You can see what just the storm surge did. Just think about what hurricane force winds did to people's homes. We are a Pine trees area, so we have a lot of those trees that have fallen on houses and powerlines.

NO BUFFETT DEAL FOR TAXPAYERS

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

Mr. STEARNS. Mr. Speaker, there is a double standard that is occurring in the wake of the largest government bailout in history. Warren Buffett yesterday announced he will invest $5 billion in Goldman Sachs, the investment bank at which the Secretary of Treasury Paulson used to be the CEO. The struggling investment bank is attempting to raise capital and has wooed Buffett into his plan by offering his company preferred shares in return's for Buffett's bailout investment.

And herein lies the double standard. The Treasury Secretary, who happens to have close ties with Goldman Sachs, wants authority to use taxpayer dollars to bail out private financial companies, including his own firm, while taxpayers will get nothing at all in return but bad debt.

If taxpayers are going to get stuck bailing out bad debt, shouldn't they get some kind of Buffett deal as well? Clearly this government bailout is fraught with nothing but double standards and conflicts of interest.

TAKE TIME TO DEVELOP RESPONSIBLE WALL STREET ASSISTANCE PLAN

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

Mr. MORAN of Virginia. Mr. Speaker, greed is the accelerator that drives a capitalist economy. But unless you are willing to tap on the regulatory brakes once in awhile, you are going to crash. We learned that 75 years ago, and now we are learning it again. But now the average American household is being asked to cough up about $5,000 to bail out Wall Street. That is not fair. Nor will the plan that we are being given prove to be effective.

What we need to do is to deal with the underlying mortgages, to restructure those mortgages, rather than force the taxpayer to be buying securities that they wouldn't buy in their own good judgment. The taxpayer cannot be held holding the bag.

What we need to do is stay in session until we can get it right, until we can prove to our constituents that what we have done is responsible and fair. We cannot vote this week on a $700 billion package, when we really don't know what is responsible and fair.

ENERGY BILL AND OUR ECONOMY

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

Mr. SMITH of Nebraska. Mr. Speaker, one needs to look no further than the headlines in our Nation's newspapers to see the consequences of doing nothing with regard to the energy crisis facing our Nation.

We have stood idly by while skyrocketing fuel and energy prices undercut consumer confidence and are partially responsible for our current economic straits. But instead of passing a comprehensive energy bill in which all forms of energy were on the table, last week we took up legislation which will not only prove ineffective, but I believe counterproductive.

It was a bill written behind closed doors, with no input from Republicans, and even many Democrats wishing to participate. It bypassed the Natural Resources Committee and was brought to the floor under a closed rule, freezing out members of both parties, all after a promise of the most open Congress in history.

Mr. Speaker, let's not make the same mistake this week. We still have time. Bring the American Energy Act to the floor for a vote before we adjourn, and we can help address the crisis facing our Nation.

TAXPAYERS SHOULD NOT BAIL OUT THE BARONS OF WALL STREET

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

Mr. DEFAZIO. Mr. Speaker, the American taxpayers should not be asked to bail out the barons of Wall Street, Henry Paulson's best friends.

Plain and simple, Wall Street should pay for itself. There is ample precedent. This country assessed a securities transfer fee in the Civil War, Spanish-American War, and from 1914 until 1966. A modest fee, one-quarter of one percent, the same fee assessed on the London Exchange, would raise $150 billion a year from stock trades and commodity trades on Wall Street, which could more than pay for the bailout. That is, Wall Street can pay for its own excess and can pay to bail itself out.

Main Street should not get stuck with the bill for the huge party that was thrown on Wall Street.

TIME MAGAZINE SHOWS BIAS

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

Mr. SMITH of Texas. Mr. Speaker, in a shocking turn of events, Senator OBAMA is not the focus of Time magazine's cover story this week. Since the beginning of the Presidential campaign, Senator OBAMA has been featured on the cover of Time eight times, compared to only three times for Senator MCCAIN.

This week's magazine cover has a small photo of Senator OBAMA with the caption that reads ''Anger Management: Why Obama is Keeping Cool.'' Also in this week's Time is a story titled ''The Lying Game,'' which accuses Senator MCCAIN of negative campaign ads. Of course, the nonpartisan Wisconsin Advertising Project found that 77 percent of Senator OBAMA's recent ads have been negative, far more than Senator MCCAIN's. But Time magazine omitted that crucial fact.

Time's cover stories and inside articles explain why Americans by a 5–1 margin believe the media are trying to help Senator OBAMA win the presidency. Clearly voters recognize biased reporting, and I hope will not be persuaded to support the media's favorite candidate.

REPUBLICAN ECONOMIC PHILOSOPHY PRODUCED OUR NATION'S ECONOMIC CRISIS

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

Mr. HARE. Mr. Speaker, the Bush administration is asking this Congress to approve a $700 billion blank check for Wall Street in the hopes that they can begin to fix the economic crisis that this administration helped create.

For 8 years now, President Bush, Senator MCCAIN and this Republican Congress implemented the GOP philosophy of economics: First, shower the wealthy with the tax breaks in hopes that it trickles down to the middle-class; and second, eliminate all regulations so there are no longer any referees watching the barons of Wall Street.

Both these policies have failed miserably. Tax cuts for the wealthy are not trickling down to the middle class. In fact, over the last 8 years, real wages have fallen by $300 and the Republicans' lack of government regulation allowed Wall Street to game the system. Today, our entire economy is suffering because Washington Republicans refused to institute the proper oversight that is necessary to keep Wall Street in check.

Mr. Speaker, if the Bush administration wants to bail out Wall Street, it is important that this Congress look out for Main Street and get some assurances that this will never happen again.

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MOVE FORWARD ON THE ECONOMIC AND ENERGY CRISES

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

Mr. GOODLATTE. Mr. Speaker, last night the Democratic leadership announced under considerable pressure that the continuing resolution to keep our government operating will not include an extension of the moratorium on drilling on the Outer Continental Shelf, the moratorium on drilling in Alaska, the moratorium on extracting oil from the oil shale in the Rocky Mountain States. That's good news. That's a step in the right direction, but it's only the first step.

The American people at this time, as the Congress addresses concerns about the financial crisis facing the country, need to know that the Congress is also going to stop the hemorrhage of money out of this country, at the rate of $700 billion a year, buying foreign oil. We need to have the American Energy Act that the Republican leadership and the vast majority of Republican Members have offered, the all-of-the-above energy act, energy that will increase drilling on our Outer Continental Shelf in Alaska and in the Rocky Mountain States, increase natural gas production, clean-burning coal, nuclear power, and alternative forms of energy like solar, wind, hydrogen, geothermal, and biomass.

We need all of the above, and we need it now before we go home.

JERSEY CITY FIRE DEPARTMENT

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

Mr. SIRES. Mr. Speaker, I rise today to honor the Jersey City Fire Department. On September 19, the department received a 2008 Secretary of Defense Employer Support Freedom Award, right here in Washington, D.C., for supporting our Guard and Reserve.

For deployments of 12 months, the fire department continues all benefits for servicemembers and their families, as well as full pay for deployments of up to 6 months. They have also shown a tremendous personal generosity by collecting $6,000 in phone cards to send to their coworkers and units serving in Iraq and Afghanistan. They also collect gifts during the holidays for the children of servicemembers and help families that are falling on tough times during the deployment.

I am so proud of the Jersey City Fire Department's dedication to their coworkers, our community, our Guard and Reserve, and our country. They are very deserving of this high honor.

OUR FINANCIAL MARKETS ARE IN TURMOIL

(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, our financial markets are in turmoil. The administration was right to call for decisive action to prevent further harm to our economy, but nationalizing every bad mortgage in America is not the answer.

This administration's request of this Congress amounts to the largest corporate bailout in American history. I believe Congress should act, but we should act in a way that protects the integrity of our free market and protects the American taxpayer from more debt and higher taxes.

The strength of America resides in our faith in God and our faith in freedom, including our economic freedom. To have the freedom to succeed, we must also have the freedom to fail, and any solution to the present crisis must preserve that essential economic liberty.

The next Congress should also consider all available options to put our Nation's economy back on its feet. There are no easy answers, but there are alternatives that this Congress can consider. Indexing capital gains to inflation, passing a real energy bill, even regulating the credit default market, as the chief of the SEC requested yesterday, these and other alternatives to a massive Federal bailout must be fully considered and debated before Congress acts.

We must address this crisis with forethought and creativity rather than massive Federal resources.

WE NEED COMPREHENSIVE IMMIGRATION REFORM

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

Mr. BACA. Mr. Speaker, I speak on behalf of the 12 to 14 million immigrants who otherwise would not have a voice.

America was founded by the sweat and tears of immigrants and hard-working families. The strong work ethic of immigrants has always been the cornerstone of this country. Today

there are many immigrant families that continue to live by and reinforce America's tradition of hard work.

These immigrant families day after day sacrifice to make ends meet. At a time of skyrocketing gas and food prices, we must recognize these sacrifices.

These are the same sacrifices made by many other families in America. History is full of examples of how immigrant groups unjustly were seen as popular targets. Why are we repeating these same cruel mistakes? What about love thy neighbor?

We cannot let anti-immigration rhetoric rule our actions. I urge my colleagues to join me in comprehensive immigration reform for the immigrant families who love America and continue to sacrifice.

IF THIS TRULY IS A FINANCIAL CRISIS, PRESIDENT BUSH NEEDS TO ADDRESS THE NATION

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

Mr. YARMUTH. Mr. Speaker, where is President Bush? Last Friday he held a short press conference demanding Congress pass a bailout plan that was still being written, otherwise the economic fallout would be dire.

But the President has not been heard from since. If this really is a catastrophic economic collapse, shouldn't the President address the American people and the Congress in a prime-time nationally televised speech?

The President needs to explain to the people exactly what is happening in the financial markets and how this plan will help turn things around. This is extremely complicated. With potentially a $700 billion price tag, every American has a stake in what happens with this legislation.

If this truly is a crisis on Wall Street, President Bush needs to begin treating it that way. He can't sit on the sidelines any longer. If President Bush is serious about getting this legislation passed, he needs to sell this plan to the American people.

If the future of our Nation's economy is, indeed, at stake, President Bush needs to raise the stakes and explain his plan to the American people.

NO BLANK CHECK

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

Ms. SHEA-PORTER. Mr. Speaker, as Wall Street was struggling last week, the Bush administration reached out to Congress and asked for help. But over the weekend, the Treasury Department sent just a 3-page bill to Capitol Hill that was nothing more than a blank check for Secretary Paulson, $700 billion that the Secretary could use at his discretion.

That is simply not acceptable. We are not going to hand over a $700 billion check so the administration can do what they wish.

Over the next couple of days, we will work in a bipartisan fashion to develop legislation that includes independent oversight so that we can see exactly what the Treasury Department is doing with this money. We also want to ensure that CEOs are not rewarded with golden parachutes for the mess that they created.

A blank check is not acceptable. Congress will work to protect the American taxpayer.

McCAIN DEREGULATION AGENDA WOULD BE DISASTROUS FOR MIDDLE CLASS AMERICANS

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

Mr. PALLONE. Mr. Speaker, the crisis on Wall Street is a direct result of the Bush administration's refusal to properly regulate the financial industry. Unfortunately, Senator McCAIN is a strong supporter of deregulation.

In March, Senator McCAIN said, ''I am always for less regulation . . . I'd like to see a lot of the unnecessary government regulations eliminated.'' In May he told the Wall Street Journal, ''You are interviewing the greatest free trader you will ever interview, and the greatest deregulator you will ever interview.''

Senator McCAIN even endorses extending the same kind of regulation that has created chaos in the financial industry to our health care system. In an opinion piece this month, the Senator writes, ''Opening up the health insurance market to more vigorous nationwide competition, as we have done over the last decade in banking, would provide more choices of innovative products less burdened by the worst excesses of State-based regulation.''

Mr. Speaker, our Nation can't afford another 4 years of Wall Street running amok. It's time for change, and that is not Senator McCAIN.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Any record vote on the postponed question will be taken later.

DUNCAN HUNTER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009

Mr. SKELTON. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3001) 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, as amended.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 3001

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

SECTION 1. SHORT TITLE; FINDINGS; SENSE OF CONGRESS.

(a) SHORT TITLE.—This Act may be cited as the ''Duncan Hunter National Defense Authorization Act for Fiscal Year 2009''.

(b) 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 52d 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 1971.

(3) During the Vietnam conflict, Representative Hunter's distinguished service was recognized by the award of the Bronze Star and Air Medal, as well as the National Defense Service Medal and the Vietnam Service Medal.

(4) Representative Hunter served on the Committee on Armed Services of the House of Representatives for 28 years, including service as Chairman of the Subcommittee on Military Research and Development from 2001 through 2002 and the Subcommittee on Military Procurement from 1995 through 2000, the Chairman of the full committee from 2003 through 2006, and the ranking member of the full committee from 2007 through 2008.

(5) Representative Hunter has persistently advocated for a more efficient military organization on behalf of the American people, to ensure maximum war-fighting capability and troop safety.

(6) Representative Hunter is known by his colleagues to put the security of the Nation above all else and to provide for the men and women in uniform who valiantly dedicate and sacrifice themselves for the protection of the Nation.

(7) Representative Hunter has demonstrated this devotion to the troops by working to authorize and ensure quick deployment of add-on vehicle armor and improvised explosive device jammers, which have been invaluable in protecting the troops from attack in Iraq.

(8) Representative Hunter worked to increase the size of the U.S. Armed Forces, which resulted in significant increases in the size of the Army and Marine Corps.

(9) Representative Hunter has been a leader in ensuring sufficient force structure and end-strength, including through the 2006 Committee Defense Review, to meet any challenges to the Nation. His efforts to increase the size of the Army and Marine Corps contributed to the enactment by the Congress and the subsequent implementation by the Administration of the larger forces.

(10) Representative Hunter is a leading advocate for securing America's borders.

(11) Representative Hunter led efforts to strengthen the United States Industrial Base by working to enact legislation that ensures that the national industrial base will be able to design and manufacture those products critical to America's national security.

(c) SENSE OF CONGRESS.—It is the sense of Congress that the Honorable Duncan Hunter, Representative from California, 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. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into three divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; findings; sense of Congress.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees.
Sec. 4. Explanatory statement.

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 equipment.

Subtitle B—Army Programs

Sec. 111. Separate procurement line items for Future Combat Systems program.
Sec. 112. Clarification of status of Future Combat Systems program lead system integrator.
Sec. 113. Restriction on obligation of funds for Army tactical radio pending report.
Sec. 114. Restriction on obligation of procurement funds for Armed Reconnaissance Helicopter program pending certification.
Sec. 115. Stryker Mobile Gun System.

Subtitle C—Navy Programs

Sec. 121. Refueling and complex overhaul of the U.S.S. Theodore Roosevelt.
Sec. 122. Littoral Combat Ship (LCS) program.
Sec. 123. Report on F/A–18 procurement costs, comparing multiyear to annual.
Sec. 124. Authority for advanced procurement and construction of components for the Virginia-class submarine program.

Subtitle D—Air Force Programs

Sec. 131. Maintenance of retired KC–135E aircraft.
Sec. 132. Repeal of multi-year contract authority for procurement of tanker aircraft.
Sec. 133. Reports on KC–(X) tanker aircraft requirements.
Sec. 134. F-22A fighter aircraft.

Subtitle E—Joint and Multiservice Matters

Sec. 141. Annual long-term plan for the procurement of aircraft for the Navy and the Air Force.
Sec. 142. Report on body armor acquisition strategy.
Sec. 143. Small arms acquisition strategy and requirements review.
Sec. 144. Requirement for common ground stations and payloads for manned and unmanned aerial vehicle systems.
Sec. 145. Report on future jet carrier trainer requirements of the Navy.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.
Sec. 202. Amount for defense science and technology.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. 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 Reports.
Sec. 214. Separate procurement and research, development, test, and evaluation line items and program elements for Sky Warrior Unmanned Aerial Systems project.
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.
Sec. 217. Requirement for plan on overhead nonimaging infrared systems.
Sec. 218. Advanced energy storage technology and manufacturing.
Sec. 219. Mechanisms to provide funds for defense laboratories for research and development of technologies for military missions.
Sec. 220. Requirements for certain airborne intelligence collection systems.
Sec. 221. Limitation on obligation of funds for Enhanced AN/TPQ–36 radar system pending submission of report.

Subtitle C—Missile Defense Programs

Sec. 231. Annual Director of Operational Test and Evaluation characterization of operational effectiveness, suitability, and survivability of the ballistic missile defense system.
Sec. 232. Independent study of boost-phase missile defense.
Sec. 233. Limitation on availability of funds for procurement, construction, and deployment of missile defenses in Europe.
Sec. 234. Review of the ballistic missile defense policy and strategy of the United States.
Sec. 235. Airborne Laser System.
Sec. 236. Activation and deployment of AN/TPY–2 forward-based X-band radar.

Subtitle D—Reports

Sec. 241. Biennial reports on joint and service concept development and experimentation.
Sec. 242. Report on participation of the historically black colleges and universities and minority-serving institutions in research and educational programs and activities of the Department of Defense.
Sec. 243. Report on Department of Defense response to findings and recommendations of the Defense Science Board Task Force on Directed Energy Weapons.

Subtitle E—Other Matters

Sec. 251. Modification of systems subject to survivability testing oversight by the Director of Operational Test and evaluation.
Sec. 252. Technology-neutral information technology guidelines and standards to support fully interoperable electronic personal health information for the Department of Defense and Department of Veterans Affairs.
Sec. 253. Assessment of technology transition programs and repeal of reporting requirement.
Sec. 254. Trusted defense systems.
Sec. 255. Capabilities-based assessment to outline a joint approach for future development of vertical lift aircraft and rotorcraft.
Sec. 256. Executive agent for printed circuit board technology.
Sec. 257. Review of conventional prompt global strike technology applications and concepts.

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.
Sec. 314. Expedited use of appropriate technology related to unexploded ordnance detection.
Sec. 315. Closed loop re-refining of used motor vehicle lubricating oil.
Sec. 316. Comprehensive program for the eradication of the brown tree snake population from military facilities in Guam.

Subtitle C—Workplace and Depot Issues

Sec. 321. Comprehensive analysis and development of single Government-wide definition of inherently governmental function and criteria for critical functions.
Sec. 322. Study on future depot capability.
Sec. 323. Government Accountability Office review of high-performing organizations.
Sec. 324. Consolidation of Air Force and Air National Guard aircraft maintenance.
Sec. 325. Report on Air Force civilian personnel consolidation plan.
Sec. 326. Report on reduction in number of firefighters on Air Force bases.
Sec. 327. Minimum capital investment for certain depots.

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, requirements development, and acquisition processes.
Sec. 333. Study on solar and wind energy for use for expeditionary forces.
Sec. 334. Study on alternative and synthetic fuels.
Sec. 335. Mitigation of power outage risks for Department of Defense facilities and activities.

Subtitle E—Reports

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Sec. 342. Report on plan to enhance combat skills of Navy and Air Force personnel.
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Sec. 2806. Authority to use operation and maintenance funds for construction projects inside the United States Central Command and United States Africa Command areas of responsibility.
Sec. 2807. Cost-benefit analysis of dissolution of Patrick Family Housing LLC.

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Sec. 2812. Authority to lease non-excess property of military departments and Defense Agencies.
Sec. 2813. Modification of utility system conveyance authority.
Sec. 2814. Defense access roads.
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Sec. 2821. Sense of Congress regarding military housing and utilities related to Guam realignment.
Sec. 2822. Federal assistance to Guam.
Sec. 2823. Eligibility of the Commonwealth of the Northern Mariana Islands for military base reuse studies and community planning assistance.
Sec. 2824. Support for realignment of military installations and relocation of military personnel on Guam.

Subtitle D—Energy Security

Sec. 2831. Certification of enhanced use leases for energy-related projects.
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Subtitle E—Land Conveyances

Sec. 2841. Land conveyance, former Naval Air Station, Alameda, California.
Sec. 2842. Transfer of administrative jurisdiction, decommissioned Naval Security Group Activity, Skaggs Island, California.
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Sec. 2844. Land conveyance, Sergeant First Class M.L. Downs Army Reserve Center, Springfield, Ohio.
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TITLE XXIX—WAR-RELATED MILITARY CONSTRUCTION AUTHORIZATIONS

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Sec. 2901. Authorized Army construction and land acquisition projects.
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DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

Sec. 3101. National Nuclear Security Administration.
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Sec. 3112. Limitation on Funding for Project 04-D-125 Chemistry and Metallurgy Research Replacement facility project, Los Alamos National Laboratory, Los Alamos, New Mexico.
Sec. 3113. Nonproliferation and national security scholarship and fellowship program.
Sec. 3114. Enhancing nuclear forensics capabilities.
Sec. 3115. Utilization of contributions to International Nuclear Materials Protection and Cooperation program and Russian plutonium disposition program.
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Subtitle C—Reports

Sec. 3121. Extension of deadline for Comptroller General report on Department of Energy protective force management.
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TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

Sec. 3401. Authorization of appropriations.

TITLE XXXV—MARITIME ADMINISTRATION

Sec. 3501. Authorization of appropriations for fiscal year 2009.
Sec. 3502. Limitation on export of vessels owned by the Government of the United States for the purpose of dismantling, recycling, or scrapping.
Sec. 3503. Student incentive payment agreements.
Sec. 3504. Riding gang member requirements.
Sec. 3505. Maintenance and Repair Reimbursement Program for the Maritime Security Fleet.
Sec. 3506. Temporary program authorizing contracts with adjunct professors at the United States Merchant Marine Academy and for other purposes.
Sec. 3507. Actions to address sexual harassment and violence at the United States Merchant Marine Academy.
Sec. 3508. Assistance for small shipyards and maritime communities.
Sec. 3509. Marine war risk insurance.
Sec. 3510. MarAd consultation on Jones Act Waivers.
Sec. 3511. Transportation in American vessels of government personnel and certain cargoes.
Sec. 3512. Port of Guam Improvement Enterprise Program.

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

For purposes of this Act, the term ''congressional defense committees'' has the meaning given that term in section 101(a)(16) of title 10, United States Code.

SEC. 4. EXPLANATORY STATEMENT.

The explanatory statement regarding S. 3001, the National Defense Authorization Act for Fiscal Year 2009, as amended by the House of Representatives, printed in the House section of the Congressional Record on or about September 30, 2008, by the Chairman of the Committee on Armed Services of the House, shall have the same effect with respect to the implementation of this Act as if it were a joint explanatory statement of a committee of conference.

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 equipment.

Subtitle B—Army Programs

Sec. 111. Separate procurement line items for Future Combat Systems program.
Sec. 112. Clarification of status of Future Combat Systems program lead system integrator.
Sec. 113. Restriction on obligation of funds for Army tactical radio pending report.
Sec. 114. Restriction on obligation of procurement funds for Armed Reconnaissance Helicopter program pending certification.
Sec. 115. Stryker Mobile Gun System.

Subtitle C—Navy Programs

Sec. 121. Refueling and complex overhaul of the U.S.S. Theodore Roosevelt.
Sec. 122. Littoral Combat Ship (LCS) program.
Sec. 123. Report on F/A–18 procurement costs, comparing multiyear to annual.
Sec. 124. Authority for advanced procurement and construction of components for the Virginia-class submarine program.

Subtitle D—Air Force Programs

Sec. 131. Maintenance of retired KC–135E aircraft.
Sec. 132. Repeal of multi-year contract authority for procurement of tanker aircraft.
Sec. 133. Reports on KC–(X) tanker aircraft requirements.
Sec. 134. F-22A fighter aircraft.

Subtitle E—Joint and Multiservice Matters

Sec. 141. Annual long-term plan for the procurement of aircraft for the Navy and the Air Force.
Sec. 142. Report on body armor acquisition strategy.
Sec. 143. Small arms acquisition strategy and requirements review.
Sec. 144. Requirement for common ground stations and payloads for manned and unmanned aerial vehicle systems.
Sec. 145. Report on future jet carrier trainer requirements of the Navy.

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement for the Army as follows:

(1) For aircraft, $4,848,835,000.

(2) For missiles, $2,207,460,000.

(3) For weapons and tracked combat vehicles, $3,516,398,000.

(4) For ammunition, $2,280,791,000.

(5) For other procurement, $11,143,076,000.

(6) For the Joint Improvised Explosive Device Defeat Fund, $200,000,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement for the Navy as follows:

(1) For aircraft, $14,557,874,000.

(2) For weapons, including missiles and torpedoes, $3,553,282,000.

(3) For shipbuilding and conversion, $14,057,022,000.

(4) For other procurement, $5,463,565,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement for the Marine Corps in the amount of $1,486,189,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement of ammunition for the Navy and the Marine Corps in the amount of $1,110,012,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement for the Air Force as follows:

(1) For aircraft, $12,826,858,000.

(2) For ammunition, $894,478,000.

(3) For missiles, $5,553,528,000.

(4) For other procurement, $16,087,887,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 2009 for Defense-wide procurement in the amount of $3,382,628,000.

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 $800,000,000.

Subtitle B—Army Programs

SEC. 111. SEPARATE PROCUREMENT LINE ITEMS FOR FUTURE COMBAT SYSTEMS PROGRAM.

Effective for the budget of the President submitted to Congress under section 1105(a) of title 31, United States Code, for fiscal year 2011 and for each fiscal year thereafter, the Secretary of Defense shall ensure that a separate, dedicated procurement line item is designated for each of the following elements of the Future Combat Systems program (in this section referred to as ''FCS''), to the extent the budget 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. CLARIFICATION OF STATUS OF FUTURE COMBAT SYSTEMS PROGRAM LEAD SYSTEM INTEGRATOR.

Section 802 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 206; 10 U.S.C. 2410p note) is amended by adding at the end the following new subsection:

''(e) STATUS OF FUTURE COMBAT SYSTEMS PROGRAM LEAD SYSTEM INTEGRATOR.—

''(1) LEAD SYSTEMS INTEGRATOR.—In the case of the Future Combat Systems program, the prime contractor of the program shall be considered to be a lead systems integrator until 45 days after the Secretary of the Army certifies in writing to the congressional defense committees that such contractor is no longer serving as the lead systems integrator.

''(2) NEW CONTRACTS.—In applying subsection (a)(1) or (a)(2), any modification to the existing contract for the Future Combat Systems program, for the purpose of entering into full-rate production of major systems or subsystems, shall be considered a new contract.''.

SEC. 113. RESTRICTION ON OBLIGATION OF FUNDS FOR ARMY TACTICAL RADIO PENDING REPORT.

(a) REPORT REQUIRED.—Not later than March 30, 2009, the Assistant Secretary of Defense for Networks and Information Integration shall submit to the congressional defense committees a report on Army tactical radio fielding plans. The report shall include the following:

(1) A description of the Army tactical radio fielding strategy, including a description of the overall combination of various tactical radio systems and how they integrate to provide communications and network capability.

(2) A detailed description of the combination of various tactical radio systems in use or planned for use for Army infantry brigade combat teams, heavy brigade combat teams, Stryker brigade combat teams, and Future Combat Systems brigade combat teams.

(3) A description of the combination of various tactical radio systems in use or planned for use for Army support brigades, headquarters elements, and training units.

(4) A description of the plan by the Army to integrate joint tactical radio systems, including the number of each type of joint tactical radio the Army plans to procure.

(5) An assessment of the total cost of the tactical radio fielding strategy of the Army, including procurement of joint tactical radio systems.

(b) RESTRICTION ON OBLIGATION OF FUNDS PENDING REPORT.—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.

SEC. 114. RESTRICTION ON OBLIGATION OF PROCUREMENT FUNDS FOR ARMED RECONNAISSANCE HELICOPTER PROGRAM PENDING CERTIFICATION.

(a) CERTIFICATION REQUIRED.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall certify to the congressional defense committees that the Armed Reconnaissance Helicopter has—

(1) satisfactorily been certified under section 2433(e)(2) of title 10, United States Code;

(2) been restructured as an acquisition program by the Army;

(3) satisfactorily completed a Limited User Test; and

(4) 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, not more than 20 percent may be obligated until 30 days after the certification required by subsection (a) is received by the congressional defense committees.

SEC. 115. STRYKER MOBILE GUN SYSTEM.

(a) LIMITATION ON AVAILABILITY OF FUNDS.—None of the amounts authorized to be appropriated by this Act for procurement of weapons and tracked combat vehicles for the Army may be obligated or expended for purposes of the procurement of the Stryker Mobile Gun System until the Under Secretary of Defense for Acquisition, Technology, and Logistics submits to the congressional defense committees a written certification that the Under Secretary has approved a plan for the Army to mitigate all Stryker Mobile Gun System deficiencies.

(b) REPORTS REQUIRED.—Not later than 60 days after the date of the enactment of this Act, and every 180 days thereafter until December 31, 2011, the Secretary of the Army, in consultation with the Director of Operational Test and Evaluation, shall submit to the congressional defense committees a report on the status of actions by the Army to mitigate all Stryker Mobile Gun System deficiencies. Each report shall include the following:

(1) An explanation of the plan by the Army to mitigate all Stryker Mobile Gun System deficiencies.

(2) The cost estimate for implementing each mitigating action, and the status of funding for each mitigating action.

(3) An inventory of the Stryker Mobile Gun System vehicle fleet that specifies which mitigating actions have been implemented.

(4) An updated production and fielding schedule for Stryker Mobile Gun System vehicles required by the Army but not yet fielded as of the date of the report.

(c) WAIVER AUTHORITY.—The Secretary of Defense may waive the limitation in subsection (a) if the Secretary—

(1) determines that continued procurement of Stryker Mobile Gun System vehicles will provide a vital combat capability to the Armed Forces; and

(2) submits to the congressional defense committees written notification of the waiver and a discussion of the reasons for the determination made under paragraph (1).

(d) STRYKER MOBILE GUN SYSTEM DEFICIENCIES DEFINED.—In this section, the term ''Stryker Mobile Gun System deficiencies'' means deficiencies of the Stryker Mobile Gun System specified in the memorandum by the Department of Defense titled ''Stryker Mobile Gun System (MGS) Acquisition Decision Memorandum'' and dated August 5, 2008.

Subtitle C—Navy Programs

SEC. 121. REFUELING AND COMPLEX OVERHAUL OF THE U.S.S. THEODORE ROOSEVELT.

(a) AMOUNT AUTHORIZED FROM SCN ACCOUNT.—Of the amount appropriated pursuant to the authorization of appropriations in section 102 or otherwise made available for shipbuilding, conversion, and repair, Navy, for fiscal year 2009, $124,500,000 is available for the commencement of the nuclear refueling and complex overhaul of the U.S.S. Theodore Roosevelt (CVN–71) during fiscal year 2009. The amount made available in the preceding sentence is the first increment in the three-year funding planned for the nuclear refueling and complex overhaul of that vessel.

(b) CONTRACT AUTHORITY.—The Secretary of the Navy is authorized to enter into a contract during fiscal year 2009 for the nuclear refueling and overhaul of the U.S.S. Theodore Roosevelt (CVN–71).

(c) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (b) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2009 is subject to the availability of appropriations for that purpose for that later fiscal year.

SEC. 122. LITTORAL COMBAT SHIP (LCS) PROGRAM.

Section 124 of the National Defense Authorization Act for fiscal Year 2006 (Public Law 109–163; 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 further amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''post-2007 LCS vessels'' and inserting ''post-2009 LCS vessels''; and

(B) in paragraph (3)—

(i) in the paragraph heading, by striking ''POST-2007 LCS VESSELS'' and inserting ''POST-2009 LCS VESSELS''; and

(ii) by striking '' 'post-2007 LCS vessel' '' and inserting '' 'post-2009 LCS vessel' '';

(2) in subsection (b), by striking ''post-2007 LCS vessels'' and inserting ''post-2009 LCS vessels''; and

(3) in subsection (c), by striking ''post-2007 LCS vessels'' and inserting ''post-2009 LCS vessels''.

SEC. 123. REPORT ON F/A–18 PROCUREMENT COSTS, COMPARING MULTIYEAR 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 amount 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 regarding whether Congress should authorize a multiyear procurement contract for those aircraft.

(b) CERTIFICATIONS REQUIRED.—If the Secretary recommends under subsection (a)(6) that Congress authorize a multiyear procurement contract for the aircraft, the Secretary shall include in the report under subsection (a) the certifications required by section 2306b of title 10, United States Code, to enable the award of a multiyear contract beginning with fiscal year 2010.

SEC. 124. AUTHORITY FOR ADVANCED PROCUREMENT AND CONSTRUCTION OF COMPONENTS FOR THE VIRGINIA-CLASS SUBMARINE PROGRAM.

Section 121 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 26) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection (b):

''(b) ADVANCE PROCUREMENT AND CONSTRUCTION OF COMPONENTS.—The Secretary may enter into one or more contracts for advance procurement and advance construction of those components for the Virginia-class submarine program for which authorization to enter into a multiyear procurement contract is granted under subsection (a) if the Secretary determines that cost savings or construction efficiencies may be achieved for Virginia-class submarines through the use of such contracts.''.

Subtitle D—Air Force Programs

SEC. 131. MAINTENANCE OF RETIRED KC–135E AIRCRAFT.

Section 135(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2114) is amended by striking ''each KC–135E aircraft that is retired'' and inserting ''at least 74 of the KC–135E aircraft retired''.

SEC. 132. REPEAL OF MULTI-YEAR CONTRACT AUTHORITY FOR PROCUREMENT OF TANKER AIRCRAFT.

Section 135 of the National Defense Authorization Act for Fiscal Year 2004 (10 U.S.C. 2401a note) is repealed.

SEC. 133. REPORTS ON KC–(X) TANKER AIRCRAFT REQUIREMENTS.

(a) REPORT REQUIRED.—Not later than March 1, 2009, the Secretary of Defense shall submit to the congressional defense committees a report regarding the competition for the KC-(X) tanker aircraft that was terminated on September 10, 2008. The report shall include the following:

(1) An examination of original requirements for the KC–(X) tanker aircraft, including an explanation for the use of the KC–135R tanker aircraft as the baseline for the KC–(X) tanker aircraft.

(2) A summary of commercial derivative or commercial off-the-shelf aircraft available as potential aerial refueling platforms using aerial refueling capabilities (such as range, offload at range, and passenger and cargo capacity) in each of the following ranges:

(A) Maximum gross take-off weight that is less than 300,000 pounds.

(B) Maximum gross take-off weight in the range from 301,000 pounds maximum gross take-off weight to 550,000 pound maximum gross take-off weight.

(C) Maximum gross take-off weight in the range from 551,000 pounds maximum gross take-off weight to 1,000,000 pound maximum gross take-off weight.

(D) Maximum gross take-off weight that is greater than 1,000,000 pounds.

(b) REASSESSMENT REQUIRED.—The Secretary of Defense shall reassess the requirements for aerial refueling that were validated by the Joint Requirements Oversight Council on December 27, 2006. Not later than 30 days after the reassessment, the Secretary shall submit to the congressional defense committees a report containing the complete results of the reassessment.

SEC. 134. F-22A FIGHTER AIRCRAFT.

(a) AVAILABILITY OF FUNDS.—Subject to subsection (b), of the amount authorized to be appropriated for procurement of aircraft for the Air Force, $523,000,000 shall be available for advance procurement of F-22A fighter aircraft.

(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 advance procurement, Air Force, for the F-22A, not more than $140,000,000 may be obligated until 15 days after the certification required by subsection (c) is received by the congressional defense committees.

(c) CERTIFICATION.—

(1) IN GENERAL.—Of the amount referred to in subsection (a), $383,000,000 shall not be available until the President certifies to the congressional defense committees that—

(A) the procurement of F-22A fighter aircraft is in the national interest of the United States; or

(B) the termination of the production line for F-22A fighter aircraft is in the national interest of the United States.

(2) DATE OF SUBMITTAL.—Any certification submitted under this subsection may not be submitted before January 21, 2009, and must be submitted not later than March 1, 2009.

Subtitle E—Joint and Multiservice Matters

SEC. 141. ANNUAL LONG-TERM PLAN FOR THE PROCUREMENT OF AIRCRAFT FOR THE NAVY AND THE AIR FORCE.

(a) IN GENERAL.—Chapter 9 of title 10, United States Code, is amended by inserting after section 231 the following new section:

''§ 231a. Budgeting for procurement of aircraft for the Navy and Air Force: annual plan and certification

''(a) ANNUAL AIRCRAFT PROCUREMENT PLAN AND CERTIFICATION.—The Secretary of Defense shall include with the defense budget materials for each fiscal year—

''(1) a plan for the procurement of the aircraft specified in subsection (b) for the Department of the Navy and the Department of the Air Force developed in accordance with this section; and

''(2) a certification by the Secretary that both the budget for such fiscal year and the future-years defense program submitted to Congress in relation to such budget under section 221 of this title provide for funding of the procurement of aircraft at a level that is sufficient for the procurement of the aircraft provided for in the plan under paragraph (1) on the schedule provided in the plan.

''(b) COVERED AIRCRAFT.—The aircraft specified in this subsection are the aircraft as follows:

''(1) Fighter aircraft.

''(2) Attack aircraft.

''(3) Bomber aircraft.

''(4) Strategic lift aircraft.

''(5) Intratheater lift aircraft.

''(6) Intelligence, surveillance, and reconnaissance aircraft.

''(7) Tanker aircraft.

''(8) Any other major support aircraft designated by the Secretary of Defense for purposes of this section.

''(c) ANNUAL AIRCRAFT PROCUREMENT PLAN.—(1) The annual aircraft procurement plan developed for a fiscal year for purposes of subsection (a)(1) should be designed so that the aviation force provided for under the plan is capable of supporting the national security strategy of the United States as set forth in the most recent national security strategy report of the President under section 108 of the National Security Act of 1947 (50 U.S.C. 404a), except that, if at the time the plan is submitted with the defense budget materials for that fiscal year, a national security strategy report required under such section 108 has not been submitted to Congress as required by paragraph (2) or paragraph (3), if applicable, of subsection (a) of such section, then the plan should be designed so that the aviation force provided for under the plan is capable of supporting the aviation force structure recommended in the report of the most recent Quadrennial Defense Review.

''(2) Each annual aircraft procurement plan shall include the following:

''(A) A detailed program for the procurement of the aircraft specified in subsection (b) for each of the Department of the Navy and the Department of the Air Force over the next 30 fiscal years.

''(B) A description of the necessary aviation force structure to meet the requirements of the national security strategy of the United States or the most recent Quadrennial Defense Review, whichever is applicable under paragraph (1).

''(C) The estimated levels of annual funding necessary to carry out the program, together with a discussion of the procurement strategies on which such estimated levels of annual funding are based.

''(D) An assessment by the Secretary of Defense of the extent to which the combined aircraft forces of the Department of the Navy and the Department of the Air Force

meet the national security requirements of the United States.

''(d) ASSESSMENT WHEN AIRCRAFT PROCUREMENT BUDGET IS INSUFFICIENT TO MEET APPLICABLE REQUIREMENTS.—If the budget for a fiscal year provides for funding of the procurement of aircraft for either the Department of the Navy or the Department of the Air Force at a level that is not sufficient to sustain the aviation force structure specified in the aircraft procurement plan for such Department for that fiscal year under subsection (a), the Secretary shall include with the defense budget materials for that fiscal year an assessment that describes and discusses the risks associated with the reduced force structure of aircraft that will result from funding aircraft procurement at such level. Such assessment shall be coordinated in advance with the commanders of the combatant commands.

''(e) DEFINITIONS.—In this section:

''(1) The term 'budget', with respect to a fiscal year, means the budget for that fiscal year that is submitted to Congress by the President under section 1105(a) of title 31.

''(2) The term 'defense budget materials', with respect to a fiscal year, means the materials submitted to Congress by the Secretary of Defense in support of the budget for that fiscal year.

''(3) The term 'Quadrennial Defense Review' means the review of the defense programs and policies of the United States that is carried out every 4 years under section 118 of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 9 of such title is amended by inserting after the item relating to section 231 the following new item:

''231a. Budgeting for procurement of aircraft for the Navy and Air Force: annual plan and certification.''.

SEC. 142. REPORT ON BODY ARMOR ACQUISITION STRATEGY.

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 report that provides—

(1) a survey and assessment of the capabilities, capacities, and risks of the domestic industrial base of the United States, including critical subcontractor suppliers, in meeting the requirements of the military departments for body armor during the 20 years following the date of the report;

(2) an assessment of the long-term maintenance requirements of the body armor industrial base in the United States;

(3) an assessment of body armor and related research, development, and acquisition objectives, priorities, and funding profiles for—

(A) advances in the level of protection;

(B) weight reduction; and

(C) manufacturing productivity;

(4) an assessment of the feasibility and advisability of establishing a separate, dedicated procurement line item for the acquisition of body armor and associated components for fiscal year 2011 and for each fiscal year thereafter;

(5) an assessment of the feasibility and advisability of establishing an executive agent for the acquisition of body armor and associated components for the military departments beginning in fiscal year 2011; and

(6) an assessment of existing initiatives used by the military departments to manage or execute body armor programs, including the Cross-Service Warfighter Equipment Board, the Joint Clothing and Textiles Governance Board, and advanced planning briefings for industry.

SEC. 143. SMALL ARMS ACQUISITION STRATEGY AND REQUIREMENTS REVIEW.

(a) 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 report on the small arms requirements of the Armed Forces and the industrial base of the United States. The report shall include the following:

(1) An assessment of Department of Defense-wide small arms requirements in terms of capabilities and quantities, based on an analysis of the small arms capability assessments of each military department.

(2) An assessment of plans for small arms research, development, and acquisition programs to meet the requirements identified under paragraph (1).

(3) An assessment of capabilities, capacities, and risks in the small arms industrial base of the United States to meet the requirements of the Department of Defense for pistols, carbines, rifles, and light, medium, and heavy machine guns during the 20 years following the date of the report.

(4) An assessment of the costs, benefits, and risks of full and open competition for the procurement of non-developmental pistols and carbines that are not technically compatible with the M9 pistol or M4 carbine to meet the requirements identified under paragraph (1).

(b) COMPETITION FOR A NEW INDIVIDUAL WEAPON.—

(1) COMPETITION REQUIRED.—If the small arms capabilities based assessments by the Army identifies gaps in small arms capabilities and the Secretary of the Army determines that a new individual weapon is required to address such gaps, the Secretary shall procure the new individual weapon using full and open competition as described in paragraph (2).

(2) FULL AND OPEN COMPETITION.—The full and open competition described in this paragraph is competition among all responsible manufacturers that—

(A) is open to all developmental item solutions and non-developmental item solutions; and

(B) provides for the award of a contract based on selection criteria that reflect the key performance parameters and attributes identified in a service requirements document approved by the Army.

(c) SMALL ARMS DEFINED.—In this section, the term ''small arms''—

(1) means man-portable or vehicle-mounted light weapons, designed primarily for use by individual military personnel for anti-personnel use; and

(2) includes pistols, carbines, rifles, and light, medium, and heavy machine guns.

SEC. 144. REQUIREMENT FOR COMMON GROUND STATIONS AND PAYLOADS FOR MANNED AND UNMANNED AERIAL VEHICLE SYSTEMS.

(a) POLICY AND ACQUISITION STRATEGY REQUIRED.—The Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, shall establish a policy and an acquisition strategy for intelligence, surveillance, and reconnaissance payloads and ground stations for manned and unmanned aerial vehicle systems. The policy and acquisition strategy shall be applicable throughout the Department of Defense and shall achieve integrated research, development, test, and evaluation, and procurement commonality.

(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 system architecture by vehicle class.

(3) Common management of vehicle and payloads procurement.

(4) Ground station interoperability standardization.

(5) Maximum use of commercial standard hardware and interfaces.

(6) Open architecture software.

(7) Acquisition of technical data rights in accordance with section 2320 of title 10, United States Code.

(8) Acquisition of vehicles, payloads, and ground stations through competitive procurement.

(9) Common standards for exchange of data and metadata.

(c) AFFECTED SYSTEMS.—For the purposes of this section, the Secretary shall establish manned and unmanned aerial vehicle classes for all intelligence, surveillance, and reconnaissance programs of record based on factors such as vehicle weight, payload capacity, and mission.

(d) REPORT.—Not later than 120 days after the date of the 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).

SEC. 145. REPORT ON FUTURE JET CARRIER TRAINER REQUIREMENTS OF THE NAVY.

Not later than 120 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report on future jet carrier trainer requirements. In addressing such requirements, the report shall include a plan based on the following:

(1) Studies conducted by independent organizations concerning future jet carrier trainer requirements.

(2) The results of a cost-benefit analysis comparing the creation of a new jet carrier trainer program with the modification of the current jet carrier trainer program in order to fulfill future jet carrier trainer requirements.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.
Sec. 202. Amount for defense science and technology.

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Subtitle C—Missile Defense Programs

Sec. 231. Annual Director of Operational Test and Evaluation characterization of operational effectiveness, suitability, and survivability of the ballistic missile defense system.
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Subtitle D—Reports

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Subtitle E—Other Matters

Sec. 251. Modification of systems subject to survivability testing oversight by the Director of Operational Test and evaluation.
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Sec. 256. Executive agent for printed circuit board technology.
Sec. 257. Review of conventional prompt global strike technology applications and concepts.

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $11,045,052,000.

(2) For the Navy, $19,345,603,000.

(3) For the Air Force, $26,289,508,000.

(4) For Defense-wide activities, $21,131,501,000, of which $188,772,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. AMOUNT FOR DEFENSE SCIENCE AND TECHNOLOGY.

(a) FISCAL YEAR 2009.—Of the amounts authorized to be appropriated by section 201, $11,799,660 shall be available for the Defense Science and Technology Program, including basic research, applied research, and advanced technology development projects.

(b) BASIC RESEARCH, APPLIED RESEARCH, AND ADVANCED TECHNOLOGY DEVELOPMENT DEFINED.—For purposes of this section, the term ''basic research, applied research, and advanced technology development'' means work funded in programs elements for defense research and development under Department of Defense budget activity 1, 2, or 3.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. ADDITIONAL DETERMINATIONS TO BE MADE AS PART OF FUTURE COMBAT SYSTEMS MILESTONE REVIEW.

Section 214(b) of the John Warner 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 new paragraphs:

''(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 decision points.

''(6) The extent to which Future Combat Systems manned ground vehicle survivability is likely to be reduced in a degraded Future Combat Systems 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 is capable of withstanding 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 estimate.

''(10) What the affordability assessment for the program is, given projected Army budgets, based on the cost estimate referred to in paragraph (9).''.

SEC. 212. ANALYSIS OF FUTURE COMBAT SYSTEMS COMMUNICATIONS NETWORK AND SOFTWARE.

(a) REPORT REQUIRED.—Not later than September 30, 2009, the Assistant Secretary of Defense for Networks and Information Integration shall submit to the congressional defense committees a report on the Future Combat Systems communications network and software. The report shall include the following:

(1) An assessment of the vulnerability of the Future Combat Systems communications network and software to enemy network attack, in particular the effect 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 to electronic warfare, jamming, and other potential enemy interference.

(3) An assessment of the vulnerability of the Future Combat Systems communications network to adverse weather and complex terrain.

(4) An assessment of the Future Combat Systems communication network's dependence on satellite communications support, 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 affect the performance of Future Combat Systems brigades and the survivability of Future Combat Systems manned ground vehicles.

(6) An assessment, developed in coordination with the Director of Operational Test and Evaluation, of the adequacy of the Future Combat Systems communications network testing schedule.

(7) An assessment, developed in coordination with the Director of Operational Test and Evaluation, of the synchronization of the funding, schedule, and technology maturity of the Warfighter Information Network-Tactical and Joint Tactical Radio System programs in relation to the Future Combat Systems program, including any planned Future Combat Systems spin outs.

(b) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 213. FUTURE COMBAT SYSTEMS MANNED GROUND VEHICLE SELECTED ACQUISITION REPORTS.

(a) REPORT REQUIRED.—Not later than February 15 of each of the years 2009 through 2015, the Secretary of the Army shall submit a Selected Acquisition Report under section 2432 of title 10, United States Code, to Congress for each Future Combat Systems manned ground vehicle variant.

(b) REQUIRED ELEMENTS.—Each report required by subsection (a) shall include the same information required in comprehensive annual Selected Acquisition Reports under section 2432(c) of title 10, United States Code.

(c) DEFINITION.—In this section, the term ''manned ground vehicle variant'' means—

(1) the eight distinct variants of manned ground vehicles designated on pages seven and eight of the Future Combat Systems Selected Acquisition Report of the Department of Defense dated December 31, 2007; and

(2) 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 annual budget submission of the Department of Defense to the President, within both the account for procurement and the account for research, development, test, and evaluation, a separate, dedicated line item and program element is 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 WARFIGHTER INFORMATION NETWORK–TACTICAL PROGRAM.

(a) NOTIFICATION REQUIRED.—Not later than five days after the completion of all actions described in subsection (b), the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the congressional defense committees notice in writing of such completion.

(b) COVERED ACTIONS.—An action described in this subsection is any of the following:

(1) Approval by the Under Secretary of a new acquisition program baseline for the Warfighter Information Network–Tactical Increment 3 program (in this section referred to as the ''WIN-T Increment 3 program'').

(2) Completion of the independent cost estimate for the WIN–T Increment 3 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.

(c) RESTRICTION ON OBLIGATION OF FUNDS PENDING NOTIFICATION.—Of the amounts appropriated pursuant to an authorization of appropriations in this Act or otherwise made available for research, development, test, and evaluation, Army, for fiscal year 2009 for the WIN–T Increment 3 program, not more than 50 percent of those amounts may be obligated or expended until 15 days after the date on which 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.

(a) LIMITATION.—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 or the Air Force, the Secretary of the Army and the Secretary of the Air Force may fund relevant expenditures for the Joint Cargo Aircraft only through amounts made available for procurement or for research, development, test, and evaluation.

(b) RELEVANT EXPENDITURES FOR THE JOINT CARGO AIRCRAFT DEFINED.—In this section, the term ''relevant expenditures for the Joint Cargo Aircraft'' means expenditures relating to—

(1) support equipment;

(2) initial spares;

(3) training simulators;

(4) systems engineering and management; and

(5) post-production modifications.

SEC. 217. REQUIREMENT FOR PLAN ON OVERHEAD NONIMAGING INFRARED SYSTEMS.

(a) IN GENERAL.—The Secretary of Defense, in consultation with the Director of National Intelligence, shall develop a comprehensive plan to conduct and support research, development, and demonstration of technologies that could evolve into the next generation of overhead nonimaging infrared systems.

(b) ELEMENTS.—The plan required by subsection (a) shall include the following:

(1) The research objectives to be achieved under the plan.

(2) A description of the research, development, and demonstration activities under the plan.

(3) An estimate of the duration of the research, development, and demonstration of technologies under the plan.

(4) The cost and duration of any flight or on-orbit demonstrations of the technologies being developed.

(5) A plan for implementing any acquisition programs with respect to technologies determined to be successful under the plan.

(6) An identification of the date by which a decision must be made to begin any follow-on programs and a justification for the date identified.

(7) A schedule for completion of a full analysis of the on-orbit performance characteristics of the Space-Based Infrared System and the Space Tracking and Surveillance System, and an assessment of how the performance characteristics of such systems will inform the decision to proceed to a next generation overhead nonimaging infrared system.

(c) LIMITATION ON OBLIGATION AND EXPENDITURE OF FUNDS FOR THIRD GENERATION INFRARED SURVEILLANCE PROGRAM.—Not more than 50 percent of the amounts authorized to be appropriated for fiscal year 2009 by section 201(3) for research, development, test, and evaluation for the Air Force and available for the Third Generation Infrared Surveillance program may be obligated or expended until the date that is 30 days after the date on which the Secretary submits to Congress the plan required by subsection (a).

SEC. 218. ADVANCED ENERGY STORAGE TECHNOLOGY AND MANUFACTURING.

(a) ROADMAP REQUIRED.—The Secretary of Defense, acting through the Director of Defense Research and Engineering, the Deputy Under Secretary of Defense for Industrial Policy, and service acquisition executives, shall, in coordination with the Secretary of Energy, develop a multi-year roadmap to develop advanced energy storage technologies and sustain domestic advanced energy storage technology manufacturing capabilities and an assured supply chain necessary to ensure that the Department of Defense has assured access to advanced energy storage technologies to support current military requirements and emerging military needs.

(b) ELEMENTS.—The roadmap required by subsection (a) shall include, but not be limited to, the following:

(1) An identification of current and future capability gaps, performance enhancements, cost savings goals, and assured technology access goals that require advances in energy storage technology and manufacturing capabilities.

(2) Specific research, technology, and manufacturing goals and milestones, and timelines and estimates of funding necessary for achieving such goals and milestones.

(3) A summary of applications for energy storage technologies by the Department of Defense and, for each type of application, an assessment of the demand for such technologies, in terms of quantity and military need.

(4) Specific mechanisms for coordinating the activities of Federal agencies, State and local governments, coalition partners, private industry, and academia covered by the roadmap.

(5) Such other matters as the Secretary of Defense and the Secretary of Energy consider appropriate for purposes of the roadmap.

(c) COORDINATION.—

(1) IN GENERAL.—The roadmap required by subsection (a) shall be developed in coordination with the military departments, appropriate Defense Agencies and other elements and organizations of the Department of Defense, other appropriate Federal, State, and local government organizations, and appropriate representatives of private industry and academia.

(2) DEPARTMENT OF DEFENSE SUPPORT.—The Secretary of Defense shall ensure that appropriate elements and organizations of the Department of Defense provide such information and other support as is required for the development of the roadmap.

(d) SUBMITTAL TO CONGRESS.—The Secretary of Defense shall submit to the congressional defense committees the roadmap required by subsection (a) not later than one year after the date of the enactment of this Act.

(e) ADVANCED ENERGY STORAGE TECHNOLOGY INITIATIVE INVESTMENT SUMMARY.—Not later than 6 months after the date of enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the expenditures for energy storage technologies within the Department of Defense, Defense Agencies, and military departments, for fiscal years 2008 and 2009 and the projected expenditures for such technologies for fiscal year 2010.

SEC. 219. MECHANISMS TO PROVIDE FUNDS FOR DEFENSE LABORATORIES FOR RESEARCH AND DEVELOPMENT OF TECHNOLOGIES FOR MILITARY MISSIONS.

(a) MECHANISMS TO PROVIDE FUNDS.—

(1) IN GENERAL.—The Secretary of Defense, in consultation with the Secretaries of the military departments, shall establish mechanisms under which the director of a defense laboratory may use an amount of funds equal to not more than three percent of all funds available to the defense laboratory for the following purposes:

(A) To fund innovative basic and applied research that is conducted at the defense laboratory and supports military missions.

(B) To fund development programs that support the transition of technologies developed by the defense laboratory into operational use.

(C) To fund workforce development activities that improve the capacity of the defense laboratory to recruit and retain personnel with needed scientific and engineering expertise.

(2) CONSULTATION REQUIRED.—The mechanisms established under paragraph (1) shall provide that funding shall be used under paragraph (1) at the discretion of the director of a defense laboratory in consultation with the science and technology executive of the military department concerned.

(b) ANNUAL REPORT ON USE OF AUTHORITY.—

(1) IN GENERAL.—Not later than March 1 of each year, the Secretary of Defense shall submit to the congressional defense committees a report on the use of the authority under subsection (a) during the preceding year.

(2) ELEMENTS.—Each report under paragraph (1) shall include, with respect to the year covered by such report, the following:

(A) A description of the mechanisms used to provide funding under subsection (a)(1).

(B) A statement of the amount of funding made available to each defense laboratory for research described under such subsection.

(C) A description of the investments made by each defense laboratory using funds under such subsection.

(D) A description and assessment of any improvements in the performance of the defense laboratories as a result of investments under such subsection.

(E) A description and assessment of the contributions to the development of needed military capabilities provided by research using funds under such subsection.

(F) A description of any modification to the mechanisms under subsection (a) that would improve the efficacy of the authority under such subsection to support military missions.

(c) SUNSET.—The authority under subsection (a) shall expire on October 1, 2013.

SEC. 220. REQUIREMENTS FOR CERTAIN AIRBORNE INTELLIGENCE COLLECTION SYSTEMS.

(a) IN GENERAL.—Except as provided pursuant to subsection (b), effective as of October 1, 2012, each airborne intelligence collection system of the Department of Defense that is connected to the Distributed Common Ground/Surface System shall have the capability to operate with the Network-Centric Collaborative Targeting System.

(b) EXCEPTIONS.—The requirement in subsection (a) with respect to a particular airborne intelligence collection system may be waived by the Chairman of the Joint Requirements Oversight Council under section 181 of title 10, United States Code. Waivers under this subsection shall be made on a case-by-case basis.

SEC. 221. LIMITATION ON OBLIGATION OF FUNDS FOR ENHANCED AN/TPQ–36 RADAR SYSTEM PENDING SUBMISSION OF REPORT.

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.

Subtitle C—Missile Defense Programs

SEC. 231. ANNUAL DIRECTOR OF OPERATIONAL TEST AND EVALUATION CHARACTERIZATION OF OPERATIONAL EFFECTIVENESS, SUITABILITY, AND SURVIVABILITY OF THE BALLISTIC MISSILE DEFENSE SYSTEM.

(a) ANNUAL CHARACTERIZATION.—Section 232(h) of the National Defense Authorization Act for Fiscal Year 2002 (10 U.S.C. 2431 note) is amended—

(1) by redesignating paragraph (2) as paragraph (3);

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2) The Director of Operational Test and Evaluation shall also each year characterize the operational effectiveness, suitability, and survivability of the ballistic missile defense system, and its elements, that have been fielded or tested before the end of the preceding fiscal year.''; and

(3) in paragraph (3), as redesignated by paragraph (1) of this subsection, by inserting ''and the characterization under paragraph (2)'' after ''the assessment under paragraph (1)''.

(b) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows: ''ANNUAL OT&E ASSESSMENT AND CHARACTERIZATION OF CERTAIN BALLISTIC MISSILE DEFENSE MATTERS.—''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008, and shall apply with respect to fiscal years beginning on or after that date.

SEC. 232. INDEPENDENT STUDY OF BOOST-PHASE MISSILE DEFENSE.

(a) STUDY.—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 National Academy of Sciences to conduct an independent study of concepts and systems for boost-phase missile defense.

(b) ELEMENTS.—

(1) CONTENT.—The study required by subsection (a) shall address the following:

(A) The extent to which boost-phase missile defense is technically feasible and practical.

(B) Whether any demonstration efforts by the Department of Defense of boost-phase missile defense technology existing as of the date of the study (including the Airborne Laser and the Kinetic Energy Interceptor) have a high probability of performing a boost-phase missile defense mission in an operationally effective, suitable, and survivable manner.

(2) SYSTEMS TO BE EXAMINED.—The study required by subsection (a) shall examine each of the following systems:

(A) The Airborne Laser.

(B) The Kinetic Energy Interceptor (land-based and sea-based options).

(C) Other existing boost-phase technology demonstration programs.

(3) FACTORS TO BE EVALUATED.—The study shall evaluate each system identified in paragraph (2) based on the following factors:

(A) Technical capability of the system against scenarios identified in paragraph (4).

(B) Operational issues, including operational effectiveness.

(C) The results of key milestone tests conducted prior to preparation of the report under subsection (c).

(D) Survivability.

(E) Suitability.

(F) Concept of operations, including basing considerations.

(G) Operations and maintenance support.

(H) Command and control considerations, including timelines for detection, decision-making, and engagement.

(I) Shortfall from intercepts.

(J) Force structure requirements.

(K) Effectiveness against countermeasures.

(L) Estimated cost of sustaining the system in the field.

(M) Reliability, availability, and maintainability.

(N) Geographic considerations, including limitations on the ability to deploy systems within operational range of potential targets.

(O) Cost and cost-effectiveness, including total lifecycle cost estimates.

(4) SCENARIOS TO BE ASSESSED.—The study shall include an assessment of each system identified in paragraph (2) regarding the performance and operational capabilities of the system—

(A) to counter short-range, medium-range, and intermediate-range ballistic missile threats from rogue states to the deployed forces of the United States and its allies; and

(B) to defend the territory of the United States against limited ballistic missile attack.

(5) COMPARISON WITH NON-BOOST SYSTEMS.—The study shall include an assessment of the performance and operational capabilities of non-boost missile defense systems to counter the scenarios identified in paragraph (4). The results under this paragraph shall be compared to the results under paragraph (4). For purposes of this paragraph, non-boost missile defense systems include—

(A) the Patriot PAC–3 system and the Medium Extended Air Defense System follow-on system;

(B) the Aegis Ballistic Missile Defense system, with all variants of the Standard Missile-3 interceptor;

(C) the Terminal High Altitude Area Defense system; and

(D) the Ground-based Midcourse Defense system.

(c) REPORT.—

(1) IN GENERAL.—Upon the completion of the study required by subsection (a), but not later than October 31, 2010, the National Academy of Sciences shall submit to the Secretary of Defense and the congressional defense committees a report on the study. The report shall include such recommendations regarding the future direction of the boost-phase ballistic missile defense programs of the United States as the Academy considers appropriate.

(2) FORM.—The report under paragraph (1) shall be submitted to the congressional defense committees in unclassified form, but may include a classified annex.

(d) FUNDING.—Of the funds appropriated pursuant to the authorization of appropriations in section 201(4) for research, development, test, and evaluation, Defense-wide, and available for the Missile Defense Agency, $3,500,000 may be available to conduct the study required by subsection (a).

(e) COOPERATION FROM GOVERNMENT.—In carrying out the study, the National Academy of Sciences shall receive the full and timely cooperation of the Secretary of Defense and any other Federal Government official in providing the Academy with analyses, briefings, and other information necessary for the fulfillment of its responsibilities.

SEC. 233. LIMITATION ON AVAILABILITY OF FUNDS FOR PROCUREMENT, CONSTRUCTION, AND DEPLOYMENT OF MISSILE DEFENSES IN EUROPE.

(a) GENERAL LIMITATION.—No funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal year 2009 or any fiscal year thereafter may be obligated or expended for 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) In the case of the proposed midcourse radar element of such missile defense system, the host nation has signed and ratified the missile defense basing agreement and status of forces agreement that allow for the stationing in such nation of the radar and personnel to carry out the proposed deployment.

(2) In the case of the proposed long-range missile defense interceptor site element of such missile defense system—

(A) the condition in paragraph (1) has been met; and

(B) the host nation has signed and ratified the missile defense basing agreement and status of forces agreement that allow for the stationing in such nation of the interceptor site and personnel to carry out the proposed deployment.

(3) In the case of either element of such missile defense system described in paragraph (1) or (2), 45 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; 122 Stat. 42).

(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 fiscal year 2009 may be obligated or expended for the acquisition (other than initial long-lead procurement) or deployment of operational missiles of a long-range missile defense system in Europe until the Secretary of Defense, after receiving the views of the Director of Operational Test and Evaluation, submits to the congressional defense committees a report certifying that the proposed interceptor to be deployed as part of such missile defense system has demonstrated, through successful, operationally realistic flight testing, a high probability of working in an operationally effective manner and the ability to accomplish the mission.

(c) CONSTRUCTION.—Nothing in this section shall be construed to limit continuing obligation and expenditure of funds for missile defense, including for research and development and for other activities not otherwise

limited by subsection (a) or (b), including, but not limited to, site surveys, studies, analysis, and planning and design for the proposed missile defense deployment in Europe.

SEC. 234. REVIEW OF THE BALLISTIC MISSILE DEFENSE POLICY AND STRATEGY OF THE UNITED STATES.

(a) REVIEW REQUIRED.—The Secretary of Defense shall conduct a review of the ballistic missile defense policy and strategy of the United States.

(b) ELEMENTS.—The matters addressed by the review required by subsection (a) shall include the following:

(1) The ballistic missile defense policy of the United States in relation to the overall national security policy of the United States.

(2) The ballistic missile defense strategy and objectives of the United States in relation to the national security strategy of the United States and the military strategy of the United States.

(3) The ballistic missile threat to the United States, deployed forces of the United States, and friends and allies of the United States from short, medium, intermediate, and long-range ballistic missile threats.

(4) The organization, discharge, and oversight of acquisition for the ballistic missile defense programs of the United States.

(5) The roles and responsibilities of the Office of the Secretary of Defense, defense agencies, combatant commands, the Joint Chiefs of Staff, and the military departments in such programs.

(6) The process for determining requirements for missile defense capabilities under such programs, including input from the joint military requirements process.

(7) The process for determining the force structure and inventory objectives for such programs.

(8) Standards for the military utility, operational effectiveness, suitability, and survivability of the ballistic missile defense systems of the United States.

(9) The method in which resources for the ballistic missile defense mission are planned, programmed, and budgeted within the Department of Defense.

(10) The near-term and long-term affordability and cost-effectiveness of such programs.

(11) The objectives, requirements, and standards for test and evaluation with respect to such programs.

(12) Accountability, transparency, and oversight with respect to such programs.

(13) The role of international cooperation on missile defense in the ballistic missile defense policy and strategy of the United States.

(14) Any other matters the Secretary determines relevant.

(c) REPORT.—

(1) IN GENERAL.—Not later than January 31, 2010, the Secretary shall submit to Congress a report setting forth the results of the review required by subsection (a).

(2) FORM.—The report required by this subsection shall be in unclassified form, but may include a classified annex.

SEC. 235. AIRBORNE LASER SYSTEM.

(a) REPORT ON DIRECTOR OF OPERATIONAL TEST AND EVALUATION ASSESSMENT OF TESTING.—Not later than January 15, 2010, the Director of Operational Test and Evaluation shall—

(1) review and evaluate the testing conducted on the first Airborne Laser System aircraft, including the planned shoot-down demonstration testing; and

(2) submit to the Secretary of Defense and to Congress an assessment by the Director of the operational effectiveness, suitability, and survivability of the Airborne Laser System.

(b) LIMITATION ON AVAILABILITY OF FUNDS FOR LATER AIRBORNE LASER SYSTEM AIRCRAFT.—No funds appropriated pursuant to an authorization of appropriations or otherwise made available for the Department of Defense may be obligated or expended for the procurement of a second or subsequent aircraft for the Airborne Laser System program until the later of the following dates:

(1) The date on which the Secretary of Defense, after receiving the assessment under subsection (a)(2), submits to Congress a certification that the Airborne Laser System has demonstrated, through successful testing and operational and cost analysis, a high probability of being operationally effective, suitable, survivable, and affordable.

(2) The date that is 60 days after the date on which Congress receives the independent assessment of boost-phase missile defense required by section 232.

SEC. 236. ACTIVATION AND DEPLOYMENT OF AN/TPY–2 FORWARD-BASED X-BAND RADAR.

(a) AVAILABILITY OF FUNDS.—Subject to subsection (b), of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide activities, up to $89,000,000 may be available for Ballistic Missile Defense Sensors for the activation and deployment of the AN/TPY–2 forward-based X-band radar to a classified location.

(b) LIMITATION.—

(1) IN GENERAL.—Funds may not be available under subsection (a) for the purpose specified in that subsection until the Secretary of Defense submits to the Committees on Armed Services of the Senate and the House of Representatives a report on the deployment of the AN/TPY–2 forward-based X-band radar as described in that subsection, including:

(A) The location of deployment of the radar.

(B) A description of the operational parameters of the deployment of the radar, including planning for force protection.

(C) A description of any recurring and nonrecurring expenses associated with the deployment of the radar.

(D) A description of the cost-sharing arrangements between the United States and the country in which the radar will be deployed regarding the expenses described in subparagraph (C).

(E) A description of the other terms and conditions of the agreement between the United States and such country regarding the deployment of the radar.

(2) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

Subtitle D—Reports

SEC. 241. BIENNIAL REPORTS ON JOINT AND SERVICE CONCEPT DEVELOPMENT AND EXPERIMENTATION.

(a) IN GENERAL.—Section 485 of title 10, United States Code, is amended to read as follows:

"§ 485. Joint and service concept development and experimentation

''(a) BIENNIAL REPORTS REQUIRED.—Not later than January 1 of each even numbered-year, the Secretary of Defense or the Secretary's designee shall submit to the congressional defense committees a report on the conduct and outcomes of joint and service concept development and experimentation.

''(b) MATTERS TO BE INCLUDED.—Each report under subsection (a) shall include the following:

''(1) A description of any changes since the latest report submitted under this section to each of the following:

''(A) The organization of the Department of Defense responsible for executing the mission of joint concept development and experimentation, or its specific authorities related to that mission.

''(B) The process for tasking forces (including forces designated as joint experimentation forces) to participate in joint concept development and experimentation, and the specific authority of the organization responsible for executing the mission of joint concept development and experimentation over those forces.

''(C) The resources provided for initial implementation of joint concept development and experimentation, the process for providing such resources to the organization responsible for executing the mission of joint concept development and experimentation, the categories of funding for joint concept development and experimentation, and the authority of the organization responsible for executing the mission of joint concept development and experimentation for budget execution for such activities.

''(D) The assigned role of the organization responsible for executing the mission of joint concept development and experimentation for—

''(i) integrating and testing in joint concept development and experimentation the systems that emerge from warfighting experimentation by the armed forces and the Defense Agencies;

''(ii) assessing the effectiveness of organizational structures, operational concepts, and technologies relating to joint concept development and experimentation; and

''(iii) assisting the Secretary of Defense and the Chairman of the Joint Chiefs of Staff in setting priorities for requirements or acquisition programs in light of joint concept development and experimentation.

''(2) A description of the conduct of joint concept development and experimentation activities, and of concept development and experimentation activities of each of the military departments, during the two-year period ending on the date of such report, including—

''(A) the funding involved;

''(B) the number of activities engaged in;

''(C) the forces involved;

''(D) the national and homeland security challenges addressed;

''(E) the operational concepts assessed;

''(F) the technologies assessed;

''(G) the scenarios and measures of effectiveness utilized; and

''(H) specific interactions under such activities with the commanders of the combatant commands and with other organizations and entities inside and outside the Department.

''(3) A description of the conduct of joint concept development and experimentation, and of the conduct of concept development and experimentation by each of the military departments, during the two-year period ending on the date of such report with respect to the development of warfighting concepts for operational scenarios more than 10 years in the future, including—

''(A) the funding involved;

''(B) the number of activities engaged in;

''(C) the forces involved;

''(D) the challenges addressed;

''(E) the operational concepts assessed;

''(F) the technologies assessed;

''(G) the scenarios and measures of effectiveness utilized; and

''(H) specific interactions with the commanders of the combatant commands and with other organizations and entities inside and outside the Department.

''(4) A description of the mechanisms used to coordinate joint, service, interagency, Coalition, and other appropriate concept development and experimentation activities.

''(5) An assessment of the return on investment in concept development and experimentation activities, including a description of the following:

''(A) Specific outcomes and impacts within the Department of the results of past joint and service concept development and experimentation in terms of new doctrine, operational concepts, organization, training, materiel, leadership, personnel, or the allocation of resources, or in activities that terminated support for legacy concepts, programs, or systems.

''(B) Specific actions taken to implement the recommendations of the Commander of United States Joint Forces Command based on joint concept development and experimentation activities.

''(6) Such recommendations (based primarily on the results of joint and service concept development and experimentation) as the Secretary considers appropriate for enhancing the development of joint warfighting capabilities by modifying activities throughout the Department relating to—

''(A) the development or acquisition of specific advanced technologies, systems, or weapons or systems platforms;

''(B) key systems attributes and key performance parameters for the development or acquisition of advanced technologies and systems;

''(C) joint or service doctrine, organization, training, materiel, leadership development, personnel, or facilities;

''(D) the reduction or elimination of redundant equipment and forces, including the synchronization of the development and fielding of advanced technologies among the armed forces to enable the development and execution of joint operational concepts; and

''(E) the development or modification of initial capabilities documents, operational requirements, and relative priorities for acquisition programs to meet joint requirements.

''(7) With respect to improving the effectiveness of joint concept development and experimentation capabilities, such recommendations (based primarily on the results of joint warfighting experimentation) as the Secretary considers appropriate regarding—

''(A) the conduct of, adequacy of resources for, or development of technologies to support such capabilities; and

''(B) changes in support from other elements of the Department responsible for concept development and experimentation by joint or service organizations.

''(8) The coordination of the concept development and experimentation activities of the Commander of the United States Joint Forces Command with the activities of the Commander of the North Atlantic Treaty Organization Supreme Allied Command Transformation.

''(9) Any other matters that the Secretary consider appropriate.

''(c) COORDINATION AND SUPPORT.—The Secretary of Defense shall ensure that the Secretaries of the military departments and the heads of other appropriate elements of the Department of Defense provide such information and support as is required for the preparation of the reports required by this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 23 of such title is amended by striking the item relating to section 485 and inserting the following new item:

''485. Joint and service concept development and experimentation.''.

SEC. 242. REPORT ON PARTICIPATION OF THE HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND MINORITY-SERVING INSTITUTIONS IN RESEARCH AND EDUCATIONAL PROGRAMS AND ACTIVITIES OF THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—The Secretary of Defense shall carry out an independent assessment of the participation of covered educational institutions in research and educational programs and activities of the Department of Defense.

(b) REPORT.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the assessment required under subsection (a).

(c) MATTERS INCLUDED.—The report required under subsection (b) shall include the following:

(1) A description of research, training, technical assistance, infrastructure support, and educational programs and activities conducted by the Department of Defense in support of covered educational institutions.

(2) A survey of the level of participation of covered educational institutions in programs described in paragraph (1), and lessons learned from the survey.

(3) An assessment of the relevance, including outcomes and effects, of the programs and activities identified in paragraph (1) to the research and educational programs, activities, and missions of the Department of Defense.

(4) An assessment of additional activities by the Department of Defense that support covered educational institutions whose primary focus is the training and educating of minority scientists, engineers, and technicians.

(5) An assessment of barriers to the participation of covered educational institutions in the research and educational programs and activities of the Department of Defense.

(6) Recommendations to increase the capacity of covered educational institutions to participate in research and educational programs and activities that are critical to the national security functions of the Department of Defense.

(7) Any other matters the Secretary of Defense considers appropriate.

(d) COOPERATION OF DEFENSE ORGANIZATIONS.—The Secretary of Defense shall ensure that the relevant elements of the Department of Defense provide all information necessary for the completion of the assessment required under subsection (a).

(e) DEFINITIONS.—In this section:

(1) The term ''covered educational institutions'' means—

(A) a historically Black college or university that is a part B institution, as defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2));

(B) a minority institution, as defined in section 365(3) of that Act (20 U.S.C. 1067k(3));

(C) a Hispanic-serving institution, as defined in section 502(a)(5) of that Act (20 U.S.C. 1101a(a)(5));

(D) a Tribal College or University, as defined in section 316(b)(3) of that Act (20 U.S.C. 1059c(b)(3)); and

(E) other minority postsecondary institutions.

(2) The term ''research and educational programs and activities'' includes programs and activities relating to research, development, test, and evaluation and education.

SEC. 243. REPORT ON DEPARTMENT OF DEFENSE RESPONSE TO FINDINGS AND RECOMMENDATIONS OF THE DEFENSE SCIENCE BOARD TASK FORCE ON DIRECTED ENERGY WEAPONS.

(a) REPORT REQUIRED.—Not later than January 1, 2010, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the implementation of the recommendations of the Defense Science Board Task Force on Directed Energy Weapons.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An analysis of each of the findings and recommendations of the Defense Science Board Task Force on Directed Energy Weapons.

(2) A detailed description of the response of the Department of Defense to each finding and recommendation of the Task Force, including—

(A) for each recommendation that is being implemented or that the Secretary plans to implement—

(i) a summary of actions that have been taken to implement such recommendation; and

(ii) a schedule, with specific milestones, for completing the implementation of such recommendation; and

(B) for each recommendation that the Secretary does not plan to implement—

(i) the reasons for the decision not to implement such recommendation; and

(ii) a summary of the alternative actions the Secretary plans to take to address the purposes underlying such recommendation.

(3) A summary of any additional actions the Secretary plans to take to address concerns raised by the Task Force.

Subtitle E—Other Matters

SEC. 251. MODIFICATION OF SYSTEMS SUBJECT TO SURVIVABILITY TESTING OVERSIGHT BY THE DIRECTOR OF OPERATIONAL TEST AND EVALUATION.

(a) AUTHORITY TO DESIGNATE ADDITIONAL SYSTEMS AS MAJOR SYSTEMS AND PROGRAMS SUBJECT TO TESTING.—Section 2366(e)(1) of title 10, United States Code, is amended to read as follows:

''(1) The term 'covered system' means—

''(A) a vehicle, weapon platform, or conventional weapon system that—

''(i) includes features designed to provide some degree of protection to users in combat; and

''(ii) is a major system as defined in section 2302(5) of this title; or

''(B) any other system or program designated by the Secretary of Defense for purposes of this section.''.

(b) REVISION TO REPORT REQUIREMENT.—Section 2366(d) of such title is amended—

(1) by inserting ''(1)'' before ''At the conclusion''; and

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

''(2) If a decision is made within the Department of Defense to proceed to operational use of a system, or to make procurement funds available for a system, before Milestone C approval of that system, the Secretary of Defense shall submit to the congressional defense committees, as soon as practicable after such decision, the following:

''(A) A report describing the status of survivability and live fire testing of that system.

''(B) The report required under paragraph (1).''.

(c) FORCE PROTECTION EQUIPMENT.—Section 139(b) of such title is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraphs (4) through (7) as paragraphs (3) through (6), respectively.

SEC. 252. TECHNOLOGY-NEUTRAL INFORMATION TECHNOLOGY GUIDELINES AND STANDARDS TO SUPPORT FULLY INTEROPERABLE ELECTRONIC PERSONAL HEALTH INFORMATION FOR THE DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS.

Section 1635 of the Wounded Warrior Act (title XVI of Public Law 110–181; 122 Stat. 460; 10 U.S.C. 1071 note) is amended—

(1) in subsection (h)(1), by adding at the end the following new subparagraphs:

''(C) A description and analysis of the level of interoperability and security of technologies for sharing healthcare information among the Department of Defense, the Department of Veterans Affairs, and their transaction partners.

''(D) A description and analysis of the problems the Department of Defense and the Department of Veterans Affairs are having with, and the progress such departments are making toward, ensuring interoperable and secure healthcare information systems and electronic healthcare records.''; and

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

''(j) TECHNOLOGY-NEUTRAL GUIDELINES AND STANDARDS.—The Director, in consultation with industry and appropriate Federal agencies, shall develop, or shall adopt from industry, technology-neutral information technology infrastructure guidelines and standards for use by the Department of Defense and the Department of Veterans Affairs to enable those departments to effectively select and utilize information technologies to meet the requirements of this section.''.

SEC. 253. ASSESSMENT OF TECHNOLOGY TRANSITION PROGRAMS AND REPEAL OF REPORTING REQUIREMENT.

(a) ASSESSMENT AND REPORT REQUIRED.—

(1) IN GENERAL.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall assess the feasibility of consolidating the various technology transition programs in the Department of Defense into a unified effort managed by a senior official of the Department.

(2) PROGRAMS INCLUDED.—The assessment required by paragraph (1) shall include—

(A) the technology transition programs managed or overseen by the Secretary of Defense; and

(B) as the Under Secretary considers appropriate, the technology transition programs of the military departments.

(3) REPORT.—Not later than October 1, 2009, the Under Secretary shall submit to the congressional defense committees a report on the assessment required by paragraph (1). The report shall include the following:

(A) A description of each of the technology transition programs considered as part of the assessment.

(B) An evaluation of the extent to which each technology transition program fulfills its intended mission and supports effective and efficient technology transition.

(C) For each technology transition program considered in the assessment, a summary of the funding available for the five fiscal years preceding the date on which the report is submitted.

(D) The conclusion of the Under Secretary as to whether there are any benefits in consolidating the technology transition programs into a unified effort managed by a senior official of the Department of Defense.

(E) Recommendations to add, repeal, or amend statutes or regulations in order to more effectively enable technology transition.

(F) Recommendations regarding the appropriate management structure, fiscal controls, and stakeholder engagement required to ensure that a unified technology transition program will cost-effectively and efficiently enable technology transition.

(b) REPORTING REQUIREMENT REPEALED.—Section 2359a of title 10, United States Code, is amended—

(1) by striking subsection (h); and

(2) by redesignating subsection (i) as subsection (h).

SEC. 254. TRUSTED DEFENSE SYSTEMS.

(a) VULNERABILITY ASSESSMENT REQUIRED.—The Secretary of Defense shall conduct an assessment of selected covered acquisition programs to identify vulnerabilities in the supply chain of each program's electronics and information processing systems that potentially compromise the level of trust in the systems. Such assessment shall—

(1) identify vulnerabilities at multiple levels of the electronics and information processing systems of the selected programs, including microcircuits, software, and firmware;

(2) prioritize the potential vulnerabilities and effects of the various elements and stages of the system supply chain to identify the most effective balance of investments to minimize the effects of compromise;

(3) provide recommendations regarding ways of managing supply chain risk for covered acquisition programs; and

(4) identify the appropriate lead person, and supporting elements, within the Department of Defense for the development of an integrated strategy for managing risk in the supply chain for covered acquisition programs.

(b) ASSESSMENT OF METHODS FOR VERIFYING THE TRUST OF SEMICONDUCTORS PROCURED FROM COMMERCIAL SOURCES.—The Under Secretary of Defense for Acquisition, Technology, and Logistics, in consultation with appropriate elements of the Department of Defense, the intelligence community, private industry, and academia, shall conduct an assessment of various methods of verifying the trust of semiconductors procured by the Department of Defense from commercial sources for use in mission-critical components of potentially vulnerable defense systems. The assessment shall include the following:

(1) An identification of various methods of verifying the trust of semiconductors, including methods under development at the Defense Agencies, government laboratories, institutions of higher education, and in the private sector.

(2) A determination of the methods identified under paragraph (1) that are most suitable for the Department of Defense.

(3) An assessment of the additional research and technology development needed to develop methods of verifying the trust of semiconductors that meet the needs of the Department of Defense.

(4) Any other matters that the Under Secretary considers appropriate.

(c) STRATEGY REQUIRED.—

(1) IN GENERAL.—The lead person identified under subsection (a)(4), in cooperation with the supporting elements also identified under such subsection, shall develop an integrated strategy—

(A) for managing risk—

(i) in the supply chain of electronics and information processing systems for covered acquisition programs; and

(ii) in the procurement of semiconductors; and

(B) that ensures dependable, continuous, long-term access and trust for all mission-critical semiconductors procured from both foreign and domestic sources.

(2) REQUIREMENTS.—At a minimum, the strategy shall—

(A) address the vulnerabilities identified by the assessment under subsection (a);

(B) reflect the priorities identified by such assessment;

(C) provide guidance for the planning, programming, budgeting, and execution process in order to ensure that covered acquisition programs have the necessary resources to implement all appropriate elements of the strategy;

(D) promote the use of verification tools, as appropriate, for ensuring trust of commercially acquired systems;

(E) increase use of trusted foundry services, as appropriate; and

(F) ensure sufficient oversight in implementation of the plan.

(d) POLICIES AND ACTIONS FOR ASSURING TRUST IN INTEGRATED CIRCUITS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall—

(1) develop policy requiring that trust assurance be a high priority for covered acquisition programs in all phases of the electronic component supply chain and integrated circuit development and production process, including design and design tools, fabrication of the semiconductors, packaging, final assembly, and test;

(2) develop policy requiring that programs whose electronics and information systems are determined to be vital to operational readiness or mission effectiveness are to employ trusted foundry services to fabricate their custom designed integrated circuits, unless the Secretary specifically authorizes otherwise;

(3) incorporate the strategies and policies of the Department of Defense regarding development and use of trusted integrated circuits into all relevant Department directives and instructions related to the acquisition of integrated circuits and programs that use such circuits; and

(4) take actions to promote the use and development of tools that verify the trust in all phases of the integrated circuit development and production process of mission-critical parts acquired from non-trusted sources.

(e) SUBMISSION TO CONGRESS.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees—

(1) the assessments required by subsections (a) and (b);

(2) the strategy required by subsection (c); and

(3) a description of the policies developed and actions taken under subsection (d).

(f) DEFINITIONS.—In this section:

(1) The term ''covered acquisition programs'' means an acquisition program of the Department of Defense that is a major system for purposes of section 2302(5) of title 10, United States Code.

(2) The terms ''trust'' and ''trusted'' refer, with respect to electronic and information processing systems, to the ability of the Department of Defense to have confidence that the systems function as intended and are free of exploitable vulnerabilities, either intentionally or unintentionally designed or inserted as part of the system at any time during its life cycle.

(3) The term ''trusted foundry services'' means the program of the National Security Agency and the Department of Defense, or any similar program approved by the Secretary of Defense, for the development and manufacture of integrated circuits for critical defense systems in secure industrial environments.

SEC. 255. CAPABILITIES-BASED ASSESSMENT TO OUTLINE A JOINT APPROACH FOR FUTURE DEVELOPMENT OF VERTICAL LIFT AIRCRAFT AND ROTORCRAFT.

(a) ASSESSMENT REQUIRED.—The Secretary of Defense and the Chairman of the Joint

Chiefs of Staff shall carry out a capabilities-based assessment that outlines a joint approach to the future development of vertical lift aircraft and rotorcraft for all of the Armed Forces. The assessment shall—

(1) address critical technologies required for future development, including a technology roadmap;

(2) include the development of a detailed science and technology investment and implementation plan and an identification of the resources required to implement such plan; and

(3) include the development of a strategic plan that—

(A) formalizes the strategic vision of the Department of Defense for the next generation of vertical lift aircraft and rotorcraft;

(B) establishes joint requirements for the next generation of vertical lift aircraft and rotorcraft technology; and

(C) emphasizes the development of common service requirements.

(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 include—

(1) the technology roadmap referred to in subsection (a)(1);

(2) the plan and the identification of resources referred to in subsection (a)(2);

(3) the strategic plan referred to in subsection (a)(3); and

(4) a detailed plan to establish a Joint Vertical Lift Aircraft/Rotorcraft Office based on lessons learned from the Joint Advanced Strike Technology Office.

SEC. 256. EXECUTIVE AGENT FOR PRINTED CIRCUIT BOARD TECHNOLOGY.

(a) EXECUTIVE AGENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall designate a senior official of the Department of Defense to act as the executive agent for printed circuit board technology.

(b) ROLES, RESPONSIBILITIES, AND AUTHORITIES.—

(1) ESTABLISHMENT.—Not later than one year after the date of the enactment of this Act, and in accordance with Directive 5101.1, the Secretary of Defense shall prescribe the roles, responsibilities, and authorities of the executive agent designated under subsection (a).

(2) SPECIFICATION.—The roles and responsibilities of the executive agent designated under subsection (a) shall include each of the following:

(A) Development and maintenance of a printed circuit board and interconnect technology roadmap that ensures that the Department of Defense has access to the manufacturing capabilities and technical expertise necessary to meet future military requirements regarding such technology.

(B) Development of recommended funding strategies necessary to meet the requirements of the roadmap developed under subparagraph (A).

(C) Assessment of the vulnerabilities, trustworthiness, and diversity of the printed circuit board supply chain, including the development of trustworthiness requirements for printed circuit boards used in defense systems, and to develop strategies to address matters that are identified as a result of such assessment.

(D) Such other roles and responsibilities as the Secretary of Defense considers appropriate.

(c) SUPPORT WITHIN DEPARTMENT OF DEFENSE.—In accordance with Directive 5101.1, the Secretary of Defense shall ensure that the military departments, Defense Agencies, and other components of the Department of Defense provide the executive agent designated under subsection (a) with the appropriate support and resources needed to perform the roles, responsibilities, and authorities of the executive agent.

(d) DEFINITIONS.—In this section:

(1) The term ''Directive 5101.1'' means Department of Defense Directive 5101.1, or any successor directive relating to the responsibilities of an executive agent of the Department of Defense.

(2) The term ''executive agent'' has the meaning given the term ''DoD Executive Agent'' in Directive 5101.1.

SEC. 257. REVIEW OF CONVENTIONAL PROMPT GLOBAL STRIKE TECHNOLOGY APPLICATIONS AND CONCEPTS.

(a) AVAILABILITY OF FUNDS FOR PROMPT GLOBAL STRIKE CAPABILITY DEVELOPMENT.—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 delineated in the expenditure plan 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; 10 U.S.C. 113 note) and submitted to the congressional defense committees and dated March 24, 2008, those activities for which funds are authorized to be appropriated in this Act, or those activities otherwise expressly authorized by Congress.

(b) REPORT ON TECHNOLOGY APPLICATIONS.—Not later than April 1, 2009, the Secretary of Defense shall submit to the congressional defense committees a report that contains—

(1) a description of the technology applications developed pursuant to conventional prompt global strike activities during fiscal year 2009; and

(2) for each such technology application, the conventional prompt global strike concept towards which the application could be applied.

(c) REVIEW OF CONVENTIONAL PROMPT GLOBAL STRIKE CONCEPTS.—The Secretary of Defense shall, in consultation with the Secretary of State, conduct a review of each nonnuclear prompt global strike concept with respect to which the President requests funding in the budget of the President for fiscal year 2010 (as submitted to Congress pursuant to section 1105 of title 31, United States Code).

(d) ELEMENTS OF REVIEW.—The review required by subsection (c) shall include, for each concept described in that subsection, the following:

(1) The full cost of demonstrating such concept.

(2) An assessment of any policy, legal, or treaty-related issues that could arise during the course of, or as a result of, deployment of each concept and recommendations to address such issues.

(3) The extent to which the concept could be misconstrued as a nuclear weapon or delivery system and recommendations to mitigate the risk of such a misconstrual.

(4) An assessment of the potential basing and deployment options for the concept.

(5) A description of the types of targets against which the concept might be used.

(6) An assessment of the adequacy of the intelligence that would be needed to support an attack involving the concept.

(e) REPORT ON CONVENTIONAL PROMPT GLOBAL STRIKE CONCEPTS.—Not later than September 1, 2009, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the results of the review required by subsection (c).

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.
Sec. 314. Expedited use of appropriate technology related to unexploded ordnance detection.
Sec. 315. Closed loop re-refining of used motor vehicle lubricating oil.
Sec. 316. Comprehensive program for the eradication of the brown tree snake population from military facilities in Guam.

Subtitle C—Workplace and Depot Issues

Sec. 321. Comprehensive analysis and development of single Government-wide definition of inherently governmental function and criteria for critical functions.
Sec. 322. Study on future depot capability.
Sec. 323. Government Accountability Office review of high-performing organizations.
Sec. 324. Consolidation of Air Force and Air National Guard aircraft maintenance.
Sec. 325. Report on Air Force civilian personnel consolidation plan.
Sec. 326. Report on reduction in number of firefighters on Air Force bases.
Sec. 327. Minimum capital investment for certain depots.

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, requirements development, and acquisition processes.
Sec. 333. Study on solar and wind energy for use for expeditionary forces.
Sec. 334. Study on alternative and synthetic fuels.
Sec. 335. Mitigation of power outage risks for Department of Defense facilities and activities.

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 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.

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 condemned or obsolete combat materiel.

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. Revision of certain Air Force regulations required.
Sec. 356. Transfer of C–12 aircraft to California Department of Forestry and Fire Protection.
Sec. 357. Limitation on treatment of retired B–52 aircraft for Air Combat Command headquarters.
Sec. 358. Increase of domestic breeding of military working dogs used by the Department of Defense.

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $31,251,702,000.
(2) For the Navy, $34,850,310,000.
(3) For the Marine Corps, $5,604,254,000.
(4) For the Air Force, $35,454,487,000.
(5) For Defense-wide activities, $25,948,864,000.
(6) For the Army Reserve, $2,642,341,000.
(7) For the Naval Reserve, $1,311,085,000.
(8) For the Marine Corps Reserve, $213,131,000.
(9) For the Air Force Reserve, $3,150,692,000.
(10) For the Army National Guard, $5,893,546,000.
(11) For the Air National Guard, $5,882,326,000.
(12) For the United States Court of Appeals for the Armed Forces, $13,254,000.
(13) For Environmental Restoration, Army, $447,776,000.
(14) For Environmental Restoration, Navy, $290,819,000.
(15) For Environmental Restoration, Air Force, $496,277,000.
(16) For Environmental Restoration, Defense-wide, $13,175,000.
(17) For Environmental Restoration, Formerly Used Defense Sites, $257,796,000.
(18) For Overseas Humanitarian, Disaster, and Civic Aid programs, $83,273,000.
(19) For Cooperative Threat Reduction programs, $434,135,000.
(20) For the Overseas Contingency Operations Transfer Fund, $9,101,000.

Subtitle B—Environmental Provisions

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. 58605; November 28, 1995);

''(2) the Guidance for the Establishment, Use, and Operation of Conservation Banks (68 Fed. Reg. 24753; May 2, 2003);

''(3) the Federal Guidance on the Use of In-Lieu-Fee Arrangements for Compensatory Mitigation Under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act (65 Fed. Reg. 66915; November 7, 2000); or

''(4) any successor or related administrative guidance or regulation.

''(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 activity.

''(2) Military construction.

''(c) TREATMENT OF AMOUNTS FOR CONSERVATION BANKING.—Payments made under subsection (a) to a conservation banking program or 'in-lieu-fee' mitigation sponsor for the purpose of facilitating military construction may be treated as eligible 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; and

''(2) the Secretary of Defense with respect to a Defense Agency.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2694b the following new item:

''2694c. Participation in conservation banking programs.''.

(c) EFFECTIVE DATE.—Section 2694c of title 10, United States Code, as added by 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. 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 10–6J Special Account.

(2) PURPOSE OF REIMBURSEMENT.—The payment under paragraph (1) is to reimburse the Environmental Protection Agency for its costs incurred in overseeing a remedial investigation/feasibility study performed by the Department of the Army under the Defense Environmental Restoration Program at the former Larson Air Force Base, Moses Lake Superfund Site, Moses Lake, Washington.

(3) INTERAGENCY AGREEMENT.—The reimbursement described in paragraph (2) is provided for in the interagency agreement entered into by the Department of the Army and the Environmental Protection Agency for the Moses Lake Wellfield Superfund Site in March 1999.

(b) SOURCE OF FUNDS.—Any payment under subsection (a) shall be made using funds authorized to be appropriated by section 301(17) for operation and maintenance for Environmental Restoration, Formerly Used Defense Sites.

(c) USE OF FUNDS.—The Environmental Protection Agency shall use the amount transferred under subsection (a) to pay costs incurred by the Agency at the Moses Lake Wellfield Superfund Site.

SEC. 313. EXPAND COOPERATIVE AGREEMENT AUTHORITY FOR MANAGEMENT OF NATURAL RESOURCES TO INCLUDE OFF-INSTALLATION MITIGATION.

Section 103a(a) of the Sikes Act (16 U.S.C. 670c–1(a)) is amended—

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

''(1) The''; and

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

''(2) The maintenance and improvement of natural resources located off of a Department of Defense installation if the purpose of the cooperative agreement is to relieve or eliminate current or anticipated challenges that could restrict, impede, or otherwise interfere with, whether directly or indirectly, current or anticipated military activities.''.

SEC. 314. EXPEDITED USE OF APPROPRIATE TECHNOLOGY RELATED TO UNEXPLODED ORDNANCE DETECTION.

(a) EXPEDITED USE OF APPROPRIATE TECHNOLOGIES.—The Secretary shall expedite the use of appropriate unexploded ordnance detection instrument technology developed through research funded by the Department of Defense or developed by entities other than the Department of Defense.

(b) REPORT.—Not later than October 1, 2009, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report describing and evaluating the following:

(1) The amounts allocated for research, development, test, and evaluation for unexploded ordnance detection technologies.

(2) The amounts allocated for transition of new unexploded ordnance detection technologies.

(3) Activities undertaken by the Department to transition such technologies and train operators on emerging detection instrument technologies.

(4) Any impediments to the transition of new unexploded ordnance detection instrument technologies to regular operation in remediation programs.

(5) The transfer of such technologies to private sector entities involved in the detection of unexploded ordnance.

(6) Activities undertaken by the Department to raise public awareness regarding unexploded ordnance.

(c) UNEXPLODED ORDNANCE DEFINED.—In this section, the term ''unexploded ordnance'' has the meaning given such term in section 101(e)(5) of title 10, United States Code.

SEC. 315. CLOSED LOOP RE-REFINING OF USED MOTOR VEHICLE LUBRICATING OIL.

(a) STUDY AND EVALUATION.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report which reviews the Department of Defense's policies concerning the re-use, recycling, 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 re-use or recycling through closed loop re-refining of used oil as a means of reducing total indirect energy usage and greenhouse gas emissions.

(b) DEFINITION.—For purposes of this section, the term ''closed loop re-refining'' 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.

SEC. 316. COMPREHENSIVE PROGRAM FOR THE ERADICATION OF THE BROWN TREE SNAKE POPULATION FROM MILITARY FACILITIES IN GUAM.

The Secretary of Defense shall establish a comprehensive program to control and, to the extent practicable, eradicate the brown tree snake population from military facilities in Guam and to ensure that military activities, including the transport of civilian and military personnel and equipment to and from Guam, do not contribute to the spread of brown tree snakes.

Subtitle C—Workplace and Depot Issues

SEC. 321. COMPREHENSIVE ANALYSIS AND DEVELOPMENT OF SINGLE GOVERNMENT-WIDE DEFINITION OF INHERENTLY GOVERNMENTAL FUNCTION AND CRITERIA FOR CRITICAL FUNCTIONS.

(a) DEVELOPMENT AND IMPLEMENTATION.—The Director of the Office of Management and Budget, in consultation with appropriate representatives of the Chief Acquisition Officers Council under section 16A of the Office of Federal Procurement Policy Act (41 U.S.C. 414b) and the Chief Human Capital Officers Council under section 1401 of title 5, United States Code, shall—

(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 or other critical functions necessary for the mission of a Federal department or agency;

(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) reasonably apply to all Federal departments and agencies; and

(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;

(3) develop criteria to be used by the head of each such department or agency to—

(A) identify critical functions with respect to the unique missions and structure of that department or agency; and

(B) identify each position within that 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 the department or agency maintains control of its mission and operations;

(4) in addition to the actions described under paragraphs (1), (2), and (3), provide criteria that would identify positions within Federal departments and agencies that are to 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;

(B) develops guidance to implement the definition of inherently governmental as described in paragraph (2) and the criteria for critical functions as described in paragraph (3) in a manner that is consistent with agency missions and operational goals; and

(C) develops guidance to manage internal decisions regarding staffing in an integrated manner to ensure officers or employees of the Federal Government or members of the Armed Forces are filling critical management roles by identifying—

(i) functions, activities, or positions, or some combination thereof, or

(ii) additional mechanisms and factors, including the management or oversight of awarded contracts, statutory mandates, and international obligations; and

(5) solicit the views of the public regarding the matters identified in this section.

(b) DEFINITIONS OF INHERENTLY GOVERNMENTAL FUNCTION.—The definitions of inherently governmental function described in this subsection are the definitions of such term that are contained in—

(1) the Federal Activities Inventory Reform Act of 1998 (Public Law 105–270; 31 U.S.C. 501 note);

(2) section 2383 of title 10, United States Code;

(3) Office of Management and Budget Circular A–76;

(4) the Federal Acquisition Regulation; and

(5) any other relevant Federal law or regulation, as determined by the Director of the Office of Management and Budget in consultation with the Chief Acquisition Officers Council and the Chief Human Capital Officers Council.

(c) REPORT TO CONGRESS.—Not later than one year after the date of the enactment of this Act, the Director of the Office of Management and Budget, in consultation with the Chief Acquisition Officers Council and the Chief Human Capital Officers Council, 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 and criteria for critical functions.

(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 and criteria developed under this section are consistently applied through all Federal regulations, circulars, policy letters, agency guidance, and other documents;

(B) to repeal any existing Federal regulations, circular, policy letters, agency guidance and other documents determined to be superseded by the definition and criteria developed under this section; and

(C) to develop any necessary implementing guidance under this section for agency staffing and contracting decisions, along with appropriate milestones.

(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 to implement actions taken under this section to develop a single definition of inherently governmental function and criteria for critical functions.

SEC. 322. STUDY ON FUTURE DEPOT CAPABILITY.

(a) STUDY REQUIRED.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract 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 carry out a study on the capability and efficiency of the depots of the Department of Defense to provide the logistics capabilities and capacity necessary for national defense.

(b) CONTENTS OF STUDY.—The study carried out under subsection (a) shall—

(1) be a quantitative analysis of the post-reset Department of Defense depot capability required to provide life cycle sustainment of military legacy systems and new systems and military equipment;

(2) take into consideration direct input from the Secretary of Defense and the logistics and acquisition leadership of the military departments, including materiel 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 depots, installation 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 each of the military departments, including with respect to programming and budgeting and the annual budget displays provided to Congress; and

(6) examine any relevant applicable laws, including the relevant body of work performed by the Government Accountability Office.

(c) ISSUES TO BE ADDRESSED.—The study required under subsection (a) shall address each of the following issues with respect to depots and depot capabilities:

(1) The life cycle sustainment maintenance strategies and implementation plans of the Department of Defense and the military departments that cover—

(A) the role of each type of maintenance activity;

(B) business operations;

(C) workload projection;

(D) outcome-based performance management objectives;

(E) the adequacy of information technology systems, including workload management systems;

(F) the workforce, including skills required and development;

(G) budget and fiscal planning policies; and

(H) capital investment strategies, including the implementation of section 2476 of title 10, United States Code.

(2) Current and future maintenance environments, including—

(A) performance-based logistics;

(B) supply chain management;

(C) condition-based maintenance;

(D) reliability-based maintenance;

(E) consolidation and centralization, including—

(i) regionalization;

(ii) two-level maintenance; and

(iii) forward-based depot capacity;

(F) public-private partnerships;

(G) private-sector depot capability and capacity; and

(H) the impact of proprietary technical documentation.

(3) The adequate visibility of the maintenance workload of each military department in reports submitted to Congress, including—

(A) whether the depot budget lines in current budget displays accurately reflect depot level workloads;

(B) the accuracy of core and 50/50 calculations;

(C) the usefulness of current reporting requirements to the oversight function of senior military and congressional leaders; and

(D) whether current budgetary guidelines provide sufficient financial flexibility during the year of execution to permit the heads of

the military departments to make best-value decisions between maintenance activities.

(4) Such other information as determined relevant by the entity carrying out the study.

(d) AVAILABILITY OF INFORMATION.—The Secretary of Defense and the Secretaries of each of the military departments shall make available to the entity carrying out the study under subsection (a) all necessary and relevant information to allow the entity to conduct the study in a quantitative and analytical manner.

(e) REPORTS TO COMMITTEES ON ARMED SERVICES.—

(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 this section, 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 environments under the study.

(B) Recommendations with respect to what would be required to maintain, in a post-reset environment, an efficient and enduring Department of Defense depot capability necessary for national defense.

(C) Recommendations with respect to any changes to any applicable law that would be appropriate for a post-reset depot maintenance environment.

(D) Recommendations with respect to the methodology of the Department of Defense for determining core logistics requirements, including an assessment of risk.

(E) Proposed business rules 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.

(F) 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.

(G) Comments provided by the Secretary of Defense and the Secretaries of the military departments on the findings and recommendations of the study.

(f) COMPTROLLER GENERAL REVIEW.—Not later than 90 days after the date on which the report under subsection (e)(2) is submitted, the Comptroller General shall review the report and submit to the Committees on Armed Services of the Senate and House of Representatives an assessment of the feasibility of the recommendations and whether the findings are supported by the data and information examined.

(g) DEFINITIONS.—In this section:

(1) The term ''depot-level maintenance and repair'' has the meaning given that term under section 2460 of title 10, United States Code.

(2) The term ''reset'' means actions taken to repair, enhance, or replace military equipment used 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. 323. GOVERNMENT ACCOUNTABILITY OFFICE REVIEW OF HIGH-PERFORMING ORGANIZATIONS.

Not later than 120 days after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a review on the high-performing organization initiatives of the Department of Defense. The review shall include each of the following for each such initiative reviewed:

(1) Any policies or guidance developed to implement the initiative.

(2) Whether the initiative was undertaken pursuant to the pilot project under section 337 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 10 U.S.C. 113 note) or under Office of Management and Budget Circular A–76.

(3) The cost of development and implementation of the initiative.

(4) Any cost savings and overall financial improvements promised or realized by reason of the initiative and an analysis of how such savings or improvements were calculated.

(5) Whether criteria were developed to measure the performance, efficiency, and effectiveness improvements of the initiative.

(6) The effect of the initiative on the workforce, including any relocations, change in collective bargaining status, or reductions in force that may have resulted.

(7) Whether and to what extent employees and their representatives were consulted in the development and implementation of the initiative.

SEC. 324. CONSOLIDATION OF AIR FORCE AND AIR NATIONAL GUARD AIRCRAFT MAINTENANCE.

(a) RESTRICTION ON IMPLEMENTATION OF CONSOLIDATION.—The Secretary of the Air Force shall not implement the consolidation of aircraft repair facilities and personnel of the active Air Force with aircraft repair facilities and personnel of the Air National Guard or the consolidation of aircraft repair facilities and personnel of the Air National Guard with aircraft repair facilities and personnel of the active Air Force unless and until the Secretary of the Air Force submits the reports required by (b) and (c), the Chief of the National Guard Bureau submits the assessment required by subsection (d), and the Secretary of Defense submits the certification required by subsection (e).

(b) REPORT ON CRITERIA.—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the Committees on Armed Services of the Senate and 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 their study of the feasibility of the consolidation proposal.

(c) REPORT ON FEASIBILITY STUDY.—At least 90 days before any consolidation of aircraft repair facilities and personnel of the active Air Force with aircraft repair facilities and personnel of the Air National Guard, 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 infrastructure costs anticipated as a result of implementation.

(d) ASSESSMENT BY CHIEF OF THE NATIONAL GUARD BUREAU.—Not later than 30 days after the date on which the report required by subsection (c) is submitted, the Chief of the National Guard Bureau shall submit to the Committees on Armed Services of the Senate and House of Representatives a written assessment of—

(1) the proposed actions to consolidate aircraft repair facilities and personnel of the active Air Force with aircraft repair facilities and personnel of the Air National Guard by the Secretary of the Air Force; and

(2) the information included in the report required by subsection (c).

(e) CERTIFICATION BY THE SECRETARY OF DEFENSE.—After the Secretary of the Air Force submits the reports required by subsections (b) and (c), and before any consolidation of aircraft repair facilities and personnel of the active Air Force with aircraft repair facilities and personnel of the Air National Guard by the Secretary of the Air Force, the Secretary of Defense shall certify that such consolidation is in the national interest and will not adversely affect recruitment, retention, or execution of the Air National Guard mission in the individual States.

SEC. 325. REPORT ON AIR FORCE CIVILIAN PERSONNEL CONSOLIDATION PLAN.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, 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 Air Force plan for implementing the direction of the Base Realignment and Closure Commission for the consolidation of transactional workloads from the civilian personnel offices within the service components and defense agencies, retaining sufficient positions and personnel at the large civilian centers to perform the personnel management advisory services, including non-transactional functions, necessary to support the civilian workforce.

(b) CONTENTS OF REPORT.—At a minimum, the report required by subsection (a) shall address the steps taken by the Air Force to ensure that such direction is implemented in a manner that best meets the future needs of the Air Force, and shall address each of the following:

(1) The anticipated positive or negative effect on the productivity and mission accomplishment of the managed workforces at the different commands.

(2) The potential future efficiencies to be achieved through an enterprise-wide transformation of civilian personnel services.

(3) The size and complexity of the civilian workforce.

(4) The extent to which mission accomplishment is dependent upon the productivity of the civilian workforce.

(5) Input from the commanders of the large civilian centers regarding the effect of consolidation on workforce productivity and costs.

(6) The status of ongoing consolidation efforts at the Air Force Personnel Center at Randolph Air Force Base, Texas, and the target timelines for delivery of services to the various installations.

(7) The advantages and disadvantages of retaining certain personnel management and advisory services functions at the large civilian centers under local command authority

to include on-site control of staffing of positions filled through internal or external recruitment processes, employee management relations, labor force planning and management, and managing workers compensation programs.

(8) The standards and timeliness for transitioning the personnel classifications currently performed by large civilian centers, the transition plan, particularly as it assures ready access to classifications needed for staffing and other purposes by the large civilian centers, and the expected performance and evaluation standards for providing classification services to the large civilian centers once the transition is complete.

(c) UPDATES OF REPORT.—The Secretary of the Air Force shall submit to the Committees on Armed Services of the Senate and House of Representatives biannual updates of the report required under subsection (a) until January 3, 2012.

SEC. 326. REPORT ON REDUCTION IN NUMBER OF FIREFIGHTERS ON AIR FORCE BASES.

To ensure that 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, by not later than 90 days after the date of the enactment of this Act, a report on the effects of the reduction in the number of fire fighters on Air Force bases during the three fiscal years preceding the fiscal year in which the report is submitted. Such report shall include each of the following:

(1) An evaluation of current fire fighting capability of the Air Force and whether the reduction in the number of fire fighters on Air Force bases has increased the risk of harm to either fire fighters or those they may serve in response to an emergency.

(2) An evaluation of whether adequate capability exists in the municipal communities surrounding the Air Force bases covered by the report to support a base aircraft rescue or to respond to a fire involving a combat aircraft, cargo aircraft, or weapon system.

(3) An evaluation of the effects that the reductions in fire fighting personnel or functions have had on the certifications of Air Force base fire departments.

(4) If the Secretary determines that reductions in the number of fire fighting personnel during the fiscal years covered by the report have negatively affected the ability of fire fighters on Air Forces bases to perform their missions, a plan to restore the fire fighting personnel needed to adequately support such missions.

SEC. 327. MINIMUM CAPITAL INVESTMENT FOR CERTAIN DEPOTS.

(a) ADDITIONAL ARMY DEPOTS.—Subsection (e)(1) of section 2476 of title 10, United States Code, is amended by adding at the end the following new subparagraphs:

''(F) Watervliet Arsenal, New York.

''(G) Rock Island Arsenal, Illinois.

''(H) Pine Bluff Arsenal, Arkansas.''.

(b) SEPARATE CONSIDERATION AND REPORTING OF NAVY DEPOTS AND MARINE CORPS DEPOTS.—Such section is further amended—

(1) in subsection (d)(2), by adding at the end the following new subparagraph:

''(D) Separate consideration and reporting of Navy Depots and Marine Corps depots.''; and

(2) in subsection (e)(2)—

(A) by redesignating subparagraphs (A) through (G) as clauses (i) through (vii), respectively, and indenting the margins of such clauses, as so redesignated, 6 ems from the left margin;

(B) by inserting after ''Department of the Navy:'' the following:

''(A) The following Navy depots:'';

(C) by inserting after clause (vii), as redesignated by subparagraph (A), the following:

''(B) The following Marine Corps depots:''; and

(D) by redesignating subparagraphs (H) and (I) as clauses (i) and (ii), respectively, and indenting the margins of such clauses, as so redesignated, 6 ems from the left margin.

Subtitle D—Energy Security

SEC. 331. ANNUAL REPORT ON OPERATIONAL ENERGY MANAGEMENT AND IMPLEMENTATION OF OPERATIONAL ENERGY STRATEGY.

(a) REPORT REQUIRED.—Section 2925 of title 10, United States Code, is amended by striking subsection (b) and inserting the following new subsection:

''(b) ANNUAL REPORT RELATED TO OPERATIONAL ENERGY.—(1) Simultaneous 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 operational energy management and the implementation of the operational energy strategy established pursuant to section 139b 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 consumption, for the preceding 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 demands 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 operational energy 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—

''(i) in implementing the operational energy strategy, including the progress of key initiatives and technology investments related to operational energy demand and management; and

''(ii) 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.

''(4) In this subsection, the term 'operational energy' means the energy required for training, moving, and sustaining military forces and weapons platforms for military operations. The term includes energy used by tactical power systems and generators and weapons platforms.''.

(b) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

''§ 2925. Annual Department of Defense energy management reports''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of subchapter III of chapter 173 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 SUPPORT REQUIREMENTS IN PLANNING, REQUIREMENTS DEVELOPMENT, AND ACQUISITION PROCESSES.

(a) PLANNING.—In the case of analyses and force planning processes that are used to establish capability requirements and inform acquisition decisions, the Secretary of Defense shall require that analyses and force planning processes consider the requirements for, and vulnerability of, fuel logistics.

(b) CAPABILITY REQUIREMENTS DEVELOPMENT PROCESS.—The Secretary of Defense shall develop and implement a methodology to enable the implementation of a fuel efficiency key performance parameter in the requirements development process for the modification of existing or development of new fuel consuming systems.

(c) ACQUISITION PROCESS.—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 PLAN.—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 the implementation of the requirements by not later than three years after the date of the enactment of this Act.

(e) PROGRESS REPORT.—Not later than two years after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report describing progress made to implement the requirements of this section, including an assessment of whether the implementation plan required by section (d) is being carried out on schedule.

(f) NOTIFICATION 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 notify the congressional defense committees that the Secretary has complied with the requirements of this section. If the Secretary is unable to provide the notification, 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.

(g) 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.

SEC. 333. STUDY ON SOLAR AND WIND ENERGY FOR USE FOR EXPEDITIONARY FORCES.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study to examine the feasibility of using solar and wind energy to provide electricity for expeditionary forces.

(b) MATTERS EXAMINED.—In conducting the study required by subsection (a), the Secretary shall examine, at a minimum, each of the following:

(1) The potential for solar and wind energy to reduce the fuel supply needed to provide

electricity for expeditionary forces 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 and wind energy to provide electricity.

(3) The potential savings of using solar and wind energy to provide electricity compared to current methods.

(4) The environmental benefits of using solar and wind energy to provide electricity instead of the current methods.

(5) The sustainability and operating requirements of solar and wind energy systems for providing electricity compared to current methods.

(6) Potential opportunities for experimenting with the use of deployable solar and wind energy systems in current training environments, including remote areas of training ranges.

(c) REPORT.—Not later than 120 days 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 required by subsection (a).

SEC. 334. STUDY ON ALTERNATIVE AND SYNTHETIC FUELS.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study on alternatives to reduce the life cycle emissions of alternative and synthetic fuels (including coal-to-liquid fuels).

(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, and wind energies.

(2) The alternatives for reducing carbon emissions during the conversion processes.

(3) The military utility of domestically-produced alternative and synthetic 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.

(4) The goals and progress of the military departments related to the research, testing, and certification for use of alternative or synthetic fuels in military vehicles and aircraft.

(5) An analysis of trends, levels of investment, and the development of refining capacity in the alternative or synthetic fuel industry capable of meeting fuel requirements for the Department of Defense.

(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).

SEC. 335. MITIGATION OF POWER OUTAGE RISKS FOR DEPARTMENT OF DEFENSE FACILITIES AND ACTIVITIES.

(a) RISK ASSESSMENT.—The Secretary of Defense shall conduct a comprehensive technical and operational risk assessment of the risks posed to mission critical installations, facilities, and activities of the Department of Defense by extended power outages resulting from failure of the commercial electricity supply or grid and related infrastructure.

(b) RISK MITIGATION PLANS.—

(1) IN GENERAL.—The Secretary of Defense shall develop integrated prioritized plans to eliminate, reduce, or mitigate significant risks identified in the risk assessment under subsection (a).

(2) ADDITIONAL CONSIDERATIONS.—In developing the risk mitigation plans under paragraph (1), the Secretary of Defense shall—

(A) prioritize the mission critical installations, facilities, and activities that are subject to the greatest and most urgent risks; and

(B) consider the cost effectiveness of risk mitigation options.

(c) ANNUAL REPORT.—

(1) IN GENERAL.—The Secretary of Defense shall submit a report on the efforts of the Department of Defense to mitigate the risks described in subsection (a) as part of the budget justification materials submitted to Congress in support of the Department of Defense budget for fiscal year 2010 and each fiscal year thereafter (as submitted with the budget of the President under section 1105(a) of title 31, United States Code).

(2) CONTENT.—Each report submitted under paragraph (1) shall describe the integrated prioritized plans developed under subsection (b) and the progress made toward achieving the goals established under such subsection.

Subtitle E—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 submit a single 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 Secretary.

SEC. 342. REPORT ON PLAN TO ENHANCE COMBAT SKILLS OF NAVY AND AIR FORCE PERSONNEL.

(a) REPORT REQUIRED.—At the same time as the budget for fiscal year 2010 is submitted to Congress 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 Common Battlefield Airmen Training and Expeditionary Combat Skills courses.

(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 Secretary of the Army and the Commandant 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 bases or locations that were considered as possible sites for the coordinated training.

(3) The estimated implementation and sustainment costs for the Air Force Common Battlefield Airmen Training and Navy Expeditionary Combat Skills courses.

(4) The estimated cost savings, if any, which could result by carrying out such combat skills training at existing Department of Defense facilities or by using existing ground combat training resources.

SEC. 343. COMPTROLLER GENERAL REPORT ON THE USE OF THE ARMY RESERVE AND NATIONAL GUARD AS AN OPERATIONAL RESERVE.

(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 use of the Army Reserve and Army National Guard forces as an operational reserve.

(b) ELEMENTS.—The report required by subsection (a) shall include a description of current and programmed resources, force structure, and organizational challenges that the Army Reserve and Army National Guard forces may face serving as an operational reserve, including—

(1) force structure;

(2) manning;

(3) equipment availability, maintenance, and logistics issues;

(4) training constraints limiting access to—

(A) facilities and ranges, including the Combat Training Centers; and

(B) military schools and skill training; and

(5) 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 correlation 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 training relative to the employment of reserve component units—

(A) to execute the wartime or primary missions of the Army for which the units are designed; and

(B) to execute missions to which such units are assigned, as of the date of the enactment of this Act, in support of ongoing operations in Iraq and Afghanistan, including factors affecting unit or individual preparation, the effect of notification timelines, and access to training facilities, including the Combat Training Centers;

(2) an analysis of the effect of mobilization and deployment laws, regulations, goals, and policies on the Army's ability to train and employ reserve component units for the purposes described in paragraph (1); and

(3) any other information that the Comptroller General determines is relevant.

SEC. 345. COMPTROLLER GENERAL REPORT ON ADEQUACY OF FUNDING, STAFFING, AND ORGANIZATION OF DEPARTMENT OF DEFENSE MILITARY MUNITIONS RESPONSE PROGRAM.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this

Act, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the adequacy of the funding, staffing, and organization of the Military Munitions Response Program of the Department of Defense.

(b) ELEMENTS.—The report required by subsection (a) shall include—

(1) an analysis of the funding, staffing, and organization of the Military Munitions Response Program; and

(2) an assessment of the Program mechanisms for the accountability, reporting, and monitoring of the progress of munitions response projects and methods to reduce the length of time of such projects.

Subtitle F—Other Matters

SEC. 351. EXTENSION OF ENTERPRISE TRANSITION PLAN REPORTING REQUIREMENT.

Section 2222(i) of title 10, United States Code, is amended by striking ''2009'' and inserting ''2013''.

SEC. 352. DEMILITARIZATION OF LOANED, GIVEN, OR EXCHANGED DOCUMENTS, HISTORICAL ARTIFACTS, AND CONDEMNED OR OBSOLETE COMBAT MATERIEL.

Section 2572(d) of title 10, United States Code, is amended—

(1) in paragraph (1), by adding at the end the following new sentence: ''The Secretary concerned shall ensure that an item authorized to be donated under this section is demilitarized in the interest of public safety, as determined necessary by the Secretary or the Secretary's delegee.''; and

(2) in paragraph (2)(A), by inserting before the period at the end the following: '', including any expense associated with demilitarizing an item under paragraph (1), for which the recipient of the item shall be responsible''.

SEC. 353. REPEAL OF REQUIREMENT THAT SECRETARY OF AIR FORCE PROVIDE TRAINING AND SUPPORT TO OTHER MILITARY DEPARTMENTS FOR A–10 AIRCRAFT.

(a) REPEAL.—Chapter 901 of title 10, United States Code, is amended by striking section 9316.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking the item relating to section 9316.

SEC. 354. DISPLAY OF ANNUAL BUDGET REQUIREMENTS FOR AIR SOVEREIGNTY ALERT MISSION.

(a) SUBMISSION WITH ANNUAL BUDGET JUSTIFICATION DOCUMENTS.—For fiscal year 2010 and each subsequent fiscal year, the Secretary of Defense shall submit to the President, for consideration by the President for inclusion with the budget materials submitted to Congress 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.

(b) REQUIREMENTS FOR BUDGET DISPLAY.—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) military personnel costs;

(B) flying hours; and

(C) 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).

(3) The amount in the budget for the Air National Guard for each such item.

SEC. 355. REVISION OF CERTAIN AIR FORCE REGULATIONS REQUIRED.

(a) REVISION REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Air Force shall revise the Air Freight Transportation Regulation Number 5, dated January 15, 1999, to conform with Defense Transportation Regulations to ensure that freight covered by Air Freight Transportation Regulation Number 5 is carried in accordance with commercial best 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 allows the carrier to select the mode of conveyance using best commercial practices as long as the mode of conveyance can reasonably be expected to ensure the time-definite delivery requested by the shipper.

SEC. 356. TRANSFER OF C–12 AIRCRAFT TO CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION.

(a) AUTHORITY.—The Secretary of the Army may convey to the California Department of 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 surplus to need.

(b) CONVEYANCE AT NO COST TO THE UNITED STATES.—The conveyance of an aircraft authorized by this section shall be made at no cost to the United States. Any costs associated with such conveyance, costs of determining compliance with terms of the conveyance, and costs of operation and maintenance of the aircraft conveyed shall be borne by CAL FIRE.

SEC. 357. LIMITATION ON TREATMENT OF RETIRED B–52 AIRCRAFT FOR AIR COMBAT COMMAND HEADQUARTERS.

Section 131(a)(4) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2111), as amended by section 137(a)(2) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 32), is further amended by striking ''may use not more than 2 such aircraft for maintenance ground training'' and inserting ''may use not more than 4 such aircraft for maintenance ground training''.

SEC. 358. INCREASE OF DOMESTIC BREEDING OF MILITARY WORKING DOGS USED BY THE DEPARTMENT 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) take 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 procured as efficiently as possible and at the best value to the Government, while maintaining the necessary level of quality and encouraging increased domestic breeding.

(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 members authorized to be on active duty.

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.

(4) The Air Force, 317,050.

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, 325,300.

''(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.

(5) The Air National Guard of the United States, 106,756.

(6) The Air Force Reserve, 67,400.

(7) The Coast Guard Reserve, 10,000.

(b) 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 to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or

for unsatisfactory participation in training) without their consent at the end of the fiscal year.

(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, 16,170.

(3) The Navy Reserve, 11,099.

(4) The Marine Corps Reserve, 2,261.

(5) The Air National Guard of the United States, 14,360.

(6) The Air Force Reserve, 2,733.

SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

The minimum number of military technicians (dual status) as of the last day of fiscal year 2009 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) For the Army Reserve, 8,395.

(2) For the Army National Guard of the United States, 27,210.

(3) For the Air Force Reserve, 10,003.

(4) For the Air National Guard of the United States, 22,452.

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 595.

(3) AIR FORCE RESERVE.—The number of non-dual status technicians employed by the Air Force Reserve as of September 30, 2009, may not exceed 90.

(b) NON-DUAL STATUS TECHNICIANS DEFINED.—In this section, the term ''non-dual status technician'' has the meaning given that term in section 10217(a) of title 10, United States Code.

SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY FOR OPERATIONAL SUPPORT.

During fiscal year 2009, the maximum number of members of the reserve components of the Armed Forces who may be serving at any time on full-time operational support duty under section 115(b) of title 10, United States Code, is the following:

(1) The Army National Guard of the United States, 17,000.

(2) The Army Reserve, 13,000.

(3) The Navy Reserve, 6,200.

(4) The Marine Corps Reserve, 3,000.

(5) The Air National Guard of the United States, 16,000.

(6) The Air Force Reserve, 14,000.

SEC. 416. ADDITIONAL WAIVER AUTHORITY OF LIMITATION ON NUMBER OF RESERVE COMPONENT MEMBERS AUTHORIZED TO BE ON ACTIVE DUTY.

(a) ADDITIONAL WAIVER AUTHORITY.—Subsection (a) of section 123a of title 10, United States Code, is amended—

(1) by inserting ''(1)'' before ''If at the end''; and

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

''(2) When a designation of 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)) is in effect, the President may waive any statutory limit that would otherwise apply during the period of the designation on the number of members 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 President determines the waiver is necessary to provide assistance in responding to the major disaster or emergency.''.

(b) TERMINATION OF WAIVER.—Subsection (b) of such section is amended—

(1) by striking the subsection heading and inserting the following: ''TERMINATION OF WAIVER.—(1)'';

(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 disaster 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 national 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 personnel for fiscal year 2009 a total of $124,791,336,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2009.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy Generally

Sec. 501. Mandatory separation requirements for regular warrant officers for length of service.
Sec. 502. Requirements for issuance of posthumous commissions and warrants.
Sec. 503. Authorized number of general officers on active duty in the Army and Marine Corps, limited exclusion for joint duty requirements, and increase in number of officers serving in grades above major general and rear admiral.
Sec. 504. Modification of authority on Staff Judge Advocate to the Commandant of the Marine Corps.
Sec. 505. Eligibility of reserve officers to serve on boards of inquiry for separation of regular officers for substandard performance and other reasons.
Sec. 506. Delayed authority to alter distribution requirements for commissioned officers on active duty in general officer and flag officer grades and limitations on authorized strengths of general and flag officers on active duty.

Subtitle B—Reserve Component Management

Sec. 511. Extension to other reserve components of Army authority for deferral of mandatory separation of military technicians (dual status) until age 60.
Sec. 512. Modification of authorized strengths for certain Army National Guard, Marine Corps Reserve, and Air National Guard officers and Army National Guard enlisted personnel serving on full-time reserve component duty.
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 removal for years of commissioned service.
Sec. 516. Authority to retain Reserve chaplains and officers in medical and related specialties until age 68.
Sec. 517. Modification of authorities on dual duty status of National Guard officers.
Sec. 518. Study and report regarding Marine Corps personnel policies regarding assignments in Individual Ready Reserve.
Sec. 519. Report on collection of information on civilian skills of members of the reserve components of the Armed Forces.

Subtitle C—Joint Qualified 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. Modification of limitations on authorized strengths of reserve general and flag officers in active status serving in joint duty assignments.
Sec. 527. Reports on joint education courses available through the Department of Defense.

Subtitle D—General Service Authorities

Sec. 531. Increase in maximum period of reenlistment of regular members of the Armed Forces.
Sec. 532. Paternity leave for members of the Armed Forces.
Sec. 533. Pilot programs on career flexibility to enhance retention of members of the Armed Forces.

Subtitle E—Education and Training
Sec. 540. Authorized strength of military service academies and repeal of prohibition on phased increase in midshipmen and cadet strength limit at Naval Academy and Air Force Academy.
Sec. 541. Promotion of foreign and cultural exchange activities at military service academies.
Sec. 542. Increased authority to enroll defense industry employees in defense product development program.
Sec. 543. Expanded authority for institutions of professional military education to award degrees.
Sec. 544. Tuition for attendance of Federal employees at the United States Air Force Institute of Technology.
Sec. 545. Increase in number of permanent professors at the United States Air Force Academy.
Sec. 546. Requirement of completion of service under honorable conditions for purposes of entitlement to educational assistance for reserve component members supporting contingency operations.
Sec. 547. Consistent education loan repayment authority for health professionals in regular components and Selected Reserve.
Sec. 548. Increase in number of units of Junior Reserve Officers' Training Corps.
Sec. 549. Correction of erroneous Army College Fund benefit amounts.
Sec. 550. Enhancing education partnerships to improve accessibility and flexibility for members of the Armed Forces.
Subtitle F—Defense Dependents' Education
Sec. 551. Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
Sec. 552. Impact aid for children with severe disabilities.
Sec. 553. Transition of military dependent students among local educational agencies.
Sec. 554. Calculation of payments for eligible federally connected children under Department of Education's Impact Aid program.
Subtitle G—Military Justice
Sec. 561. Effective period of military protective orders.
Sec. 562. Mandatory notification of issuance of military protective order to civilian law enforcement.
Sec. 563. Implementation of information database on sexual assault incidents in the Armed Forces.
Subtitle H—Decorations, Awards, and Honorary Promotions
Sec. 571. Replacement of military decorations.
Sec. 572. Authorization and request for award of Medal of Honor to Richard L. Etchberger for acts of valor during the Vietnam War.
Subtitle I—Military Families
Sec. 581. Presentation of burial flag to the surviving spouse and children of deceased members of the Armed Forces.
Sec. 582. Education and training opportunities for military spouses.
Sec. 583. Sense of Congress regarding honor guard details for funerals of veterans.
Subtitle J—Other Matters
Sec. 591. Prohibition on interference in independent legal advice by the Legal Counsel to the Chairman of the Joint Chiefs of Staff.
Sec. 592. Interest payments on certain claims arising from correction of military records.
Sec. 593. Extension of limitation on reductions of personnel of agencies responsible for review and correction of military records.
Sec. 594. Modification of matching fund requirements under National Guard Youth Challenge Program.
Sec. 595. Military salute for the flag during the national anthem by members of the Armed Forces not in uniform and by veterans.
Sec. 596. Military Leadership Diversity Commission.
Sec. 597. Demonstration project on service of retired nurse corps officers as faculty at civilian nursing schools.
Sec. 598. Report on planning for participation and hosting of the Department of Defense in international sports activities, competitions, and events.

Subtitle A—Officer Personnel Policy Generally

SEC. 501. MANDATORY SEPARATION REQUIREMENTS FOR REGULAR WARRANT OFFICERS FOR LENGTH OF SERVICE.

Section 1305(a) of title 10, United States Code, is amended—

(1) by striking ''A regular warrant officer who has at least 30 years of active service as a warrant officer that could be credited to him'' and inserting ''(1) A regular warrant officer (other than a regular Army warrant officer) who has at least 30 years of active service that could be credited to the officer''; and

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

''(2) In the case of a regular Army warrant officer, the calculation of years of active service under paragraph (1) shall include only years of active service as a warrant officer.''.

SEC. 502. REQUIREMENTS FOR ISSUANCE OF POSTHUMOUS COMMISSIONS AND WARRANTS.

(a) POSTHUMOUS COMMISSIONS.—Section 1521 of title 10, United States Code, is amended—

(1) in subsection (a), by striking ''in line of duty'' each place it appears; and

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

''(c) A commission issued under subsection (a) in connection with the promotion of a deceased member to a higher commissioned grade shall require certification by the Secretary concerned that, at the time of death of the member, the member was qualified for appointment to that higher grade.''.

(b) POSTHUMOUS WARRANTS.—Section 1522 of such title is amended—

(1) in subsection (a), by striking ''in line of duty''; and

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

''(c) A warrant issued under subsection (a) in connection with the promotion of a deceased member to a higher grade shall require a finding by the Secretary concerned that, at the time of death of the member, the member was qualified for appointment to that higher grade.''.

SEC. 503. AUTHORIZED NUMBER OF GENERAL OFFICERS ON ACTIVE DUTY IN THE ARMY AND MARINE CORPS, LIMITED EXCLUSION FOR JOINT DUTY REQUIREMENTS, AND INCREASE IN NUMBER OF OFFICERS SERVING IN GRADES ABOVE MAJOR GENERAL AND REAR ADMIRAL.

(a) INCREASE IN NUMBER OF ARMY GENERAL OFFICERS.—Section 526(a)(1) of title 10, United States Code, is amended by striking ''302'' and inserting ''307''.

(b) INCREASE IN NUMBER OF MARINE CORPS GENERAL OFFICERS.—Section 526(a)(4) of such title is amended by striking ''80'' and inserting ''81''.

(c) INCREASE IN EXCLUSION FOR JOINT DUTY REQUIREMENTS.—Section 526(b)(1) of such title is amended by striking ''12'' and inserting ''65''.

(d) INCREASE IN NUMBER OF OFFICERS SERVING IN GRADES ABOVE MAJOR GENERAL AND REAR ADMIRAL.—Section 525 of such title is amended—

(1) in the first sentence of subsection (a), by striking ''that armed force'' and inserting ''the Army or Air Force, or more than 51 percent of the general officers of the Marine Corps,''; and

(2) in subsection (b)—

(A) in paragraphs (1) and (2)(A), by striking ''16.3 percent'' each place it appears and inserting ''16.4 percent''; and

(B) in paragraph (2)(B), by striking ''17.5 percent'' and inserting ''19 percent''.

(e) ACQUISITION AND CONTRACTING BILLETS.—

(1) RESERVATION OF ARMY INCREASE.—The increase in the number of general officers on active duty in the Army, as authorized by the amendment made by subsection (a) is reserved for general officers in the Army who serve in an acquisition position.

(2) RESERVATION OF PORTION OF INCREASE IN JOINT DUTY ASSIGNMENTS EXCLUDED FROM LIMITATION.—Of the increase in the number of general officer and flag officer joint duty assignments that may be designated for exclusion from the limitations on the number of general officers and flag officers on active duty, as authorized by the amendment made by subsection (c), five of the designated assignments are reserved for general officers or flag officers who serve in an acquisition position, including one assignment in the Defense Contract Management Agency.

SEC. 504. MODIFICATION OF AUTHORITY ON STAFF JUDGE ADVOCATE TO THE COMMANDANT OF THE MARINE CORPS.

(a) GRADE OF STAFF JUDGE ADVOCATE TO THE COMMANDANT OF THE MARINE CORPS.—Section 5046(a) of title 10, United States Code, is amended by striking the last sentence and inserting the following new sentence: ''The Staff Judge Advocate to the Commandant of the Marine Corps, while so serving, has the grade of major general.''.

(b) EXCLUSION FROM GENERAL OFFICER DISTRIBUTION LIMITATIONS.—Section 525(a) of such title, as amended by section 503, is further amended—

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

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

''(2) An officer while serving in the position of Staff Judge Advocate to the Commandant of the Marine Corps under section 5046 of this title is in addition to the number that would otherwise be permitted for the Marine Corps for officers in grades above brigadier general under the first sentence of paragraph (1).''.

SEC. 505. ELIGIBILITY OF RESERVE OFFICERS TO SERVE ON BOARDS OF INQUIRY FOR SEPARATION OF REGULAR OFFICERS FOR SUBSTANDARD PERFORMANCE AND OTHER REASONS.

(a) ELIGIBILITY.—Section 1187 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(2) in subsection (b), by striking ''on active duty'' in the matter preceding paragraph (1).

(b) CONFORMING AMENDMENT.—The heading of subsection (a) of such section is amended by striking ''ACTIVE DUTY OFFICERS'' and inserting ''IN GENERAL''.

SEC. 506. DELAYED AUTHORITY TO ALTER DISTRIBUTION REQUIREMENTS FOR COMMISSIONED OFFICERS ON ACTIVE DUTY IN GENERAL OFFICER AND FLAG OFFICER GRADES AND LIMITATIONS ON AUTHORIZED STRENGTHS OF GENERAL AND FLAG OFFICERS ON ACTIVE DUTY.

(a) IMPLEMENTATION OF SPECIAL GENERAL OFFICER AND FLAG OFFICER AUTHORITY.—

(1) REPORT ON PROPOSED IMPLEMENTATION.—The Secretary of Defense shall submit to the Committees on Armed Forces of the Senate and House of Representatives a report, reflecting input from the Armed Forces, containing the following:

(A) A statement of the total number of validated and required joint duty assignments for general officers and flag officers and the total number of validated assignments for general officers and flag officers required by the Army, Navy, Air Force, and Marine Corps to meet internal (non-joint) requirements.

(B) A description of the process used by the Secretary of Defense and the Secretary of the military department concerned to validate joint general officer and flag officer requirements and authorizations under the authority provided by this section and how that process will function to make adjustments (increases and reductions) in the numbers of general officers and flag officers required for joint duty assignments and internal requirements of the Armed Force concerned.

(C) A description of how the Secretary of Defense intends to minimize the incremental approaches to increases in the number of general officers and flag officers and the use of exemptions to effect such increases.

(D) A description of how the Secretaries of the military departments intend to manage the increase and development of general officer and flag officer positions under the authority provided by this section.

(E) An explanation of and rationale for the grade distribution of the general and flag officers in the joint pool authorized by subsection (f)(1).

(F) A proposal specifying such legislative changes, including technical and conforming changes, as may be necessary to conform sections 525, 526, and 721 of title 10, United States Code, and such other provisions of such title relating to the management of general officers and flag officers to the authorities provided by this section.

(2) TIME FOR IMPLEMENTATION.—After the end of the one-year period beginning on the date on which the Secretary of Defense submits the report required by paragraph (1), the Secretary of Defense may implement the authorities provided by this section regarding the distribution of commissioned officers on active duty in general officer and flag officer grades and altering the limitations on authorized strengths of general and flag officers on active duty.

(3) EFFECT OF IMPLEMENTATION.—After the implementation date specified in paragraph (2), the authorities provided by this section supersede any requirement of section 525, 526, or 721 of title 10, United States Code, to the contrary.

(b) DISTRIBUTION OF GENERAL AND FLAG OFFICERS.—After the implementation date specified in subsection (a)(2), no appointment of an officer on the active duty list officer may be made—

(1) in the Army, if that appointment would result in more than—

(A) 225 officers serving on active duty above the grade of colonel;

(B) 7 officers in the grade of general;

(C) 45 officers in a grade above the grade of major general; or

(D) 90 officers in the grade of major general;

(2) in the Air Force, if that appointment would result in more than—

(A) 208 officers serving on active duty in a grade above the grade of colonel;

(B) 9 officers in the grade of general;

(C) 43 officers in a grade above the grade of major general; or

(D) 73 officers in the grade of major general;

(3) in the Navy, if that appointment would result in more than—

(A) 160 officers serving on active duty in a grade above the grade of captain;

(B) 6 officers in the grade of admiral;

(C) 32 officers in a grade above the grade of rear admiral; or

(D) 50 officers in the grade of rear admiral; or

(4) in the Marine Corps, if that appointment would result in more than—

(A) 60 officers serving on active duty in a grade above the grade of colonel;

(B) 2 officers in the grade of general;

(C) 15 officers in a grade above the grade of major general; or

(D) 22 officers in the grade of major general.

(c) EXCLUSION OF CERTAIN OFFICERS FROM DISTRIBUTION LIMITS.—

(1) JOINT ASSIGNMENTS.—The limitations contained in subsection (b) do not apply to officers serving in joint duty assignments, as designated by the Secretary of Defense under section 526(b) of title 10, United States Code, or this section or for officers released from joint duty assignments, but only during the 60-day period beginning on the date the officer departs the joint duty assignment. Of the officers serving in such joint duty assignments—

(A) the number of officers in the grade of general or admiral may not exceed 20;

(B) the number of officers in a grade above the grade of major general or rear admiral may not exceed 68; and

(C) the number of officers in the grade of major general or rear admiral may not exceed 144.

(2) OFFICERS AFTER RELIEF FROM CERTAIN POSITIONS.—An officer continuing to hold the grade of general or admiral under section 601(b)(4) of title 10 United States Code, after relief from the position of Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps shall not be counted for purposes of subsection (b).

(3) ATTENDING PHYSICIAN.—An officer while serving as Attending Physician to the Congress is in addition to the number that would otherwise be permitted for that officer's Armed Force for officers serving on active duty in grades above brigadier general or rear admiral (lower half) under subsection (b).

(4) OFFICERS PENDING RETIREMENT OR AFTER RELIEF AND RELATED CIRCUMSTANCES.—The following officers shall not be counted for purposes of subsection (b):

(A) An officer of an Armed Force in the grade of brigadier general or above or, in the case of the Navy, in the grade of rear admiral (lower half) or above, who is on leave pending the retirement, separation, or release of that officer from active duty, but only during the 60-day period beginning on the date of the commencement of such leave of such officer.

(B) An officer of an Armed Force who has been relieved from a position designated under section 601(a) of title 10, United States Code, and is under orders to assume another such position, but only during the 60-day period beginning on the date on which those orders are published.

(d) APPOINTMENTS IN EXCESS OF DISTRIBUTION LIMITS.—

(1) APPOINTMENT AUTHORITY.—Subject to paragraph (3), the President—

(A) may make appointments in the Army, Air Force, and Marine Corps in the grade of lieutenant general and in the Army, Air Force, and Marine Corps in the grade of general in excess of the applicable numbers determined under subsection (b) if each such appointment is made in conjunction with an offsetting reduction under paragraph (2); and

(B) may make appointments in the Navy in the grades of vice admiral and admiral in excess of the applicable numbers determined under subsection (b) if each such appointment is made in conjunction with an offsetting reduction under paragraph (2).

(2) OFFSETTING REDUCTIONS.—For each appointment made under the authority of paragraph (1) in the Army, Air Force, or Marine Corps in the grade of lieutenant general or general or in the Navy in the grade of vice admiral or admiral, the number of appointments that may be made in the equivalent grade in one of the other Armed Forces (other than the Coast Guard) shall be reduced by one. When such an appointment is made, the President shall specify the Armed Force in which the reduction required by this paragraph is to be made.

(3) MAXIMUM.—The number of officers that may be serving on active duty in the grades of lieutenant general and vice admiral by reason of appointments made under the authority of paragraph (1) may not exceed 15. The number of officers that may be serving on active duty in the grades of general and admiral by reason of appointments made under the authority of paragraph (1) may not exceed 5.

(4) DURATION OF REDUCTION.—Upon the termination of the appointment of an officer in the grade of lieutenant general or vice admiral or general or admiral that was made in connection with an increase under paragraph (1) in the number of officers that may be serving on active duty in that Armed Force in that grade, the reduction made under paragraph (2) in the number of appointments permitted in such grade in another Armed Force by reason of that increase shall no longer be in effect.

(e) AUTHORIZED STRENGTH LIMITS FOR GENERAL AND FLAG OFFICERS ON ACTIVE DUTY.—After the implementation date specified in subsection (a)(2), the number of general officers on active duty in the Army, Air Force, and Marine Corps, and the number of flag officers on active duty in the Navy, may not exceed the number specified for the Armed Force concerned as follows:

(1) For the Army, 225.

(2) For the Navy, 160.

(3) For the Air Force, 208.

(4) For the Marine Corps, 60.

(f) LIMITED EXCLUSION FOR JOINT DUTY REQUIREMENTS.—

(1) DESIGNATION OF POSITIONS.—The Secretary of Defense may designate up to 324 general officer and flag officer positions that are joint duty assignments for the purposes of chapter 38 of title 10, United States Code, for exclusion from the limitations in subsection (e). The Secretary of Defense will allocate these exclusions to the Armed Forces based on the number of general or flag officers required from each Armed Force for assignment to these designated positions.

(2) MINIMUM NUMBER OF POSITIONS.—Unless the Secretary of Defense determines that a lower number is in the best interests of the United States, the minimum number of officers serving in positions designated under paragraph (1) for each Armed Force shall be as follows:

(A) For the Army, 85.

(B) For the Navy, 61.

(C) For the Air Force, 76.

(D) For the Marine Corps, 21.

(g) TEMPORARY EXCLUSION FOR ASSIGNMENT TO CERTAIN TEMPORARY BILLETS.—The limitations in subsection (e) do not apply to a general or flag officer assigned to a temporary joint duty assignment billet designated by the Secretary of Defense for purposes of this section. A general or flag officer assigned to a temporary joint duty assignment as described in this subsection may not be excluded under this subsection from the limitations in subsection (e) for a period longer than one year.

(h) EXCLUSION OF CERTAIN RESERVE OFFICERS.—

(1) DISTRIBUTION LIMITS.—The limitations of subsection (b) do not apply to a reserve component general or flag officer who is on active duty and serving in billets other than joint duty assignments under a call or order specifying a period of not longer than two years.

(2) AUTHORIZED STRENGTH LIMITS.—The limitations in subsection (e) do not apply to a reserve component general or flag officer who is on active duty and serving in a position that is a joint duty assignment for the purposes of chapter 38 of title 10, United States Code, for a period not to exceed three years.

(i) PENDING OR AFTER JOINT DUTY ASSIGNMENTS.—Upon determination by the Secretary of Defense that such action is in the national interest, the Secretary may allow the Secretary of a military department to exceed the distribution of general and flag officers established under subsection (b) and the limitation in subsection (e) for up to one year for officers pending assignment to or return from joint duty assignments designated under section 526(b) of title 10, United States Code, or this section.

Subtitle B—Reserve Component Management

SEC. 511. EXTENSION TO OTHER RESERVE COMPONENTS OF ARMY AUTHORITY FOR DEFERRAL OF MANDATORY SEPARATION OF MILITARY TECHNICIANS (DUAL STATUS) UNTIL AGE 60.

Section 10216(f) of title 10, United States Code, is amended by inserting ''and the Secretary of the Air Force'' after ''Secretary of the Army''.

SEC. 512. MODIFICATION OF AUTHORIZED STRENGTHS FOR CERTAIN ARMY NATIONAL GUARD, MARINE CORPS RESERVE, AND AIR NATIONAL GUARD OFFICERS AND ARMY NATIONAL GUARD ENLISTED PERSONNEL SERVING ON FULL-TIME RESERVE COMPONENT DUTY.

(a) ARMY NATIONAL GUARD AND MARINE CORPS RESERVE OFFICERS.—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 the grades of major, lieutenant colonel, or colonel 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 Army National Guard and the Marine Corps Reserve and inserting the following:

''Army National Guard:

20,000	1,500	850	325
22,000	1,650	930	350
24,000	1,790	1,010	378
26,000	1,930	1,085	395
28,000	2,070	1,168	420
30,000	2,200	1,245	445
32,000	2,330	1,315	460
34,000	2,450	1,385	470
36,000	2,570	1,455	480
38,000	2,670	1,527	490
40,000	2,770	1,590	500
42,000	2,837	1,655	505

''Marine Corps Reserve:

1,000	99	63	20
1,200	103	67	21
1,300	107	70	22
1,400	111	73	23
1,500	114	76	24
1,600	117	79	25
1,700	120	82	26
1,800	123	85	27
1,900	126	88	28
2,000	129	91	29
2,100	132	94	30
2,200	134	97	31
2,300	136	100	32
2,400	138	103	33
2,500	140	106	34
2,600	142	109	35''.

(b) AIR NATIONAL GUARD OFFICERS.—The table in such section is further amended by striking the portion of the table relating to the Air National Guard and inserting the following:

''Air National Guard:

5,000	333	335	251
6,000	403	394	260
7,000	472	453	269
8,000	539	512	278
9,000	606	571	287
10,000	673	665	313
11,000	740	759	339
12,000	807	827	353
13,000	873	886	363
14,000	939	945	374
15,000	1,005	1,001	384
16,000	1,067	1,057	394
17,000	1,126	1,113	404
18,000	1,185	1,169	414
19,000	1,235	1,224	424
20,000	1,283	1,280	428''.

(c) ARMY NATIONAL GUARD ENLISTED PERSONNEL.—The table in section 12012(a) of such title, relating to the number of members of a reserve component who may be serving in the grade of E–8 or E–9 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 Army National Guard and inserting the following:

''Army National Guard:

20,000	1,650	550
22,000	1,775	615
24,000	1,950	645
26,000	2,100	675
28,000	2,250	715
30,000	2,400	735
32,000	2,500	760
34,000	2,600	780
36,000	2,700	800
38,000	2,800	820
40,000	2,900	830
42,000	3,000	840''.

SEC. 513. CLARIFICATION OF AUTHORITY TO CONSIDER FOR A VACANCY PROMOTION NATIONAL GUARD 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'';

(B) by striking ''unless the officer is ordered'' and inserting ''unless the officer—

''(A) is ordered'';

(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 AGE 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.—Section 14702(b) of such title is amended—

(1) in the subsection heading, by striking ''AT AGE 60'' and inserting ''FOR AGE''; and

(2) 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-STATUS 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):

''(g) RETENTION OF LIEUTENANT GENERALS.—A reserve officer of the Army or Air Force in the grade of lieutenant general who would otherwise be removed from an active status under subsection (c) may, in the discretion of the Secretary of the Army or the Secretary of the Air Force, as the case may be, be retained in an active status, but not later than the date on which the officer becomes 66 years of age.''.

SEC. 516. AUTHORITY TO RETAIN RESERVE CHAPLAINS AND OFFICERS IN MEDICAL AND RELATED SPECIALTIES UNTIL AGE 68.

(a) RESERVE CHAPLAINS AND MEDICAL OFFICERS.—Section 14703(b) of title 10, United States Code, is amended by striking ''67 years'' and inserting ''68 years''.

(b) NATIONAL GUARD CHAPLAINS AND MEDICAL OFFICERS.—Section 324 of title 32, United States Code, is amended by adding at the end the following new subsection:

''(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. MODIFICATION OF AUTHORITIES ON DUAL DUTY STATUS OF NATIONAL GUARD OFFICERS.

(a) DUAL DUTY STATUS AUTHORIZED FOR ANY OFFICER ON ACTIVE DUTY.—Subsection (a)(2) of section 325 of title 32, United States Code, is amended by striking ''in command of a National Guard unit''.

(b) ADVANCE AUTHORIZATION AND CONSENT TO DUAL DUTY STATUS.—Such section is further amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection (b):

''(b) ADVANCE AUTHORIZATION AND CONSENT.—The President and the Governor of a State or Territory, or of the Commonwealth of Puerto Rico, or the commanding general of the District of Columbia National Guard, as applicable, may give the authorization or consent required by subsection (a)(2) with respect to an officer in advance for the purpose of establishing the succession of command of a unit.''.

SEC. 518. STUDY AND REPORT REGARDING MARINE CORPS PERSONNEL POLICIES REGARDING ASSIGNMENTS IN INDIVIDUAL READY RESERVE.

(a) STUDY.—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 to govern the assignment of members of the Marine Corps Reserve in the Individual Ready Reserve.

(b) ELEMENTS.—The study shall contain, at a minimum, the following elements:

(1) A summary of the actual policies and procedures used to assign members of the Marine Corps Reserve to the Individual Ready Reserve and to remove members from the Individual Ready Reserve, to include the grade and authority of the official responsible for making the decision regarding the assignment.

(2) The number of members of the Marine Corps Reserve assigned to the Individual Ready Reserve during fiscal years 2001 through 2008.

(3) The number of members of the Marine Corps Reserve who spent less than 12 months in the Individual Ready Reserve during fiscal years 2001 through 2008, categorized by the reason provided for assigning the members to the Individual Ready Reserve.

(4) The impact of assigning a member of the Marine Corps Reserve to the Individual Ready Reserve on the eligibility of the member for health care coverage under TRICARE.

(5) The policies and procedures used to account for members of the Marine Corps Reserve who are excess to a unit's authorization document, to include members selected for promotion or command who have not yet been promoted or assumed duties as officers in command.

(6) Recommendations for improvements to policies and procedures used to assign members of the Marine Corps Reserve to the Individual Ready Reserve and to remove members from the Individual Ready Reserve.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the Committee on Armed Services of the Senate and House of Representatives a report containing the results of the study.

SEC. 519. REPORT ON COLLECTION OF INFORMATION ON CIVILIAN SKILLS OF MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES.

Not later than March 1, 2009, the Secretary of Defense shall submit to the congressional defense committees a report on the feasibility and advisability, utility, and cost effectiveness of the following:

(1) The collection by the Department of Defense of information on the civilian skills, qualifications, and professional certifications of members of the reserve components of the Armed Forces that are relevant to military manpower requirements.

(2) The establishment by each military department, and by the Department of Defense generally, of a system that would match billets and personnel requirements with members of the reserve components of the Armed Forces who have skills, qualifications, and certifications relevant to such billets and requirements.

(3) The establishment by the Department of Defense of one or more systems accessible by private employers who employ individuals with skills, qualifications, and certifications possessed by members of the reserve components of the Armed Forces to assist such employers in hiring and employing such members.

(4) Actions to ensure that employment information collected for and maintained in the Civilian Employment Information database of the Department of Defense is current and accurate.

(5) Actions to incorporate any matter determined feasible and advisable under paragraphs (1) through (4) into the Defense Integrated Military Human Resources System.

Subtitle 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'';

(2) in subsection (b)—

(A) by striking ''paragraph (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:

''§ 619a. Eligibility for consideration for promotion: designation as joint qualified officer required before promotion to general or flag grade; exceptions''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of subchapter II of chapter 36 of such title is amended by striking the item relating to section 619a and inserting the following new item:

''619a. Eligibility for consideration for promotion: designation as joint qualified officer required before promotion to general or flag grade; exceptions.''.

SEC. 522. TECHNICAL, CONFORMING, AND CLERICAL CHANGES TO JOINT SPECIALTY TERMINOLOGY.

(a) REFERENCE TO JOINT QUALIFIED OFFICER.—

(1) IN GENERAL.—Subsection (a) of section 661 of title 10, United States Code, is amended in the second sentence by striking ''in such manner as the Secretary of Defense directs'' and inserting ''as a joint qualified officer or in such other manner as the Secretary of Defense directs''.

(2) SECTION HEADING.—The heading of such section is amended to read as follows:

''§ 661. Management policies for joint qualified officers''.

(3) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 38 of such title is amended by striking the item related to section 661 and inserting the following new item:

''661. Management policies for joint qualified officers.''.

(b) JOINT DUTY ASSIGNMENTS AFTER COMPLETION OF JOINT PROFESSIONAL MILITARY EDUCATION.—Section 663 of such title is amended—

(1) in subsection (a)—

(A) in the subsection heading, by striking ''JOINT SPECIALTY'' and inserting ''JOINT QUALIFIED''; and

(B) by striking ''with the joint specialty'' and inserting ''designated as a joint qualified officer''; and

(2) in subsection (b)(1), by striking ''do not have the joint specialty'' and inserting ''are not designated as a joint qualified officer''.

(c) PROCEDURES FOR MONITORING CAREERS OF JOINT QUALIFIED OFFICERS.—

(1) IN GENERAL.—Section 665 of such title is amended—

(A) in subsection (a)(1)(A), by striking ''with the joint specialty'' and inserting ''designated as a joint qualified officer''; and

(B) in subsection (b)(1), by striking ''with the joint specialty'' and inserting ''designated as a joint qualified officer''.

(2) SECTION HEADING.—The heading of such section is amended to read as follows:

''§ 665. Procedures for monitoring careers of joint qualified officers''.

(3) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 38 of such title is amended by striking the item related to section 665 and inserting the following new item:

''665. Procedures for monitoring careers of joint qualified officers.''.

(d) JOINT SPECIALTY TERMINOLOGY IN ANNUAL REPORT.—Section 667 of such title is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking ''selected for the joint specialty'' and inserting ''designated as a joint qualified officer''; and

(B) in subparagraph (B), by striking ''selection for the joint specialty'' and inserting ''designation as a joint qualified officer,'';

(2) in paragraph (2), by striking ''with the joint specialty'' and inserting ''designated as a joint qualified officer'';

(3) in paragraph (3), by striking ''selected for the joint specialty'' each place it appears and inserting ''designated as a joint qualified officer'';

(4) in paragraph (4)—

(A) in subparagraph (A), by striking ''selected for the joint specialty'' and inserting ''designated as a joint qualified officer''; and

(B) by striking subparagraph (B) and inserting the following new subparagraph:

''(B) a comparison of the number of officers who were designated as a joint qualified officer who had served in a Joint Duty Assignment List billet and completed Joint Professional Military Education Phase II, with the number designated as a joint qualified officer based on their aggregated joint experiences and completion of Joint Professional Military Education Phase II.'';

(5) by striking paragraphs (5) through (10), (13), and (16), and redesignating paragraphs (11), (12), (14) (15), (17), and (18) as paragraphs (7), (8), (9), (10), (12), and (13), respectively;

(6) by inserting after paragraph (4) the following new paragraphs:

''(5) The promotion rate for officers designated as a joint qualified officer, compared with the promotion rate for other officers considered for promotion from within the promotion zone in the same pay grade and the same competitive category. A similar comparison will be made for officers both below the promotion zone and above the promotion zone.

''(6) An analysis of assignments of officers after their designation as a joint qualified officer.''; and

(7) by inserting after paragraph (10), as redesignated by paragraph (5) of this subsection, the following new paragraph (11):

''(11) The number of officers in the grade of captain (or in the case of the Navy, lieutenant) and above certified at each level of joint qualification as established in regulation and policy by the Secretary of Defense with the advice of the Chairman of the Joint Chiefs of Staff. Such numbers shall be reported by service and grade of the officer.''.

SEC. 523. PROMOTION POLICY OBJECTIVES FOR JOINT QUALIFIED OFFICERS.

Section 662 of title 10, United States Code, is amended—

(1) in subsection (a)(2), by striking ''officers who are serving or have served in joint duty assignments'' and inserting ''officers in the grade of major (or in the case of the Navy, lieutenant commander) or above who have been designated as a joint qualified officer''; and

(2) in subsection (b), by inserting after ''joint duty assignments'' the following: ''or on the Joint Staff, and officers who have been designated as a joint qualified officer in the grades of major (or in the case of the Navy, lieutenant commander) through colonel (or in the case of the Navy, captain)''.

SEC. 524. LENGTH OF JOINT DUTY ASSIGNMENTS.

(a) SERVICE EXCLUDED FROM TOUR LENGTH.—Subsection (d) of section 664 of title 10, United States Code, is amended—

(1) in paragraph (1), by striking subparagraph (D) and inserting the following new subparagraph (D):

''(D) a qualifying reassignment from a joint duty assignment—

''(i) for unusual personal reasons, including extreme hardship and medical conditions, beyond the control of the officer or the armed forces; or

''(ii) to another joint duty assignment immediately after—

''(I) the officer was promoted to a higher grade, if the reassignment was made because no joint duty assignment was available within the same organization that was commensurate with the officer's new grade; or

''(II) the officer's position was eliminated in a reorganization.''; and

(2) by striking paragraph (3) and inserting the following new paragraph (3):

''(3) Service in a joint duty assignment in a case in which the officer's tour of duty in that assignment brings the officer's accrued service for purposes of subsection (f)(3) to the applicable standard prescribed in subsection (a).''.

(b) COMPUTING AVERAGE LENGTH OF JOINT DUTY ASSIGNMENTS.—Subsection (e) of such section is amended by striking paragraph (2) and inserting the following new paragraph (2):

''(2) In computing the average length of joint duty assignments for purposes of paragraph (1), the Secretary may exclude the following service:

''(A) Service described in subsection (c).

''(B) Service described in subsection (d).

''(C) Service described in subsection (f)(6).''.

(c) COMPLETION OF TOUR OF DUTY.—Subsection (f) of such section is amended—

(1) in paragraph (3), by striking ''Cumulative service'' and inserting ''Accrued joint experience'';

(2) in paragraph (4), by striking ''(except'' and all that follows through ''any time)''; and

(3) by striking paragraph (6) and inserting the following new paragraph (6):

''(6) A second and subsequent joint duty assignment that is less than the period required under subsection (a), but not less than two years.''.

(d) ACCRUED JOINT EXPERIENCE AS FULL TOUR OF DUTY.—Subsection (g) of such section is amended to read as follows:

''(g) ACCRUED JOINT EXPERIENCE.—For the purposes of subsection (f)(3), the Secretary of Defense may prescribe, by regulation, certain joint experience, such as temporary duty in joint assignments, joint individual training, and participation in joint exercises, that may be aggregated to equal a full tour of duty. The Secretary shall prescribe the regulations with the advice of the Chairman of the Joint Chiefs of Staff.''.

(e) CONSTRUCTIVE CREDIT.—Subsection (h) of such section is amended—

(1) in paragraph (1), by striking ''subsection (f)(1), (f)(2), (f)(4), or (g)(2)'' and inserting ''paragraphs (1), (2), and (4) of subsection (f)''; and

(2) by striking paragraph (3).

(f) REPEAL OF JOINT DUTY CREDIT FOR CERTAIN JOINT TASK FORCE ASSIGNMENTS.—Such section is further amended by striking subsection (i).

SEC. 525. 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. MODIFICATION OF LIMITATIONS ON AUTHORIZED STRENGTHS OF RESERVE GENERAL AND FLAG OFFICERS IN ACTIVE STATUS SERVING IN JOINT DUTY ASSIGNMENTS.

(a) EXCLUSION OF ARMY AND AIR FORCE OFFICERS SERVING IN JOINT DUTY ASSIGNMENTS.—Subsection (b) of section 12004 of title 10, United States Code, is amended by adding at the end the following new paragraph;

''(4) Those serving in a joint duty assignment for purposes of chapter 38 of this title, except that the number of officers who may be excluded under this paragraph may not exceed the number equal to 20 percent of the number of officers authorized for the armed force concerned by subsection (a).''.

(b) EXCLUSION OF NAVY OFFICERS SERVING IN JOINT DUTY ASSIGNMENTS.—Subsection (c) of such section is amended—

(1) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively; and

(2) in paragraph (1), by striking ''(1)'' and all that follows through ''as follows:'' and inserting the following:

''(1) The following Navy reserve officers shall not be counted for purposes of this section:

''(A) Those counted under section 526 of this title.

''(B) Those serving in a joint duty assignment for purposes of chapter 38 of this title, except that the number of officers who may be excluded under this paragraph may not exceed the number equal to 20 percent of the number of officers authorized for the Navy in subsection (a).

''(2) Of the number of Navy reserve officers authorized by subsection (a), 40 are distributed among the line and staff corps as follows:''.

(c) EXCLUSION OF MARINE CORPS OFFICERS SERVING IN JOINT DUTY ASSIGNMENTS.—Subsection (d) of such section is amended to read as follows:

''(d) The following Marine Corps reserve officers shall not be counted for purposes of this section:

''(1) Those counted under section 526 of this title.

''(2) Those serving in a joint duty assignment for purposes of chapter 38 of this title, except that the number of officers who may be excluded under this paragraph may not exceed the number equal to 20 percent of the number of officers authorized for the Marine Corps in subsection (a).''.

SEC. 527. REPORTS ON JOINT EDUCATION COURSES AVAILABLE THROUGH THE DEPARTMENT OF DEFENSE.

(a) REPORTS REQUIRED.—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 Department of Defense for purposes of the pursuit of joint careers by officers in the Armed Forces.

(b) ELEMENTS.—Each report under subsection (a) shall include, for the preceding year covered by the report, the following:

(1) A list and description of the joint education courses available during the year covered by the report.

(2) A list and description of the joint education courses listed under paragraph (1) that are available to, and may be completed by, officers of the reserve components of the Armed Forces in other than an in-resident duty status under title 10 or 32, United States Code.

(3) For each joint education course listed under paragraph (1), the number of officers from each Armed Force who pursued the course during the year covered by the report, including the number of officers of the Army National Guard and Air National Guard who pursued the course.

Subtitle D—General Service Authorities

SEC. 531. INCREASE IN MAXIMUM PERIOD OF REENLISTMENT OF REGULAR MEMBERS OF THE ARMED FORCES.

(a) INCREASE TO EIGHT-YEAR MAXIMUM.—Section 505(d) of title 10, United States Code, is amended—

(1) in paragraph (2), by striking ''six years'' and inserting ''eight years''; and

(2) in paragraph (3)(A), by striking ''six years'' and inserting ''eight years''.

(b) CONFORMING AMENDMENT REGARDING REENLISTMENT BONUS.—Section 308(a)(2)(A)(ii) of title 37, United States Code, is amended by striking ''not to exceed six''.

SEC. 532. PATERNITY LEAVE FOR MEMBERS OF THE ARMED FORCES.

(a) LEAVE AUTHORIZED.—Section 701 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(j)(1) Under regulations prescribed by the Secretary concerned, a married member of the armed forces on active duty whose wife gives birth to a child shall receive 10 days of leave to be used in connection with the birth of the child.

''(2) Leave under paragraph (1) is in addition to other leave authorized under this section.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and applies only with respect to children born on or after that date.

SEC. 533. PILOT PROGRAMS ON CAREER FLEXIBILITY TO ENHANCE RETENTION OF MEMBERS OF THE ARMED FORCES.

(a) PILOT PROGRAMS AUTHORIZED.—

(1) IN GENERAL.—Each Secretary of a military department may carry out pilot programs under which officers and enlisted members of the regular components of the Armed Forces under the jurisdiction of such Secretary may be inactivated from active duty in order to meet personal or professional needs and returned to active duty at the end of such period of inactivation from active duty.

(2) PURPOSE.—The purpose of the pilot programs under this section shall be to evaluate whether permitting inactivation from active duty and greater flexibility in career paths for members of the Armed Forces will provide an effective means to enhance retention of members of the Armed Forces and the capacity of the Department of Defense to respond to the personal and professional needs of individual members of the Armed Forces.

(b) LIMITATION ON ELIGIBLE MEMBERS.—A member of the Armed Forces is not eligible to participate in a pilot program under this section during any period of service required of the member—

(1) under an agreement upon entry of the member on active duty; or

(2) due to receipt by the member of a retention bonus as a member qualified in a critical military skill or assigned to a high priority unit under section 355 of title 37, United States Code.

(c) LIMITATION ON NUMBER OF PARTICIPANTS.—Not more than 20 officers and 20 enlisted members of each Armed Force may be selected during each of calendar years 2009 through 2012 to participate in the pilot programs under this section.

(d) PERIOD OF INACTIVATION FROM ACTIVE DUTY; EFFECT OF INACTIVATION.—

(1) LIMITATION.—The period of inactivation from active duty under a pilot program under this section of a member participating in the pilot program shall be such period as the Secretary of the military department concerned shall specify in the agreement of the member under subsection (e), except that such period may not exceed three years.

(2) EXCLUSION FROM COMPUTATION OF RESERVE OFFICER'S TOTAL YEARS OF SERVICE.—Any service by a Reserve officer while participating in a pilot program under this section shall be excluded from computation of the officer's total years of service pursuant to section 14706(a) of title 10, United States Code.

(3) RETIREMENT AND RELATED PURPOSES.—Any period of participation of a member in a pilot program under this section shall not count toward—

(A) eligibility for retirement or transfer to the Ready Reserve under either chapter 571 or 1223 of title 10, United States Code; or

(B) computation of retired or retainer pay under chapter 71 or 1223 of title 10, United States Code.

(e) AGREEMENT.—Each member of the Armed Forces who participates in a pilot program under this section shall enter into a written agreement with the Secretary of the military department concerned under which agreement that member shall agree as follows:

(1) To accept an appointment or enlist, as applicable, and serve in the Ready Reserve of the Armed Force concerned during the period of the member's inactivation from active duty under the pilot program.

(2) To undergo during the period of the inactivation of the member from active duty under the pilot program such inactive duty training as the Secretary concerned shall require in order to ensure that the member retains proficiency, at a level determined by the Secretary concerned to be sufficient, in the member's military skills, professional qualifications, and physical readiness during the inactivation of the member from active duty.

(3) Following completion of the period of the inactivation of the member from active duty under the pilot program, to serve two months as a member of the Armed Forces on active duty for each month of the period of the inactivation of the member from active duty under the pilot program.

(f) CONDITIONS OF RELEASE.—The Secretary of Defense shall issue regulations specifying

the guidelines regarding the conditions of release that must be considered and addressed in the agreement required by subsection (e). At a minimum, the Secretary shall prescribe the procedures and standards to be used to instruct a member on the obligations to be assumed by the member under paragraph (2) of such subsection while the member is released from active duty.

(g) ORDER TO ACTIVE DUTY.—Under regulations prescribed by the Secretary of the military department concerned, a member of the Armed Forces participating in a pilot program under this section may, in the discretion of such Secretary, be required to terminate participation in the pilot program and be ordered to active duty.

(h) PAY AND ALLOWANCES.—

(1) BASIC PAY.—During each month of participation in a pilot program under this section, a member who participates in the pilot program shall be paid basic pay in an amount equal to two-thirtieths of the amount of monthly basic pay to which the member would otherwise be entitled under section 204 of title 37, United States Code, as a member of the uniformed services on active duty in the grade and years of service of the member when the member commences participation in the pilot program.

(2) PROHIBITION ON RECEIPT OF SPECIAL AND INCENTIVE PAYS.—

(A) PROHIBITION ON RECEIPT DURING PARTICIPATION.—A member who participates in a pilot program shall not, while participating in the pilot program, be paid any special or incentive pay or bonus to which the member is otherwise entitled under an agreement under chapter 5 of title 37, United States Code, that is in force when the member commences participation in the pilot program.

(B) TREATMENT OF REQUIRED SERVICE.—The inactivation from active duty of a member participating in a pilot program shall not be treated as a failure of the member to perform any period of service required of the member in connection with an agreement for a special or incentive pay or bonus under chapter 5 of title 37, United States Code, that is in force when the member commences participation in the pilot program.

(3) REVIVAL OF SPECIAL PAYS UPON RETURN TO ACTIVE DUTY.—

(A) REVIVAL REQUIRED.—Subject to subparagraph (B), upon the return of a member to active duty after completion by the member of participation in a pilot program—

(i) any agreement entered into by the member under chapter 5 of title 37, United States Code, for the payment of a special or incentive pay or bonus that was in force when the member commenced participation in the pilot program shall be revived, with the term of such agreement after revival being the period of the agreement remaining to run when the member commenced participation in the pilot program; and

(ii) any special or incentive pay or bonus shall be payable to the member in accordance with the terms of the agreement concerned for the term specified in clause (i).

(B) LIMITATIONS.—

(i) LIMITATION AT TIME OF RETURN TO ACTIVE DUTY.—Subparagraph (A) shall not apply to any special or incentive pay or bonus otherwise covered by that subparagraph with respect to a member if, at the time of the return of the member to active duty as described in that subparagraph—

(I) such pay or bonus is no longer authorized by law; or

(II) the member does not satisfy eligibility criteria for such pay or bonus as in effect at the time of the return of the member to active duty.

(ii) CESSATION DURING LATER SERVICE.—Subparagraph (A) shall cease to apply to any special or incentive pay or bonus otherwise covered by that subparagraph with respect to a member if, during the term of the revived agreement of the member under subparagraph (A)(i), such pay or bonus ceases being authorized by law.

(C) REPAYMENT.—A member who is ineligible for payment of a special or incentive pay or bonus otherwise covered by this paragraph by reason of subparagraph (B)(i)(II) shall be subject to the requirements for repayment of such pay or bonus in accordance with the terms of the applicable agreement of the member under chapter 5 of title 37, United States Code.

(D) CONSTRUCTION OF REQUIRED SERVICE.—Any service required of a member under an agreement covered by this paragraph after the member returns to active duty as described in subparagraph (A) shall be in addition to any service required of the member under an agreement under subsection (e).

(4) CERTAIN TRAVEL AND TRANSPORTATION ALLOWANCES.—

(A) IN GENERAL.—Subject to subparagraph (B), a member who participates in a pilot program is entitled, while participating in the pilot program, to the travel and transportation allowances authorized by section 404 of title 37, United States Code, for—

(i) travel performed from the member's residence, at the time of release from active duty to participate in the pilot program, to the location in the United States designated by the member as his residence during the period of participation in the pilot program; and

(ii) travel performed to the member's residence upon return to active duty at the end of the member's participation in the pilot program.

(B) LIMITATION.—An allowance is payable under this paragraph only with respect to travel of a member to and from a single residence.

(i) PROMOTION.—

(1) OFFICERS.—

(A) LIMITATION ON PROMOTION.—An officer participating in a pilot program under this section shall not, while participating in the pilot program, be eligible for consideration for promotion under chapter 36 or 1405 of title 10, United States Code.

(B) PROMOTION AND RANK UPON RETURN TO ACTIVE DUTY.—Upon the return of an officer to active duty after completion by the officer of participation in a pilot program—

(i) the Secretary of the military department concerned shall adjust the officer's date of rank in such manner as the Secretary of Defense shall prescribe in regulations for purposes of this section; and

(ii) the officer shall be eligible for consideration for promotion when officers of the same competitive category, grade, and seniority are eligible for consideration for promotion.

(2) ENLISTED MEMBERS.—An enlisted member participating in a pilot program shall not be eligible for consideration for promotion during the period that—

(A) begins on the date of the member's inactivation from active duty under the pilot program; and

(B) ends at such time after the return of the member to active duty under the pilot program that the member is treatable as eligible for promotion by reason of time in grade and such other requirements as the Secretary of the military department concerned shall prescribe in regulations for purposes of the pilot program.

(j) MEDICAL AND DENTAL CARE.—A member participating in a pilot program under this section shall, while participating in the pilot program, be treated as a member of the Armed Forces on active duty for a period of more than 30 days for purposes of the entitlement of the member and the member's dependents to medical and dental care under the provisions of chapter 55 of title 10, United States Code.

(k) REPORTS.—

(1) INTERIM REPORTS.—Not later than June 1, 2011, and June 1, 2013, the Secretary of each military department shall submit to the congressional defense committees a report on the implementation and current status of the pilot programs conducted by such Secretary under this section.

(2) FINAL REPORT.—Not later than March 1, 2016, the Secretary of Defense shall submit to the congressional defense committees a report on the pilot programs conducted under this section.

(3) ELEMENTS OF REPORT.—Each interim report and the final report under this subsection shall include the following:

(A) A description of each pilot program conducted under this section, including a description of the number of applicants for such pilot program and the criteria used to select individuals for participation in such pilot program.

(B) An assessment by the Secretary concerned of the pilot programs, including an evaluation of whether—

(i) the authorities of the pilot programs provided an effective means to enhance the retention of members of the Armed Forces possessing critical skills, talents, and leadership abilities;

(ii) the career progression in the Armed Forces of individuals who participate in the pilot program has been or will be adversely affected; and

(iii) the usefulness of the pilot program in responding to the personal and professional needs of individual members of the Armed Forces.

(C) Such recommendations for legislative or administrative action as the Secretary concerned considers appropriate for the modification or continuation of the pilot programs.

(l) DURATION OF PROGRAM AUTHORITY.—The authority to conduct a pilot program under this section shall commence on January 1, 2009. No member of the Armed Forces may be released from active duty under a pilot program under this section after December 31, 2012.

Subtitle E—Education and Training

SEC. 540. AUTHORIZED STRENGTH OF MILITARY SERVICE ACADEMIES AND REPEAL OF PROHIBITION ON PHASED INCREASE IN MIDSHIPMEN AND CADET STRENGTH LIMIT AT NAVAL ACADEMY AND AIR FORCE ACADEMY.

(a) MILITARY ACADEMY.—Section 4342(a) of title 10, United States Code, is amended by striking ''4,000 or such higher number'' and inserting ''4,400 or such lower number''.

(b) NAVAL ACADEMY.—Section 6954 of such title is amended—

(1) in subsection (a), by striking ''4,000 or such higher number'' and inserting ''4,400 or such lower number''; and

(2) in subsection (h)(1), by striking the last sentence.

(c) AIR FORCE ACADEMY.—Section 9342 of such title is amended—

(1) in subsection (a), by striking ''4,000 or such higher number'' and inserting ''4,400 or such lower number''; and

(2) in subsection (j)(1), by striking the last sentence.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to academic years at the United States Military Academy, the United States Naval Academy, and the Air Force Academy after the 2007-2008 academic year.

SEC. 541. PROMOTION OF FOREIGN AND CULTURAL EXCHANGE ACTIVITIES AT MILITARY SERVICE ACADEMIES.

(a) UNITED STATES MILITARY 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 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 such chapter is amended by inserting after the item relating to section 4345 the following new item:

''4345a. Foreign and cultural exchange activities.''.

(b) NAVAL ACADEMY.—

(1) IN GENERAL.—Chapter 603 of title 10, United States Code, is amended by inserting after section 6957a the following new section:

"§ 6957b. Foreign and cultural exchange activities

''(a) ATTENDANCE AUTHORIZED.—The Secretary of the Navy may authorize the Naval Academy to permit students, officers, and other representatives of a foreign country to attend the Naval 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 midshipmen.

''(b) COSTS AND EXPENSES.—The Secretary may pay the travel, subsistence, and similar personal expenses of persons incurred to attend the Naval Academy under subsection (a).

''(c) EFFECT OF ATTENDANCE.—Persons attending the Naval Academy under subsection (a) are not considered to be students enrolled at the Naval Academy and are in addition to persons receiving instruction at the Naval Academy under section 6957 or 6957a of this title.

''(d) SOURCE OF FUNDS; LIMITATION.—(1) The Naval Academy shall bear the costs of the attendance of persons under subsection (a) from funds appropriated for the Naval Academy and from such additional funds as may be available to the Naval 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 such chapter is amended by inserting after the item relating to section 6957a the following new item:

''6957b. Foreign and cultural exchange activities.''.

(c) AIR FORCE ACADEMY.—

(1) IN GENERAL.—Chapter 903 of title 10, United States Code, is amended by inserting after section 9345 the following new section:

"§ 9345a. Foreign and cultural exchange activities

''(a) ATTENDANCE AUTHORIZED.—The Secretary of the Air Force may authorize the Air Force Academy to permit students, officers, and other representatives of a foreign country to attend the Air Force 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 Air Force Academy under subsection (a).

''(c) EFFECT OF ATTENDANCE.—Persons attending the Air Force Academy under subsection (a) are not considered to be students enrolled at the Air Force Academy and are in addition to persons receiving instruction at the Air Force Academy under section 9344 or 9345 of this title.

''(d) SOURCE OF FUNDS; LIMITATION.—(1) The Air Force 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 Air Force 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 such chapter is amended by inserting after the item relating to section 9345 the following new item:

''9345a. Foreign and cultural exchange activities.''.

SEC. 542. INCREASED AUTHORITY TO ENROLL DEFENSE INDUSTRY EMPLOYEES IN DEFENSE PRODUCT DEVELOPMENT PROGRAM.

Section 7049(a) of title 10, United States Code, is amended by striking ''25'' and inserting ''125''.

SEC. 543. 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 National Defense Intelligence College is accredited by the appropriate civilian academic accrediting agency or organization to award the degree, 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 or redesignation 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 or redesignation and any subsequent recommendation of the Secretary of Education on the proposed modification or redesignation.

''(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 National Defense Intelligence College to award any new or existing degree.''.

(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 National Defense University is accredited by the appropriate civilian academic accrediting agency or organization to award the degree, 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 or redesignation 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 or redesignation and any subsequent recommendation of the Secretary of Education on the proposed modification or redesignation.

''(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 National Defense University to award any new or existing degree.''.

(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 2163 and inserting the following new item:

''2163. Degree granting authority for National Defense University.''.

(c) UNITED STATES ARMY COMMAND AND GENERAL STAFF COLLEGE.—

(1) IN GENERAL.—Section 4314 of such title is amended to read as follows:

''§ 4314. Degree granting authority for United States Army Command and General Staff College

''(a) AUTHORITY.—Under regulations prescribed by the Secretary of the Army, the Commandant of the United States Army Command and General Staff 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 United States Army Command and General Staff College is accredited by the appropriate civilian academic accrediting agency or organization to award the degree, 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 or redesignation 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 or redesignation and any subsequent recommendation of the Secretary of Education on the proposed modification or redesignation.

''(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 United States Army Command and General Staff College to award any new or existing degree.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 401 of such title is amended by striking the item relating to section 4314 and inserting the following new item:

''4314. Degree granting authority for United States Army Command and General Staff College.''.

(d) UNITED STATES ARMY WAR COLLEGE.—

(1) IN GENERAL.—Section 4321 of title 10, United States Code, is amended to read as follows:

''§ 4321. Degree granting authority for United States Army War College

''(a) 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 United States Army War College is accredited by the appropriate civilian academic accrediting agency or organization to award the degree, 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 or redesignation 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 or redesignation and any subsequent recommendation of the Secretary of Education on the proposed modification or redesignation.

''(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 United States Army War College to award any new or existing degree.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 401 of such title is amended by striking the item relating to section 4321 and inserting the following new item:

''4321. Degree granting authority for United States Army War College.''.

(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 Naval Postgraduate School is accredited by the appropriate civilian academic accrediting agency or organization to award the degree, 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 or redesignation 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 or redesignation and any subsequent recommendation of the Secretary of Education on the proposed modification or redesignation.

''(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 Naval Postgraduate School to award any new or existing degree.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 605 of such title is amended by striking the item relating to section 7048 and inserting the following new item:

''7048. Degree granting authority for United States Naval Postgraduate School.''.

(f) NAVAL WAR COLLEGE.—

(1) IN GENERAL.—Section 7101 of such title is amended to read as follows:

''§ 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 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 Naval War College is accredited by the appropriate civilian academic accrediting agency or organization to award the degree, 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 or redesignation 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 or redesignation and any subsequent recommendation of the Secretary of Education on the proposed modification or redesignation.

''(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 Naval War College to award any new or existing degree.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 609 of such title is amended by striking the item relating to section 7101 and inserting the following new item:

''7101. Degree granting authority for Naval War College.''.

(g) MARINE CORPS UNIVERSITY.—

(1) IN GENERAL.—Section 7102 of such title is amended to read as follows:

''§ 7102. Degree granting authority for Marine Corps University

''(a) AUTHORITY.—Under regulations prescribed by the Secretary of the Navy, the President 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 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 Marine Corps University is accredited by the appropriate civilian academic accrediting agency or organization to award the degree, 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 or redesignation 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 or redesignation and any subsequent recommendation of the Secretary of Education on the proposed modification or redesignation.

''(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 Marine Corps University to award any new or existing degree.

''(d) BOARD OF ADVISORS.—The Secretary of the Navy shall establish a board of advisors 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.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 609 of such title is amended by striking the item relating to section 7102 and inserting the following new item:

''7102. Degree granting authority for Marine Corps University.''.

(h) UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY.—

(1) IN GENERAL.—Section 9314 of such title is amended to read as follows:

''§ 9314. Degree granting authority for United States Air Force Institute of Technology

''(a) AUTHORITY.—Under regulations prescribed by the Secretary of the Air Force, the commander of the Air University 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 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 United States Air Force Institute of Technology is accredited by the appropriate civilian academic accrediting agency or organization to award the degree, 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 or redesignation 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 or redesignation and any subsequent recommendation of the Secretary of Education on the proposed modification or redesignation.

''(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 United States Air Force Institute of Technology to award any new or existing degree.

''(d) CIVILIAN FACULTY.—(1) The Secretary of the Air Force may employ as many civilian faculty members at the United States Air Force Institute of Technology as is consistent with the needs of the Air Force and with Department of Defense personnel limits.

''(2) The Secretary shall prescribe regulations determining—

''(A) titles and duties of civilian members of the faculty; and

''(B) pay of civilian members of the faculty, notwithstanding chapter 53 of title 5, but subject to the limitation set out in section 5373 of title 5.

''(e) REIMBURSEMENT AND TUITION.—(1) The Department of the Army, the Department of the Navy, and the Department of Homeland Security shall bear the cost of the instruction at the Air Force Institute of Technology that is received by members of the armed forces detailed for that instruction by the Secretaries of the Army, Navy, and Homeland Security, respectively.

''(2) Members of the Army, Navy, Marine Corps, and Coast Guard may only be detailed for instruction at the Institute on a space-available basis.

''(3) In the case of an enlisted member of the Army, Navy, Marine Corps, and Coast Guard permitted to receive instruction at the Institute, the Secretary of the Air Force shall charge that member only for such costs and fees as the Secretary considers appropriate (taking into consideration the admission of enlisted members on a space-available basis).

''(f) ACCEPTANCE OF RESEARCH GRANTS.—(1) The Secretary of the Air Force may authorize the Commandant of the United States Air Force Institute of Technology to accept qualifying research grants. Any such grant may only be accepted if the work under the grant is to be carried out by a professor or instructor of the Institute for a scientific, literary, or educational purpose.

''(2) A qualifying research grant under this subsection is a grant that is awarded on a competitive basis by an entity referred to in paragraph (3) for a research project with a scientific, literary, or educational purpose.

''(3) A grant may be accepted under this subsection only from a corporation, fund, foundation, educational institution, or similar entity that is organized and operated primarily for scientific, literary, or educational purposes.

''(4) The Secretary shall establish an account for administering funds received as research grants under this section. The Commandant of the Institute shall use the funds in the account in accordance with applicable provisions of the regulations and the terms and condition of the grants received.

''(5) Subject to such limitations as may be provided in appropriations Acts, appropriations available for the Institute may be used 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 such 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.''.

(i) 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 the Air University may, upon the recommendation of the faculty of the Air University components, 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 Air University is accredited by the appropriate civilian academic accrediting agency or organization to award the degree, 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 or redesignation 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 or redesignation and any subsequent recommendation of the Secretary of Education on the proposed modification or redesignation.

''(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 Air University to award any new or existing degree.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 901 of such title is amended by striking the item relating to section 9317 and inserting the following new item:

''9317. Degree granting authority for Air University.''.

(j) EFFECTIVE DATE.—The amendments made by this section shall apply to any degree granting authority established, modified, or redesignated on or after the date of enactment of this Act for an institution of professional military education referred to in such amendments.

SEC. 544. TUITION FOR ATTENDANCE OF FEDERAL EMPLOYEES AT THE UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY.

Subsection (e) of section 9314 of title 10, United States Code, as amended by section 543(h), is further amended by adding at the end the following new paragraphs:

''(4)(A) The Institute shall charge tuition for the cost of providing instruction at the Institute for any civilian employee of a military department (other than a civilian employee of the Department of the Air Force), of another component of the Department of Defense, or of another Federal agency who receives instruction at the Institute.

''(B) The cost of any tuition charged an individual under this paragraph shall be borne by the department, agency, or component sending the individual for instruction at the Institute.

''(5) Amounts received by the Institute for the instruction of students under this subsection shall be retained by the Institute. Such amounts shall be available to the Institute to cover the costs of such instruction. The source and disposition of such amounts shall be specifically identified in the records of the Institute.''.

SEC. 545. INCREASE IN NUMBER OF PERMANENT PROFESSORS AT THE UNITED STATES AIR FORCE ACADEMY.

Section 9331(b)(4) of title 10, United States Code, is amended by striking ''21 permanent professors'' and inserting ''23 permanent professors''.

SEC. 546. REQUIREMENT OF COMPLETION OF SERVICE UNDER HONORABLE CONDITIONS FOR PURPOSES OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE FOR RESERVE COMPONENT MEMBERS SUPPORTING CONTINGENCY OPERATIONS.

(a) REQUIREMENT OF HONORABLE SERVICE.—Section 16164(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 shall apply to a person described in section 16163 of title 10, United States Code, who—

(1) separates from a reserve component on or after January 28, 2008, the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008; and

(2) as of the date of the enactment of this Act, has not used any of the person's entitlement to educational assistance under chapter 1607 of such title.

SEC. 547. CONSISTENT EDUCATION LOAN REPAYMENT AUTHORITY FOR HEALTH PROFESSIONALS IN REGULAR COMPONENTS AND SELECTED RESERVE.

Section 16302(c) 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 such section.''.

SEC. 548. 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, not later than September 30, 2020, not less than 3,700 units of the Junior Reserve Officers' Training Corps.

(b) EXCEPTIONS.—The requirement imposed in subsection (a) shall not apply—

(1) if the Secretary fails to receive an adequate number or 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 Secretaries of the military departments determine 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 retired under chapter 61 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 increased distribution 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 updated report annually thereafter until the minimum number of units of the Junior Reserve Officers' Training Corps specified in subsection (a) is achieved.

SEC. 549. CORRECTION OF ERRONEOUS ARMY COLLEGE FUND BENEFIT AMOUNTS.

(a) CORRECTION AND PAYMENT AUTHORITY.—

(1) CONSIDERATION OF REQUESTS FOR CORRECTION.—The Secretary of the Army may consider, through the Army Board for the Correction of Military Records, a request for the correction of military records relating to the amount of the Army College Fund benefit to which a member or former member of the Armed Forces may be entitled under an Army Incentive Program contract.

(2) PAYMENT AUTHORITY.—If the Secretary of the Army determines that the correction of military records is appropriate in response to a request received under paragraph (1), the Secretary may pay such amounts as the Secretary considers necessary to ensure fairness and equity with regard to the request.

(b) EXCEPTION TO PAYMENT LIMITS.—A payment under subsection (a)(2) may be made without regard to any limits on the total combined amounts established for the Army College Fund and the Montgomery G.I. Bill.

(c) FUNDING SOURCE.—Payments under subsection (a)(2) shall be made solely from funds appropriated for military personnel programs for fiscal year 2009.

(d) TERMINATION DATE.—No payment may be made under subsection (a)(2) after December 31, 2009.

SEC. 550. ENHANCING EDUCATION PARTNERSHIPS TO IMPROVE ACCESSIBILITY AND FLEXIBILITY FOR MEMBERS OF THE ARMED FORCES.

(a) AUTHORITY.—The Secretary of a military department may enter into one or more education partnership agreements with educational institutions in the United States for the purpose of—

(1) developing plans to improve the accessibility and flexibility of college courses available to eligible members of the Armed Forces;

(2) improving the application process for the Armed Forces tuition assistance programs and raising awareness regarding educational opportunities available to such members;

(3) developing curriculum, distance education programs, and career counseling designed to meet the professional, financial, academic, and social needs of such members; and

(4) assessing how resources may be applied more effectively to meet the educational needs of such members.

(b) COST.—Except as provided in this section, execution of an education partnership agreement with an educational institution shall be at no cost to the Government.

(c) EDUCATIONAL INSTITUTION DEFINED.—In this section, the term ''educational institution'' means an accredited college, university, or technical school in the United States.

Subtitle F—Defense Dependents' Education

SEC. 551. CONTINUATION OF AUTHORITY TO ASSIST LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the amount authorized to be appropriated for fiscal year 2009 pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $35,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (a) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3271; 20 U.S.C. 7703b).

(b) ASSISTANCE TO SCHOOLS WITH ENROLLMENT CHANGES DUE TO BASE CLOSURES, FORCE STRUCTURE CHANGES, OR FORCE RELOCATIONS.—Of the amount authorized to be appropriated for fiscal year 2009 pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $15,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (b) of such section 572.

(c) LOCAL EDUCATIONAL AGENCY DEFINED.—In this section, the term ''local educational agency'' has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

SEC. 552. IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES.

Of the amount authorized to be appropriated for fiscal year 2009 pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $5,000,000 shall be available for payments under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–77; 20 U.S.C. 7703a).

SEC. 553. TRANSITION OF MILITARY DEPENDENT STUDENTS AMONG LOCAL EDUCATIONAL AGENCIES.

Subsection (d) of section 574 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2227; 20 U.S.C. 7703b note) is amended to read as follows:

''(d) TRANSITION OF MILITARY DEPENDENTS AMONG LOCAL EDUCATIONAL AGENCIES.—(1) The Secretary of Defense shall work collaboratively with the Secretary of Education in any efforts to ease the transitions of military dependent students from Department of Defense dependent schools to other schools and among schools of local educational agencies.

''(2) The Secretary of Defense may use funds of the Department of Defense Education Activity for the following purposes:

''(A) To share expertise and experience of the Activity with local educational agencies as military dependent students make the transitions described in paragraph (1), including transitions resulting from the closure or realignment of military installations under a base closure law, global rebasing, and force restructuring.

''(B) To provide programs for local educational agencies with military dependent students undergoing the transitions described in paragraph (1), including—

''(i) distance learning programs; and

''(ii) training programs to improve the ability of military dependent students who attend public schools in the United States and their teachers to meet the educational needs of such students.

''(3) The authority provided by this subsection expires September 30, 2013.''.

SEC. 554. CALCULATION OF PAYMENTS FOR ELIGIBLE FEDERALLY CONNECTED CHILDREN UNDER DEPARTMENT OF EDUCATION'S IMPACT AID PROGRAM.

In fiscal year 2009, section 8003(a)(2)(C)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a)(2)(C)(i)) shall be applied by substituting ''5,000'' for ''6,500''.

Subtitle G—Military Justice

SEC. 561. EFFECTIVE PERIOD OF MILITARY PROTECTIVE ORDERS.

(a) IN GENERAL.—Chapter 80 of title 10, United States Code, is amended by adding at the end the following new section:

''SEC. 1567. DURATION OF MILITARY PROTECTIVE ORDERS.

''A military protective order issued by a military commander shall remain in effect until such time as the military commander terminates the order or issues a replacement order.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''1567. Duration of military protective orders.''.

SEC. 562. 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 561, the following new section:

''SEC. 1567a. MANDATORY NOTIFICATION OF ISSUANCE OF MILITARY PROTECTIVE ORDER TO CIVILIAN LAW ENFORCEMENT.

''(a) INITIAL NOTIFICATION.—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 military protective order, the commander of the military installation shall notify the appropriate civilian authorities of—

''(1) the issuance of the protective order; and

''(2) the individuals involved in the order.

''(b) NOTIFICATION OF CHANGES OR TERMINATION.—The commander of the military installation also shall notify the appropriate civilian authorities of—

''(1) any change made in a protective order covered by subsection (a); and

''(2) the termination of the protective 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. 563. IMPLEMENTATION OF INFORMATION DATABASE ON SEXUAL ASSAULT INCIDENTS IN THE ARMED FORCES.

(a) DATABASE REQUIRED.—The Secretary of Defense shall implement a centralized, case-level 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 victim, the offender, and the outcome of any legal proceedings in connection with the assault.

(b) AVAILABILITY OF DATABASE.—The database required by subsection (a) shall be available to personnel of the Sexual Assault Prevention and Response Office of the Department of Defense.

(c) IMPLEMENTATION.—

(1) PLAN FOR IMPLEMENTATION.—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 plan to provide for the implementation of the database required by subsection (a).

(2) RELATION TO DEFENSE INCIDENT-BASED REPORTING SYSTEM.—Not later than 180 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 House of Representatives a report containing—

(A) a description of the current status of the Defense Incident-Based Reporting System; and

(B) an explanation of how the Defense Incident-Based Reporting System will relate to the database required by subsection (a)

(3) COMPLETION.—Not later than 15 months after the date of enactment of this Act, the Secretary shall complete implementation of the database required by subsection (a).

(d) REPORTS.—The database required by subsection (a) shall be used to develop and implement congressional reports, as required by—

(1) section 577(f) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375);

(2) section 596(c) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163);

(3) section 532 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364); and

(4) sections 4361, 6980, and 9361 of title 10, United States Code.

(e) TERMINOLOGY.—Section 577(b) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375) is amended by adding at the end the following new paragraph:

''(12) The Secretary shall implement clear, consistent, and streamlined sexual assault terminology for use throughout the Department of Defense.''.

Subtitle H—Decorations, Awards, and Honorary Promotions

SEC. 571. REPLACEMENT OF MILITARY DECORATIONS.

(a) REPLACEMENT REQUIRED.—Chapter 57 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 1135. Replacement of military decorations

''(a) REPLACEMENT.—In addition to other authorities available to the Secretary concerned to replace a military decoration, the Secretary concerned shall replace, on a one-time basis and without charge, a military decoration upon the request of the recipient of the military decoration or the immediate next of kin of a deceased recipient.

''(b) MILITARY DECORATION DEFINED.—In this section, the term 'decoration' means any decoration or award (other than the

medal of honor) that may be presented or awarded by the President or the Secretary concerned to a member of the armed forces.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''1135. Replacement of military decorations.''.

SEC. 572. AUTHORIZATION AND REQUEST FOR AWARD OF MEDAL OF HONOR TO RICHARD L. ETCHBERGER FOR ACTS OF VALOR DURING THE VIETNAM WAR.

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 8744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in 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 Evaluation Squadron on March 11, 1968, during the Vietnam War for which he was originally awarded the Air Force Cross.

Subtitle I—Military Families

SEC. 581. PRESENTATION OF BURIAL FLAG TO THE SURVIVING SPOUSE AND CHILDREN OF DECEASED MEMBERS OF THE ARMED FORCES.

(a) INCLUSION OF SURVIVING SPOUSE AND CHILDREN; CONSOLIDATION OF FLAG-RELATED AUTHORITIES.—Subsection (e) of section 1482 of title 10, United States Code, is amended—

(1) by designating the current text as paragraph (2) and redesignating current paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by inserting before paragraph (2), as so designated, the following:

''(e) PRESENTATION OF FLAG OF THE UNITED STATES.—(1) In the case of a decedent covered by section 1481 of this title, the Secretary concerned may pay the necessary expenses for the presentation of a flag of the United States to the following persons:

''(A) The person designated under subsection (c) to direct disposition of the remains of the decedent.

''(B) The parents or parent of the decedent, if the person to be presented a flag under subparagraph (A) is other than a parent of the decedent.

''(C) The surviving spouse of the decedent (including a surviving spouse who remarries after the decedent's death), if the person to be presented a flag under subparagraph (A) is other than the surviving spouse.

''(D) Each child of the decedent, regardless of whether the person to be presented a flag under subparagraph (A) is a child of the decedent.''; and

(3) by inserting at the end the following new paragraphs:

''(3) A flag to be presented to a person under subparagraph (B), (C), or (D) of paragraph (1) shall be of equal size to the flag presented under subparagraph (A) of such paragraph to the person designated to direct disposition of the remains of the decedent.

''(4) This subsection does not apply to a military prisoner who dies while in the custody of the Secretary concerned and while under a sentence that includes a discharge.

''(5) In this subsection:

''(A) The term 'parent' includes a natural parent, a stepparent, a parent by adoption, or a person who for a period of not less than one year before the death of the decedent stood in loco parentis to the decedent. Preference under paragraph (1)(B) shall be given to the persons who exercised a parental relationship at the time of, or most nearly before, the death of the decedent.

''(B) The term 'child' has the meaning prescribed by section 1477(d) of this title.''.

(b) REPEAL OF SUPERSEDED PROVISIONS.—Subsection (a) of such section is amended by striking paragraphs (10) and (11).

SEC. 582. EDUCATION AND TRAINING OPPORTUNITIES FOR MILITARY SPOUSES.

(a) EMPLOYMENT AND PORTABLE CAREER OPPORTUNITIES FOR SPOUSES.—Subchapter I of chapter 88 of title 10, United States Code, is amended by inserting after section 1784 the following new section:

''§ 1784a. Education and training opportunities for military spouses to expand employment and portable 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 achieving—

''(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 portable career opportunities for the spouse; or

''(B) the education prerequisites and professional licensure or credential required, by a government or government sanctioned licensing body, for an occupation that expands employment and portable career opportunities for the spouse.

''(2) As an alternative to, or in addition to, establishing a program under this subsection, 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 portable career opportunities.

''(b) ELIGIBLE SPOUSES.—Assistance under this section is limited to a spouse of a member of the armed forces who is serving 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) PORTABLE CAREER OPPORTUNITIES DEFINED.—In this section, the term 'portable career' includes an occupation identified by the Secretary of Defense, in consultation with the Secretary of Labor, as requiring education and training that results in a credential that is recognized nationwide by industry or specific businesses.

''(e) REGULATIONS.—The Secretary of Defense shall prescribe regulations to govern the availability and use of assistance under this section. The Secretary shall ensure that programs established under this section do 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 such subchapter 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 portable career opportunities.''.

SEC. 583. SENSE OF CONGRESS REGARDING HONOR GUARD DETAILS FOR FUNERALS OF VETERANS.

It is the sense of 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. 2030).

Subtitle J—Other Matters

SEC. 591. PROHIBITION ON INTERFERENCE IN INDEPENDENT LEGAL ADVICE BY THE LEGAL COUNSEL TO THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF.

Section 156(d) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' before ''The Legal Counsel''; and

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

''(2) No officer or employee of the Department of Defense may interfere with the ability of the Legal Counsel to give independent legal advice to the Chairman of the Joint Chiefs of Staff and to the Joint Chiefs of Staff.''.

SEC. 592. 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 setting aside 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 a rate to be determined by the Secretary concerned, unless the Secretary determines that the payment of interest is inappropriate under the circumstances. If the payment of the claim is to include interest, 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) CLERICAL AMENDMENTS.—Subsection (c) of such section is further amended—

(1) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(2) by inserting ''(1)'' after ''(c)'';

(3) by striking ''If the claimant'' and inserting the following:

''(2) If the claimant''; and

(4) by striking ''A claimant's acceptance'' and inserting the following:

''(3) A claimant's acceptance''.

(c) RETROACTIVE EFFECTIVENESS OF AMENDMENTS.—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 pay, allowances, compensation, emoluments, or other pecuniary benefits, or for the repayment of a fine or forfeiture, 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.

SEC. 593. EXTENSION OF LIMITATION ON REDUCTIONS OF PERSONNEL OF AGENCIES RESPONSIBLE FOR REVIEW AND CORRECTION OF MILITARY RECORDS.

Section 1559(a) of title 10, United States Code, is amended by striking ''October 1, 2008'' and inserting ''December 31, 2010''.

SEC. 594. MODIFICATION OF MATCHING FUND REQUIREMENTS UNDER NATIONAL GUARD YOUTH CHALLENGE PROGRAM.

(a) IN GENERAL.—Subsection (d) of section 509 of title 32, United States Code, is amended to read as follows:

''(d) MATCHING FUNDS REQUIRED.—(1) The amount of assistance provided by the Secretary of Defense to a State program of the Program for a fiscal year under this section may not exceed 60 percent of the costs of operating the State program during that fiscal year.

''(2) The limitation in paragraph (1) may not be construed as a limitation on the amount of assistance that may be provided to a State program of the Program for a fiscal year from sources other than the Department of Defense.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2008, and shall apply with respect to fiscal years beginning on or after that date.

SEC. 595. MILITARY SALUTE FOR THE FLAG DURING THE NATIONAL ANTHEM BY MEMBERS OF THE ARMED FORCES NOT IN UNIFORM AND BY VETERANS.

Section 301(b)(1) of title 36, United States Code, is amended by striking subparagraphs (A) through (C) and inserting the following new subparagraphs:

''(A) individuals in uniform should give the military salute at the first note of the anthem and maintain that position until the last note;

''(B) members of the Armed Forces and veterans who are present but not in uniform may render the military salute in the manner provided for individuals in uniform; and

''(C) all other persons present should face the flag and stand at attention with their right hand over the heart, and men not in uniform, if applicable, should remove their headdress with their right hand and hold it at the left shoulder, the hand being over the heart; and''.

SEC. 596. MILITARY LEADERSHIP DIVERSITY COMMISSION.

(a) ESTABLISHMENT OF COMMISSION.—There is hereby established a commission to be known as the ''Military Leadership Diversity Commission'' (in this section referred to as the ''commission'').

(b) COMPOSITION.—

(1) MEMBERSHIP.—The commission shall be composed of the following members:

(A) The Director of the Defense Manpower Management Center.

(B) The Director of the Defense Equal Opportunity Management Institute.

(C) A commissioned officer 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.

(D) A retired general or flag officer from each of the Army, Navy, Air Force, and Marine Corps.

(E) A retired noncommissioned officer from each of the Army, Navy, Air Force, and Marine Corps.

(F) Five retired commissioned officers who served in leadership positions with either a military department command or combatant command, of whom no less than three shall represent the views of minority veterans.

(G) Four individuals with expertise in cultivating diverse leaders in private or nonprofit organizations.

(H) An attorney with appropriate experience and expertise in constitutional and legal matters related to the duties and responsibilities of the commission.

(2) APPOINTMENT.—The members of the commission referred to in subparagraphs (C) through (H) of paragraph (1) shall be appointed by the Secretary of Defense.

(3) CHAIRMAN.—The Secretary of Defense shall designate one member described in paragraphs (1)(F) or (1)(G) as chairman of the commission.

(4) 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.

(5) 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.

(6) QUORUM.—Fifteen 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 conduct a comprehensive evaluation and assessment of policies that provide opportunities for the promotion and advancement of minority members of the Armed Forces, including minority members who are senior officers.

(2) SCOPE OF STUDY.—In carrying out the study, the commission shall examine the following:

(A) The efforts to develop and maintain diverse leadership at all levels of the Armed Forces.

(B) The successes and 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 military 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) The development of a uniform definition, to be used throughout the Department of Defense, of diversity that is congruent with the core values and vision of the Department for the future workforce.

(M) The existing metrics and milestones for evaluating the diversity plans of the Department (including the plans of the military departments) and for facilitating future evaluation and oversight.

(N) The existence and maintenance of fair promotion, assignment, and command opportunities for ethnic- and gender-specific members of the Armed Forces at the levels of warrant officer, chief warrant officer, company and junior grade, field and mid-grade, and general and flag officer.

(O) The current institutional structure of the Office of Diversity Management and Equal Opportunity of the Department, and of similar officers of the military departments, and their ability to ensure effective and accountable diversity management across the Department.

(P) The options available for improving the substance or implementation of current plans and policies of the Department and the military departments.

(3) CONSULTATION WITH PRIVATE 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 Armed Forces.

(C) Such other information and recommendations as the commission considers appropriate.

(2) INTERIM REPORTS.—The commission may submit to the President and Congress interim reports as the Commission considers appropriate.

(f) POWERS OF THE COMMISSION.—

(1) HEARINGS.—The commission may hold such hearings, sit and act at such times and places, take such testimony, 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) INCLUSION OF COAST GUARD.—

(1) COAST GUARD REPRESENTATION.—In addition to the members of the commission required by subsection (b), the commission shall include two additional members, appointed by the Secretary of Homeland Security, in consultation with the Commandant of the Coast Guard, as follows:

(A) A retired flag officer of the Coast Guard.

(B) A commissioned officer or noncommissioned officer of the Coast Guard on active duty.

(2) ARMED FORCES DEFINED.—In this section, the term ''Armed Forces'' means the Army, Navy, Air Force, Marine Corps, and Coast Guard.

(h) TERMINATION OF COMMISSION.—The commission shall terminate 60 days after the date on which the commission submits the report under subsection (e)(1).

SEC. 597. DEMONSTRATION PROJECT ON SERVICE OF RETIRED NURSE CORPS OFFICERS AS FACULTY AT CIVILIAN NURSING SCHOOLS.

(a) IN GENERAL.—The Secretary of Defense may conduct a demonstration project to encourage retired military nurses to serve as faculty at civilian nursing schools.

(b) ELIGIBILITY REQUIREMENTS.—

(1) INDIVIDUAL.—An individual is eligible to participate in the demonstration project if the individual—

(A) is a retired nurse corps officer of one of the Armed Forces;

(B) has had at least 26 years of active Federal commissioned service before retiring; and

(C) possesses a doctoral or master degree in nursing that qualifies the officer to become a full faculty member of an accredited school of nursing.

(2) INSTITUTION.—An accredited school of nursing is eligible to participate in the demonstration project if the school or its parent institution of higher education—

(A) is a school of nursing that is accredited to award, at a minimum, a bachelor of science in nursing and provides educational programs leading to such degree;

(B) has a resident Reserve Officers' Training Corps unit at the institution of higher education that fulfils the requirements of sections 2101 and 2102 of title 10, United States Code;

(C) does not prevent Reserve Officers' Training Corps access or military recruiting on campus, as defined in section 983 of title 10, United States Code;

(D) provides any retired nurse corps officer participating in the demonstration project a salary and other compensation at the level to which other similarly situated faculty members of the accredited school of nursing are entitled, as determined by the Secretary of Defense; and

(E) agrees to comply with subsection (d).

(c) COMPENSATION.—The Secretary of Defense may authorize a Secretary of a military department to authorize qualified institutions of higher education to employ as faculty those eligible individuals (as described in subsection (b)) who are receiving retired pay, whose qualifications are approved by the Secretary and the institution of higher education concerned, and who request such employment, subject to the following:

(1) A retired nurse corps officer so employed is entitled to receive the officer's retired pay without reduction by reason of any additional amount paid to the officer by the institution of higher education concerned. In the case of payment of any such additional amount by the institution of higher education concerned, the Secretary of the military department concerned may pay to that institution the amount equal to one-half the amount paid to the retired officer by the institution for any period, up to a maximum of one-half of the difference between the officer's retired pay for that period and the active duty pay and allowances that the officer 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.

(2) Notwithstanding 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.

(d) SCHOLARSHIPS FOR NURSE OFFICER CANDIDATES.—For purposes of the eligibility of an institution under subsection (b)(2)(E), the following requirements apply:

(1) Each accredited school of nursing at which a retired nurse corps officer serves on the faculty under this section shall provide full academic scholarships to individuals undertaking an educational program at such school leading to a bachelor of science in nursing degree who agree, upon completion of such program, to accept a commission as an officer in the nurse corps of one of the Armed Forces.

(2) The total number of scholarships provided by an accredited school of nursing under paragraph (1) for each officer serving on the faculty of that school under this section shall be such number as the Secretary of Defense shall specify for purposes of this section.

(3) 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.

(4) The Secretary concerned is authorized to discontinue the demonstration project authorized in this section at any institution of higher education that fails to fulfill the requirements of paragraph (3).

(e) REPORT.—

(1) IN GENERAL.—Not later than 24 months after the commencement of any demonstration project under this section, 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, if any.

(2) ELEMENTS.—The report shall also include, at a minimum, the following:

(A) 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.

(B) The number of retired nurse corps officers participating in the demonstration project.

(C) The number of accredited schools of nursing participating in the demonstration project.

(D) The number of nurse officer candidates who have accessed into the military as commissioned nurse corps officers.

(E) The number of scholarships awarded to nurse officer candidates.

(F) The number of nurse officer candidates who have failed to access into the military, if any.

(G) 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 nurse corps officers.

(H) The funds expended in the operation of the demonstration project.

(I) The recommendation of the Secretary of Defense as to whether the demonstration project should be extended.

(f) DEFINITIONS.—In this section, the terms ''school of nursing'' and ''accredited'' have the meeting given those terms in section 801 of the Public Health Service Act (42 U.S.C. 296).

(g) SUNSET.—The authority in this section shall expire on June 30, 2014.

SEC. 598. REPORT ON PLANNING FOR PARTICIPATION AND HOSTING OF THE DEPARTMENT OF DEFENSE IN INTERNATIONAL SPORTS ACTIVITIES, COMPETITIONS, AND EVENTS.

(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 setting forth a comprehensive plan for the following:

(1) The participation by personnel of the Department of Defense in international sports activities, competitions, and events (including the Pan American Games, the Olympic Games, the Paralympic Games, the Military World Games, other activities of the International Military Sports Council (CISM), and the Interallied Confederation of Reserve Officers (CIOR)) through fiscal year 2015.

(2) The hosting by the Department of Defense of military international sports activities, competitions, and events through fiscal year 2015.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A discussion of the military international sports activities, competitions, and events that the Department of Defense intends to seek to host, an estimate of the costs of hosting such activities, competitions, and events that the Department intends to seek to host, and a description of the sources of funding for such costs.

(2) A discussion of the use and replenishment of funds in the account in the Treasury for the Support for International Sporting Competitions for the hosting of such activities, competitions, and events that the Department intends to seek to host.

(3) A discussion of the support that may be obtained from other departments and agencies of the Federal Government, State and local governments, and private entities in encouraging participation of members of the Armed Forces in international sports activities, competitions, and events or in hosting of military international sports activities, competitions, and events.

(4) Such recommendations for legislative or administrative action as the Secretary considers appropriate to implement or enhance planning for the matters described in subsection (a).

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Fiscal year 2009 increase in military basic pay.
Sec. 602. Permanent extension of prohibition on charges for meals received at military treatment facilities by members receiving continuous care.
Sec. 603. Increase in maximum authorized payment or reimbursement amount for temporary lodging expenses.
Sec. 604. Availability of second family separation allowance for married couples with dependents.
Sec. 605. Extension of authority for income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. Extension of certain bonus and special pay authorities for Reserve forces.
Sec. 612. Extension of certain bonus and special pay authorities for health care professionals.
Sec. 613. Extension of special pay and bonus authorities for nuclear officers.
Sec. 614. Extension of authorities relating to payment of other 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 and health professions stipend 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 and authorization of incentive pay for members of precommissioning programs pursuing foreign language proficiency.
Sec. 620. Accession and retention bonuses for the recruitment and retention of officers in certain health professions.

Subtitle C—Travel and Transportation Allowances

Sec. 621. Special weight allowance for transportation of professional books and equipment for spouses.
Sec. 622. Shipment of family pets during evacuation of personnel.

Subtitle D—Retired Pay and Survivor Benefits

Sec. 631. 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. 632. Correction of unintended reduction in survivor benefit plan annuities due to phased elimination of two-tier annuity computation and supplemental annuity.

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits and Operations

Sec. 641. Use of commissary stores surcharges derived from temporary commissary initiatives for reserve component and retired members.
Sec. 642. Enhanced enforcement of prohibition on sale or rental of sexually explicit material on military installations.

Subtitle F—Other Matters

Sec. 651. 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.

Subtitle A—Pay and Allowances

SEC. 601. FISCAL YEAR 2009 INCREASE IN MILITARY BASIC PAY.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment to become effective during fiscal year 2009 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) INCREASE IN BASIC PAY.—Effective on January 1, 2009, the rates of monthly basic pay for members of the uniformed services are increased by 3.9 percent.

SEC. 602. PERMANENT EXTENSION OF PROHIBITION ON CHARGES FOR MEALS RECEIVED AT MILITARY TREATMENT FACILITIES BY MEMBERS RECEIVING CONTINUOUS CARE.

Section 402(h) of title 37, United States Code, is amended—

(1) in paragraph (1), by striking ''during any month covered by paragraph (3)'' and all that follows through ''this section''; and

(2) by striking paragraph (3).

SEC. 603. INCREASE IN MAXIMUM AUTHORIZED PAYMENT OR REIMBURSEMENT AMOUNT FOR TEMPORARY LODGING EXPENSES.

Section 404a(e) of title 37, United States Code, is amended by striking ''$180 a day'' and inserting ''$290 a day''.

SEC. 604. AVAILABILITY OF 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 with their dependents immediately before their assignments, the Secretary concerned shall pay each of the members the full amount of the monthly allowance specified in such subsection until one of the members is no longer assigned to duties described in such subparagraphs. Upon expiration of the additional allowance, paragraph (1) shall continue to apply to the remaining member so long as the member is assigned to duties described in subparagraph (A), (B), or (C) of such subsection.''.

(b) APPLICATION OF AMENDMENT.—Paragraph (2) of subsection (d) of section 427 of title 37, United States Code, as added by subsection (a), shall apply with respect to members of the uniformed services described in such paragraph who perform service covered by subparagraph (A), (B), or (C) of subsection (a)(1) such section on or after October 1, 2008.

SEC. 605. EXTENSION OF AUTHORITY FOR INCOME REPLACEMENT PAYMENTS FOR RESERVE COMPONENT MEMBERS EXPERIENCING EXTENDED AND FREQUENT MOBILIZATION FOR ACTIVE DUTY SERVICE.

Section 910(g) of title 37, United States Code, is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

(a) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b(g) of title 37, United States Code, is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) SELECTED RESERVE AFFILIATION OR ENLISTMENT BONUS.—Section 308c(i) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(c) SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section 308d(c) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(d) READY RESERVE ENLISTMENT BONUS FOR PERSONS WITHOUT PRIOR SERVICE.—Section 308g(f)(2) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(e) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS FOR PERSONS WITH PRIOR SERVICE.—Section 308h(e) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(f) SELECTED RESERVE ENLISTMENT BONUS FOR PERSONS WITH PRIOR SERVICE.—Section 308i(f) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SEC. 612. EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR HEALTH CARE PROFESSIONALS.

(a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 16302(d) of such title is amended—

(1) by striking ''before'' and inserting ''on or before''; and

(2) by striking ''January 1, 2009'' and inserting ''December 31, 2009''.

(c) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a)(1) of title 37, United States Code, is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(d) INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a)(1) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(e) SPECIAL PAY FOR SELECTED RESERVE HEALTH PROFESSIONALS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302g(e) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(f) ACCESSION BONUS FOR DENTAL OFFICERS.—Section 302h(a)(1) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(g) ACCESSION BONUS FOR PHARMACY OFFICERS.—Section 302j(a) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(h) ACCESSION BONUS FOR MEDICAL OFFICERS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302k(f) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(i) ACCESSION BONUS FOR DENTAL SPECIALIST OFFICERS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302l(g) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SEC. 613. EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.

(a) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(f) of title 37, United States Code, is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(c) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(c) NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—Section 312c(d) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SEC. 614. EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER TITLE 37 BONUSES AND SPECIAL PAYS.

(a) AVIATION OFFICER RETENTION BONUS.—Section 301b(a) of title 37, United States Code, is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) ASSIGNMENT INCENTIVE PAY.—Section 307a(g) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(c) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(d) ENLISTMENT BONUS.—Section 309(e) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(e) ACCESSION BONUS FOR NEW OFFICERS IN CRITICAL SKILLS.—Section 324(g) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(f) INCENTIVE BONUS FOR CONVERSION TO MILITARY OCCUPATIONAL SPECIALTY TO EASE PERSONNEL SHORTAGE.—Section 326(g) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(g) ACCESSION BONUS FOR OFFICER CANDIDATES.—Section 330(f) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(h) RETENTION BONUS FOR MEMBERS WITH CRITICAL MILITARY SKILLS OR ASSIGNED TO

HIGH PRIORITY UNITS.—Section 355(i) of such title, as redesignated by section 661(c) of the National Defense Authorization Act for Fiscal Year 2008, is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SEC. 615. EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF REFERRAL BONUSES.

(a) HEALTH PROFESSIONS REFERRAL BONUS.—Subsection (i) of section 1030 of title 10, United States Code, as added by section 671(b) of the National Defense Authorization Act for Fiscal Year 2008, is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) ARMY REFERRAL BONUS.—Subsection (h) of section 3252 of title 10, United States Code, as added by section 671(a) of the National Defense Authorization Act for Fiscal Year 2008, is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SEC. 616. INCREASE IN MAXIMUM BONUS AND STIPEND AMOUNTS AUTHORIZED UNDER NURSE OFFICER CANDIDATE ACCESSION PROGRAM AND HEALTH PROFESSIONS STIPEND PROGRAM.

(a) BONUS UNDER NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10, United States Code, is amended—

(1) by striking ''$10,000'' and inserting ''$20,000''; and

(2) by striking ''$5,000'' and inserting ''$10,000''.

(b) MONTHLY STIPEND UNDER NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(2) of title is amended by striking ''of not more than $1,000'' and inserting ''in an amount not to exceed the stipend rate in effect under section 2121(d) of this title''.

(c) MONTHLY STIPEND FOR STUDENTS IN NURSING OR OTHER HEALTH PROFESSIONS UNDER HEALTH PROFESSIONS STIPEND PROGRAM.—Section 16201(e)(2)(A) of title is amended by striking ''stipend of $100 per month'' and inserting ''monthly stipend in an amount not to exceed the stipend rate in effect under section 2121(d) of this title''.

SEC. 617. MAXIMUM LENGTH OF NUCLEAR OFFICER INCENTIVE PAY AGREEMENTS FOR SERVICE.

Section 312(a)(3) of title 37, United States Code, is amended by striking ''three, four, or five years'' and inserting ''not less than three years''.

SEC. 618. TECHNICAL CHANGES REGARDING CONSOLIDATION OF SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES OF THE UNIFORMED SERVICES.

(a) ELIGIBILITY REQUIREMENTS FOR NUCLEAR OFFICER BONUS AND INCENTIVE PAY.—Section 333 of title 37, United States Code, is amended—

(1) in subsection (a)(2), by striking ''and operational''; and

(2) in subsection (b)(2), by striking ''and operational''.

(b) RELATIONSHIP OF AVIATION INCENTIVE PAY TO OTHER PAY AND ALLOWANCES.—Section 334(f)(1) of such title is amended by striking ''section 351'' and inserting ''section 351(a)(2)''.

(c) HEALTH PROFESSIONS INCENTIVE PAY.—Section 335(e)(1)(D)(i) of such title is amended by striking ''dental surgeons'' and inserting ''dental officers''.

(d) NO PRO-RATED PAYMENT OF CERTAIN HAZARDOUS DUTY PAYS.—Section 351(c) of such title is amended by striking ''subsection (a)'' and inserting ''paragraph (1) or (3) of subsection (a)''.

(e) AVAILABILITY OF HAZARDOUS DUTY PAY.—Section 351(f) of such title is amended—

(1) by striking ''in administering subsection (a)'' and inserting ''in connection with determining whether a triggering event has occurred for the provision of hazardous duty pay under subsection (a)(1)''; and

(2) by striking the last sentence.

SEC. 619. USE OF NEW SKILL INCENTIVE PAY AND PROFICIENCY BONUS AUTHORITIES TO ENCOURAGE TRAINING IN CRITICAL FOREIGN LANGUAGES AND FOREIGN CULTURAL STUDIES AND AUTHORIZATION OF INCENTIVE PAY FOR MEMBERS OF PRECOMMISSIONING PROGRAMS PURSUING FOREIGN LANGUAGE PROFICIENCY.

(a) ELIGIBILITY FOR SKILL PROFICIENCY BONUS.—

(1) ELIGIBILITY.—Subsection (b) of section 353 of title 37, United States Code, is amended to read as follows:

''(b) SKILL PROFICIENCY BONUS.—

''(1) AVAILABILITY; ELIGIBLE PERSONS.—The Secretary concerned may pay a proficiency bonus to a member of a regular or reserve component of the uniformed services who—

''(A) is entitled to basic pay under section 204 of this title or compensation under section 206 of this title or is enrolled in an officer training program; and

''(B) is determined to have, and maintains, certified proficiency under subsection (d) in a skill designated as critical by the Secretary concerned or is in training 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.—A proficiency bonus 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. 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 2103a 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.''.

(2) AVAILABILITY OF INCENTIVE PAY FOR PARTICIPATION IN FOREIGN LANGUAGE EDUCATION OR TRAINING PROGRAMS.—Such section is further amended—

(A) by redesignating subsections (g), (h), and (i) as subsections (h), (i), and (j), respectively; and

(B) by inserting after subsection (f) the following new subsection (g):

''(g) 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, 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 2103a of title 10. However, if the student receives a proficiency bonus under subsection (b)(2) covering the same month, 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, Japanese, Chinese, Pashto, Persian-Farsi, Serbian-Croatian, Russian, Portuguese, or other language designated as critical by the Secretary concerned.''.

(b) INCENTIVE PAY AUTHORIZED.—

(1) IN GENERAL.—Chapter 5 of title 37, United States Code, is amended by inserting after section 316 the following new section:

''§ 316a. Special pay: incentive pay for members of precommissioning programs pursuing foreign language proficiency

''(a) INCENTIVE PAY.—The Secretary of Defense may pay incentive pay under this section to an individual who—

''(1) is enrolled as a member of the Senior Reserve Officers' Training Corps or the Marine Corps Platoon Leaders Class, as determined in accordance with regulations prescribed by the Secretary of Defense under subsection (e); and

''(2) participates in a language immersion program approved for purposes of the Senior Reserve Officers' Training Corps, or in study abroad, or is enrolled in an academic course that involves instruction in a foreign language of strategic interest to the Department of Defense as designated by the Secretary of Defense for purposes of this section.

''(b) PERIOD OF PAYMENT.—Incentive pay is payable under this section to an individual described in subsection (a) for the period of the individual's participation in the language program or study described in paragraph (2) of that subsection.

''(c) AMOUNT.—The amount of incentive pay payable to an individual under this section may not exceed $3,000 per year.

''(d) REPAYMENT.—An individual who is paid incentive pay under this section but who does not satisfactorily complete participation in the individual's language program or study as described in subsection (a)(2), or who does not complete the requirements of the Senior Reserve Officers' Training Corps or the Marine Corps Platoon Leaders Class, as applicable, shall be subject to the repayment provisions of section 303a(e) of this title.

''(e) REGULATIONS.—This section shall be administered under regulations prescribed by the Secretary of Defense.

''(f) REPORTS.—Not later than January 1, 2010, and annually thereafter through 2014, the Secretary of Defense shall submit to the Director of the Office of Management and Budget, and to Congress, a report on the payment of incentive pay under this section during the preceding fiscal year. Each report shall include, for the fiscal year covered by such report, the following:

''(1) The number of individuals paid incentive pay under this section, the number of individuals commencing receipt of incentive pay under this section, and the number of individuals ceasing receipt of incentive pay under this section.

''(2) The amount of incentive pay paid to individuals under this section.

''(3) The aggregate amount recouped under section 303a(e) of this title in connection with receipt of incentive pay under this section.

''(4) The languages for which incentive pay was paid under this section, including the total amount paid for each such language.

''(5) The effectiveness of incentive pay under this section in assisting the Department of Defense in securing proficiency in foreign languages of strategic interest to the Department of Defense, including a description of how recipients of pay under this section are assigned and utilized following completion of the program of study.

''(g) TERMINATION OF AUTHORITY.—No incentive pay may be paid under this section after December 31, 2013.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by inserting after the item relating to section 316 the following new item:

''316a. Special pay: incentive pay for members of precommissioning programs pursuing foreign language proficiency.''.

(c) PILOT PROGRAM FOR FOREIGN LANGUAGE PROFICIENCY TRAINING FOR RESERVE MEMBERS.—

(1) PILOT PROGRAM REQUIRED.—The Secretary of Defense shall conduct a pilot program to provide a skill proficiency bonus under section 353(b) of title 37, United States Code, to a member of a reserve component of the uniformed 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 353.

(2) DURATION OF PILOT PROGRAM.—The Secretary shall conduct the pilot program during the period beginning on October 1, 2008, and ending 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 662 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 180; 37 U.S.C. 301 note), the Secretary of a military department may immediately implement the amendments made by subsection (a) in order to ensure the prompt availability of proficiency bonuses 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. ACCESSION AND RETENTION BONUSES FOR THE RECRUITMENT AND RETENTION OF OFFICERS IN CERTAIN HEALTH PROFESSIONS.

(a) TARGETED BONUS AUTHORITY TO INCREASE DIRECT ACCESSIONS.—

(1) DESIGNATION OF CRITICALLY SHORT WARTIME HEALTH SPECIALTIES.—For purposes of section 335 of title 37, United States Code, as added by section 661 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 169), the following health professions are designated as a critically short wartime specialty under subsection (a)(2) of such section:

(A) Psychologists who have been awarded a diploma as a Diplomate in Psychology by the American Board of Professional Psychology and are fully licensed and such other mental health practitioners as the Secretary concerned determines to be necessary.

(B) Registered nurses.

(2) SPECIAL AGREEMENT AUTHORITY.—Under the authority provided by this section, the Secretary concerned may enter into an agreement under subsection (f) of section 335 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 and whose health profession specialty is specified in paragraph (1) of this subsection.

(3) SECRETARY CONCERNED DEFINED.—In this subsection, the term ''Secretary concerned'' has the meaning given that term in section 101(5) of title 37, United States Code.

(4) EFFECTIVE PERIOD.—The designations made by this subsection and the authority to enter into an agreement under paragraph (2) of this subsection expire on September 30, 2010.

(b) ACCESSION AND RETENTION BONUSES FOR PSYCHOLOGISTS.—

(1) IN GENERAL.—Chapter 5 of title 37, United States Code, is amended by inserting after section 302c the following new section:

''§ 302c–C1. Special pay: accession and retention bonuses for psychologists

''(a) ACCESSION BONUS.—

''(1) ACCESSION BONUS AUTHORIZED.—A person described in paragraph (2) who executes a written agreement described in subsection (d) to accept a commission as an officer of the armed forces and remain on active duty for a period of not less than four consecutive years may, upon acceptance of the agreement by the Secretary concerned, be paid an accession bonus in an amount, subject to subsection (c)(1), determined by the Secretary concerned.

''(2) ELIGIBLE PERSONS.—A person described in paragraph (1) is any person who—

''(A) is a graduate of an accredited school of psychology; and

''(B) holds a valid State license to practice as a doctoral level psychologist.

''(3) LIMITATION ON ELIGIBILITY.—A person may not be paid a bonus under this subsection if—

''(A) the person, in exchange for an agreement to accept an appointment as an officer, received financial assistance from the Department of Defense to pursue a course of study in psychology; or

''(B) the Secretary concerned determines that the person is not qualified to become and remain certified as a psychologist.

''(b) MULTIYEAR RETENTION BONUS.—

''(1) RETENTION BONUS AUTHORIZED.—An officer described in paragraph (2) who executes a written agreement described in subsection (d) to remain on active duty for up to four years after completion of any other active-duty service commitment may, upon acceptance of the agreement by the Secretary concerned, be paid a retention bonus as provided in this section.

''(2) ELIGIBLE OFFICERS.—An officer described in paragraph (1) is an officer of the armed forces who—

''(A) is a psychologist of the armed forces;

''(B) is in a pay grade below pay grade O–7;

''(C) has at least eight years of creditable service (computed as described in section 302b(f) of this title) or has completed any active-duty service commitment incurred for psychology education and training;

''(D) has completed initial residency training (or will complete such training before September 30 of the fiscal year in which the officer enters into the agreement under this subsection); and

''(E) holds a valid State license to practice as a doctoral level psychologist.

''(c) MAXIMUM AMOUNT OF BONUS.—

''(1) ACCESSION BONUS.—The amount of an accession bonus under subsection (a) may not exceed $400,000.

''(2) RETENTION BONUS.—The amount of a retention bonus under subsection (b) may not exceed $25,000 for each year of the agreement of the officer concerned.

''(d) AGREEMENT.—The agreement referred to in subsections (a) and (b) shall provide that, consistent with the needs of the armed force concerned, the person or officer executing the agreement will be assigned to duty, for the period of obligated service covered by the agreement, as an officer of such armed force as a psychologist.

''(e) REPAYMENT.—

''(1) ACCESSION BONUS.—A person who, after signing an agreement under subsection (a), is not commissioned as an officer of the armed forces, does not become licensed as a psychologist, or does not complete the period of active duty specified in the agreement shall be subject to the repayment provisions of section 303a(e) of this title.

''(2) RETENTION BONUS.—An officer who does not complete the period of active duty specified in the agreement entered into under subsection (b) shall be subject to the repayment provisions of section 303a(e) of this title.

''(f) TERMINATION OF AUTHORITY.—No agreement under subsection (a) or (b) may be entered into after December 31, 2009.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by inserting after the item relating to section 302c the following new item:

''302c–1. Special pay: accession and retention bonuses for psychologists.''.

Subtitle C—Travel and Transportation Allowances

SEC. 621. SPECIAL WEIGHT ALLOWANCE FOR TRANSPORTATION OF PROFESSIONAL BOOKS AND EQUIPMENT FOR SPOUSES.

Section 406(b)(1)(D) of title 37, United States Code, is amended—

(1) by inserting ''(i)'' after ''(D)'';

(2) in the second sentence of clause (i), as designated by paragraph (1), by striking ''this subparagraph'' and inserting ''this clause'';

(3) by designating the last sentence as clause (iii) and indenting the margin of such clause, as so designated, two ems from the left margin; and

(4) by inserting after clause (i), as designated by paragraph (1), the following new clause:

''(ii) In addition to the weight allowance authorized for such member with dependents under paragraph (C), the Secretary concerned may authorize up to an additional 500 pounds in weight allowance for shipment of professional books and equipment belonging to the spouse of such member.''.

SEC. 622. SHIPMENT OF FAMILY PETS DURING EVACUATION OF PERSONNEL.

Section 406(b)(1) of title 37, United States Code, is amended by adding at the end the following new subparagraph:

''(H)(i) Except as provided in paragraph (2) and subject to clause (iii), in connection with an evacuation from a permanent station located in a foreign area, a member is entitled to transportation (including shipment and payment of any quarantine costs) of family household pets.

''(ii) A member entitled to transportation under clause (i) may be paid reimbursement or, at the member's request, a monetary allowance in accordance with the provisions of subparagraph (F) if the member secures by commercial means shipment and any quarantining of the pets otherwise subject to transportation under clause (i).

''(iii) The provision of transportation under clause (i) and the payment of reimbursement under clause (ii) shall be subject to such regulations as the Secretary of Defense shall prescribe with respect to members of the armed forces for purposes of this subparagraph. Such regulations may specify limitations on the types, size, and number of pets for which transportation may be provided or reimbursement paid.''.

Subtitle D—Retired Pay and Survivor Benefits

SEC. 631. 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.

(a) EXTENSION.—Subsection (m) of section 1450 of title 10, United States Code, as added by section 644 of the National Defense Authorization Act for Fiscal Year 2008, is amended in paragraph (1)(B) by striking ''section 1448(a)(1) of this title'' and inserting ''subsection (a)(1) of section 1448 of this title or by reason of coverage under subsection (d) of such section''.

(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 paragraph (6) of subsection (m) of section 1450 of title 10, United States Code, as added by section 644 of the National Defense Authorization Act for Fiscal Year 2008.

SEC. 632. CORRECTION OF UNINTENDED REDUCTION IN SURVIVOR BENEFIT PLAN ANNUITIES DUE TO PHASED ELIMINATION OF TWO-TIER ANNUITY COMPUTATION AND SUPPLEMENTAL ANNUITY.

Effective as of October 28, 2004, and as if included therein as enacted, section 644(c) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1961; 10 U.S.C. 1450 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.''.

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits and Operations

SEC. 641. USE OF COMMISSARY STORES SURCHARGES DERIVED FROM TEMPORARY COMMISSARY INITIATIVES FOR RESERVE COMPONENT AND RETIRED MEMBERS.

Section 2484(h) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively;

(2) in such paragraph (4), as so redesignated, by striking ''paragraph (1) or (2)'' and inserting ''paragraph (1), (2), or (3)''; and

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

''(3)(A) The Secretary of Defense may use the proceeds derived from surcharges imposed under subsection (d) in connection with sales of commissary merchandise through initiatives described in subparagraph (B) to offset the cost of such initiatives.

''(B) Subparagraph (A) applies with respect to initiatives, utilizing temporary and mobile equipment, intended to provide members of reserve components, retired members, and other persons eligible for commissary benefits, but without reasonable access to commissary stores, improved access to commissary merchandise.''.

SEC. 642. ENHANCED ENFORCEMENT OF PROHIBITION ON SALE OR RENTAL OF SEXUALLY EXPLICIT MATERIAL ON MILITARY INSTALLATIONS.

(a) ESTABLISHMENT OF RESALE 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:

''(c) RESALE ACTIVITIES REVIEW BOARD.—(1) The Secretary of Defense shall establish a nine-member board to make recommendations to the Secretary regarding whether material sold or rented, or proposed for sale or rental, on property under the jurisdiction of the Department of Defense is barred from sale or rental by subsection (a).

''(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 defense 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 subparagraph shall be a person with experience managing or advocating for military family programs and who is also an eligible patron of the defense 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, 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 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 appointment of the initial members of the board. At the discretion of the board, the board may consider all materials previously reviewed under such section as available for reconsideration for a minimum of 180 days following the initial meeting of the board.

Subtitle F—Other Matters

SEC. 651. CONTINUATION OF ENTITLEMENT TO BONUSES AND SIMILAR BENEFITS FOR MEMBERS OF THE UNIFORMED SERVICES WHO DIE, ARE SEPARATED OR RETIRED FOR DISABILITY, OR MEET OTHER CRITERIA.

(a) DISCRETION TO PROVIDE EXCEPTION TO TERMINATION AND REPAYMENT REQUIREMENTS UNDER CERTAIN CIRCUMSTANCES.—Section 303a(e) of title 37, United States Code, is amended—

(1) in the subsection heading, by inserting ''; TERMINATION OF ENTITLEMENT TO UNPAID AMOUNTS'' after ''MET'';

(2) in paragraph (1)—

(A) by striking ''A member'' and inserting ''(A) Except as provided in paragraph (2), a member''; and

(B) by striking ''the requirements, except in certain circumstances authorized by the Secretary concerned.'' and inserting ''the eligibility requirements and may not receive any unpaid amounts of the bonus or similar benefit after the member fails to satisfy the requirements, unless the Secretary concerned determines that the imposition of the repayment requirement and termination of the payment of unpaid amounts of the bonus or similar benefit with regard to the member would be contrary to a personnel policy or management objective, would be against equity and good conscience, or would be contrary to the best interests of the United States.''; and

(3) by redesignating paragraph (2) as subparagraph (B) of paragraph (1).

(b) MANDATORY PAYMENT OF UNPAID AMOUNTS UNDER CERTAIN CIRCUMSTANCES; NO REPAYMENT OF UNEARNED AMOUNTS.—Section 303a(e) of title 37, United States Code, is amended by inserting after paragraph (1), as amended by subsection (a), the following new paragraph (2):

''(2)(A) If a member of the uniformed services dies or is retired or separated with a combat-related disability, the Secretary concerned—

''(i) shall not require repayment by the member or the member's estate of the unearned portion of any bonus or similar benefit previously paid to the member; and

''(ii) shall require the payment to the member or the member's estate of the remainder of any bonus or similar benefit that was not yet paid to the member, but to which the member was entitled immediately before the death, retirement, or separation of the member, and would be paid if not for the death, retirement, or separation of the member.

''(B) Subparagraph (A) does not apply if the death or disability of the member is the result the member's misconduct.

''(C) 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.

''(D) 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.

''(E) In this paragraph, the term 'combat-related disability' has the meaning given that term in section 1413a(e) of title 10.''.

(c) CONFORMING AMENDMENTS REFLECTING CONSOLIDATED SPECIAL PAY AND BONUS AUTHORITIES.—

(1) CONFORMING AMENDMENTS.—Section 373 of title 37, United States Code, as added by section 661 of the National Defense Authorization Act for Fiscal Year 2008, is amended—

(A) in subsection (a)—

(i) in the subsection heading, by inserting ''AND TERMINATION'' after ''REPAYMENT''; and

(ii) by inserting before the period at the end the following: '', and the member may not receive any unpaid amounts of the bonus, incentive pay, or similar benefit after the member fails to satisfy such service or eligibility requirement''; and

(B) by striking subsection (b) and inserting the following new subsection:

''(b) EXCEPTIONS.—

''(1) DISCRETION TO PROVIDE EXCEPTION TO TERMINATION AND REPAYMENT REQUIREMENTS.—Pursuant to the regulations prescribed to administer this section, the Secretary concerned may grant an exception to the repayment requirement and requirement to terminate the payment of unpaid amounts of a bonus, incentive pay, or similar benefit if the Secretary concerned determines that the imposition of the repayment and termination requirements with regard to a member of the uniformed services would be contrary to a personnel policy or management objective, would be against equity and good conscience, or would be contrary to the best interests of the United States.

''(2) MANDATORY PAYMENT OF UNPAID AMOUNTS UNDER CERTAIN CIRCUMSTANCES; NO REPAYMENT OF UNEARNED AMOUNTS.—(A) If a member of the uniformed services dies or is retired or separated with a combat-related disability, the Secretary concerned—

''(i) shall not require repayment by the member or the member's estate of the unearned portion of any bonus, incentive pay, or similar benefit previously paid to the member; and

''(ii) shall require the payment to the member or the member's estate of the remainder of any bonus, incentive pay, or similar benefit that was not yet paid to the member, but to which the member was entitled immediately before the death, retirement, or separation of the member, and would be paid if not for the death, retirement, or separation of the member.

''(B) Subparagraph (A) does not apply if the death or disability of the member is the result the member's misconduct.

''(C) 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.

''(D) 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.

''(E) In this paragraph, the term 'combat-related disability' has the meaning given that term in section 1413a(e) of title 10.''.

(2) CLERICAL AMENDMENTS.—

(A) SECTION HEADING.—The heading of such section is amended to read as follows:

''§ 373. Repayment of unearned portion of bonus, incentive pay, or similar benefit, and termination of remaining payments, when conditions of payment not met''.

(B) TABLE OF CONTENTS.—The table of sections at the beginning of chapter 5 of title 37, United States Code, is amended by striking the item relating to section 373 and inserting the following new item:

''373. Repayment of unearned portion of bonus, incentive pay, or similar benefit, and termination of remaining payments, when conditions of payment not met.''.

TITLE VII—HEALTH CARE AND WOUNDED WARRIORS 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. Chiropractic health care for members on active duty.
Sec. 704. Calculation of monthly premiums for coverage under TRICARE Reserve Select after 2008.
Sec. 705. Program for health care delivery at military installations projected to grow.
Sec. 706. Guidelines for combined medical facilities of the Department of Defense and the Department of Veterans Affairs.

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. Preventive health allowance.
Sec. 715. Additional authority for studies and demonstration projects relating to delivery of health and medical care.

Subtitle C—Wounded Warrior Matters

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 relating to military eye injuries.
Sec. 723. Center of Excellence in the Mitigation, Treatment, and Rehabilitation of Traumatic Extremity Injuries and Amputations.
Sec. 724. Additional responsibilities for the wounded warrior resource center.
Sec. 725. Sense of Congress on research on traumatic brain injury.
Sec. 726. Extension of Senior Oversight Committee with respect to wounded warrior matters.
Sec. 727. Modification of utilization of veterans' presumption of sound condition in establishing eligibility of members of the Armed Forces for retirement for disability.

Subtitle D—Other Matters

Sec. 731. Report on providing the Extended Care Health Option Program to dependents of military retirees.
Sec. 732. Increase in cap on extended benefits under extended health care option (ECHO).
Sec. 733. Department of Defense task force on the prevention of suicide by members of the Armed Forces.
Sec. 734. Transitional health care for certain members of the Armed Forces who agree to serve in the Selected Reserve of the Ready Reserve.
Sec. 735. Enhancement of medical and dental readiness of members of the Armed Forces.

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 cost sharing requirements established under paragraph (6) of section 1074g(a) of title 10, United States Code, for pharmaceutical agents available through retail pharmacies covered by paragraph (2)(E)(ii) of such section may not exceed amounts as follows:

(1) In the case of generic agents, $3.

(2) In the case of formulary agents, $9.

(3) In the case of nonformulary agents, $22.

SEC. 703. CHIROPRACTIC HEALTH CARE FOR MEMBERS ON ACTIVE DUTY.

Not later than September 30, 2009, the Secretary of Defense shall provide chiropractic services to active duty military personnel at 11 additional military treatment facilities that do not currently provide chiropractic services.

SEC. 704. CALCULATION OF MONTHLY PREMIUMS FOR COVERAGE UNDER TRICARE RESERVE SELECT AFTER 2008.

(a) CALCULATION OF MONTHLY PREMIUMS FOR YEARS AFTER 2009.—Section 1076d(d)(3) of title 10, United States Code, is amended—

(1) by inserting ''(A)'' after ''(3)'';

(2) in subparagraph (A), as so designated—

(A) by striking ''that the Secretary determines'' and inserting ''determined''; and

(B) by striking the second sentence; and

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

''(B) The appropriate actuarial basis for purposes of subparagraph (A) shall be determined, for each calendar year after calendar year 2009, by utilizing the actual cost of providing benefits under this section to members and their dependents during the calendar years preceding such calendar year.''.

(b) CALCULATION OF MONTHLY PREMIUMS FOR 2009.—For purposes of section 1076d(d)(3) of title 10, United States Code, the appropriate actuarial basis for purposes of subparagraph (A) of that section shall be determined for calendar year 2009 by utilizing the reported cost of providing benefits under that section to members and their dependents during calendar years 2006 and 2007, except that the monthly amount of the premium determined pursuant to this subsection may not exceed the amount in effect for the month of March 2007.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as of October 1, 2008.

SEC. 705. PROGRAM FOR HEALTH CARE DELIVERY AT MILITARY INSTALLATIONS PROJECTED TO GROW.

(a) PROGRAM.—The Secretary of Defense is authorized to 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 non-military health care systems.

(b) REQUIREMENTS OF PLAN.—In developing the plan, the Secretary of Defense shall—

(1) identify and analyze health care delivery options 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 authorities 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 and their families.

(c) COORDINATION WITH OTHER ENTITIES.—The plan shall include requirements for coordination with Federal, State, and local entities, TRICARE managed care support contractors, and other contracted assets around

installations selected for participation in the program.

(d) CONSULTATION REQUIREMENTS.—The Secretary of Defense shall develop the plan in consultation with the Secretaries of the military departments.

(e) SELECTION OF MILITARY INSTALLATIONS.—Each selected military installation shall meet the following criteria:

(1) The military installation has members of the Armed Forces on active duty and members of reserve components of the Armed Forces that use the installation as a training and operational base, with members routinely deploying in support of the global war on terrorism.

(2) The military population of an installation will significantly increase by 2013 due to actions related to either Grow the Force initiatives or recommendations of the Defense Base Realignment and Closure Commission.

(3) There is a military treatment facility on the installation that has—

(A) no inpatient or trauma center care capabilities; and

(B) no current or planned capacity that would satisfy the proposed increase in military personnel at the installation.

(4) There is a civilian community hospital near the military installation, and the military treatment facility has—

(A) no inpatient services or limited capability to expand inpatient care beds, intensive care, and specialty services; and

(B) limited or no capability to provide trauma care.

(f) REPORTS.—Not later than one year after the date of the enactment of this Act, and every year thereafter, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives an annual report on any plan developed under subsection (a).

SEC. 706. GUIDELINES FOR COMBINED MEDICAL FACILITIES OF THE DEPARTMENT OF DEFENSE AND THE DEPARTMENT OF VETERANS AFFAIRS.

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 execute a signed agreement that specifies, at a minimum, a binding operational agreement on the following areas:

(1) Governance.
(2) Patient priority categories.
(3) Budgeting.
(4) Staffing and training.
(5) Construction.
(6) Physical plant management.
(7) Contingency planning.
(8) Quality assurance.
(9) Information technology.

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) and under regulations prescribed by the Secretary of Defense, the Secretary shall—

(1) waive all copayments under sections 1079(b) and 1086(b) of title 10, United States Code, for preventive services for all beneficiaries who would otherwise pay copayments; and

(2) ensure that a beneficiary pays nothing for preventive services during a year even if the beneficiary has not paid the amount necessary to cover the beneficiary's deductible for the year.

(b) EXCLUSION FOR MEDICARE-ELIGIBLE BENEFICIARIES.—Subsection (a) shall not apply to a medicare-eligible beneficiary.

(c) REFUND OF COPAYMENTS.—

(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 availability of appropriations specifically for such refunds, consisting of an amount up to the difference 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) COPAYMENTS COVERED.—The refunds under paragraph (1) are available only for copayments paid by medicare-eligible beneficiaries during fiscal year 2009.

(d) DEFINITIONS.—In this section:

(1) PREVENTIVE SERVICES.—The term ''preventive services'' includes, taking into consideration 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.
(G) Other services as determined by the Secretary of Defense.

(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 RISK MANAGEMENT DEMONSTRATION PROJECT.

(a) DEMONSTRATION PROJECT REQUIRED.—The Secretary of Defense shall conduct a demonstration project designed to evaluate the efficacy of providing incentives to encourage healthy behaviors 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 incorporate nationally recognized standards for health and healthy behaviors and shall be offered 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, including at least—

(i) blood pressure;
(ii) glucose level;
(iii) lipids;
(iv) nicotine use; and
(v) weight.

(2) POPULATION ENROLLED.—Non-medicare eligible retired beneficiaries of the military health system and their dependents who are enrolled in TRICARE Prime and who reside in the demonstration project service area shall be offered the opportunity to enroll in the demonstration project.

(3) GEOGRAPHIC COVERAGE OF DEMONSTRATION PROJECT.—The demonstration project shall be conducted in at least three geographic areas within the United States where TRICARE Prime is offered, as determined by the Secretary. The area covered by the project shall be referred to as the demonstration project service area.

(4) PROGRAMS.—The Secretary shall develop programs to assist enrollees to improve healthy behaviors, as identified by the wellness assessment.

(5) INCLUSION OF INCENTIVES REQUIRED.—For the purpose of conducting the demonstration project, the Secretary may offer monetary and non-monetary incentives to enrollees to encourage participation in the demonstration project.

(c) EVALUATION OF DEMONSTRATION PROJECT.—The Secretary shall annually evaluate the demonstration project for the following:

(1) The extent to which the health risk assessment and the physiological and biometric measures of beneficiaries are improved from the baseline (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) IMPLEMENTATION 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 the 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) IN GENERAL.—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 the 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 to 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) Recommendations for extending the demonstration project or implementing a permanent wellness assessment program.

(H) 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 the TRICARE program, to be made available to all beneficiaries under the TRICARE program, subject to subsection (b). The Secretary may prescribe such regulations as may be necessary to implement the program.

(b) EXCLUSION FOR MEDICARE-ELIGIBLE BENEFICIARIES.—The smoking cessation program shall not be made available to medicare-eligible beneficiaries.

(c) ELEMENTS.—The program shall include, at a minimum, the following elements:

(1) The availability, at no cost to the beneficiary, of pharmaceuticals used for smoking

cessation, with a limitation on the availability of such pharmaceuticals to the national mail-order pharmacy program under the TRICARE program if appropriate.

(2) Counseling.

(3) Access to a toll-free quit line that is available 24 hours a day, 7 days a week.

(4) Access to printed and Internet web-based tobacco cessation material.

(d) CHAIN OF COMMAND INVOLVEMENT.—In establishing the program, the Secretary of Defense shall provide for involvement by officers in the chain of command of participants in the program who are on active duty.

(e) 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.

(f) REFUND OF COPAYMENTS.—

(1) AUTHORITY.—Under regulations prescribed 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 appropriations specifically for such refunds, consisting of an amount up to the difference between—

(A) the amount the beneficiary pays for copayments for smoking cessation services described in subsection (c) during fiscal year 2009; and

(B) the amount the beneficiary would have paid during such fiscal year if the beneficiary had not been excluded under subsection (b) from the smoking cessation program under subsection (a).

(2) COPAYMENTS COVERED.—The refunds under paragraph (1) are available only for copayments paid by medicare-eligible beneficiaries during fiscal year 2009.

(g) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report covering the following:

(1) The status of the program.

(2) The number of participants in the program.

(3) The cost of the program.

(4) The costs avoided that are attributed to the program.

(5) The success rates of the program compared to other nationally recognized smoking cessation programs.

(6) Findings regarding the success rate of participants in the program.

(7) Recommendations to modify the policies and procedures of the program.

(8) Recommendations concerning the future utility of the program.

(h) DEFINITIONS.—In this section:

(1) TRICARE PROGRAM.—The term ''TRICARE program'' has the meaning provided by section 1072(7) of title 10, United States Code.

(2) MEDICARE-ELIGIBLE.—The term ''medicare-eligible'' has the meaning provided by section 1111(b) of title 10, United States Code.

SEC. 714. PREVENTIVE HEALTH ALLOWANCE.

(a) ALLOWANCE.—Chapter 7 of title 37, United States Code, is amended by adding at the end the following new section:

''§ 438. Preventive health services allowance

''(a) DEMONSTRATION PROJECT.—During the period beginning on January 1, 2009, and ending on December 31, 2011, the Secretary of Defense shall conduct a demonstration project designed to evaluate the efficacy of providing an annual allowance (to be known as a 'preventive health services allowance') to members of the armed forces described in subsection (b) to increase the use of preventive health services by such members and their dependents.

''(b) ELIGIBLE MEMBERS.—(1) Subject to the numerical limitations specified in paragraph (2), a member of the armed forces who is serving on active duty for a period of more than 30 days and meets the medical and dental readiness requirements for the armed force of the member may receive a preventive health services allowance.

''(2) Not more than 1,500 members of each of the Army, Navy, Air Force, and Marine Corps may receive a preventive health services allowance during any year, of which half in each armed force shall be members without dependents and half shall be members with dependents.

''(c) AMOUNT OF ALLOWANCE.—The Secretary of the military department concerned shall pay a preventive health services allowance to a member selected to receive the allowance in an amount equal to—

''(1) $500 per year, in the case of a member without dependents; and

''(2) $1,000 per year, in the case of a member with dependents.

''(d) AUTHORIZED PREVENTIVE HEALTH SERVICES.—(1) The Secretary of Defense shall specify the types of preventive health services that may be procured using a preventive health services allowance and the frequency at which such services may be procured.

''(2) At a minimum, authorized preventive health services shall include, taking into consideration the age and gender of the member and dependents of the member:

''(A) Colorectal screening.

''(B) Breast screening.

''(C) Cervical screening.

''(D) Prostate screening.

''(E) Annual physical exam.

''(F) Annual dental exam.

''(G) Weight and body mass screening.

''(H) Vaccinations.

''(3) 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.

''(e) 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 of 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 status of participants, recommendations to modify the policies and procedures of the program, and recommendations concerning the future utility of the project.

''(g) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''438. Preventive health care allowance.''.

SEC. 715. ADDITIONAL AUTHORITY FOR STUDIES AND DEMONSTRATION PROJECTS RELATING TO DELIVERY OF HEALTH AND MEDICAL CARE.

Section 1092(a) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

''(3) The Secretary of Defense may include in the studies and demonstration projects conducted under paragraph (1) studies and demonstration projects to provide awards and incentives to members of the armed forces and covered beneficiaries who obtain health promotion and disease prevention health care services under the TRICARE program in accordance with terms and schedules prescribed by the Secretary. Such awards and incentives may include cash awards and, in the case of members of the armed forces, personnel incentives.

''(4)(A) The Secretary of Defense may, in consultation with the other administering Secretaries, include in the studies and demonstration projects conducted under paragraph (1) studies and demonstration projects to provide awards or incentives to individual health care professionals under the authority of such Secretaries, including members of the uniformed services, Federal civilian employees, and contractor personnel, to encourage and reward effective implementation of innovative health care programs designed to improve quality, cost-effectiveness, health promotion, medical readiness, and other priority objectives. Such awards and incentives may include cash awards and, in the case of members of the armed forces and Federal civilian employees, personnel incentives.

''(B) Amounts available for the pay of members of the uniformed services shall be available for awards and incentives under this paragraph with respect to members of the uniformed services.

''(5) The Secretary of Defense may include in the studies and demonstration projects conducted under paragraph (1) studies and demonstration projects to improve the medical and dental readiness of members of reserve components of the armed forces, including the provision of health care services to such members for which they are not otherwise entitled or eligible under this chapter.

''(6) The Secretary of Defense may include in the studies and demonstration projects conducted under paragraph (1) studies and demonstration projects to improve the continuity of health care services for family members of mobilized members of the reserve components of the armed forces who are eligible for such services under this chapter, including payment of a stipend for continuation of employer-provided health coverage during extended periods of active duty.''.

Subtitle C—Wounded Warrior Matters

SEC. 721. 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 incurred 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 pertaining to additional treatments or surgical procedures and eventual hearing outcomes for veterans who were entered into the registry and subsequently received treatment through the Veterans Health Administration.

(2) DESIGNATION OF REGISTRY.—The registry under this subsection shall be known as the ''Hearing Loss and Auditory System Injury Registry'' (hereinafter referred to as the ''Registry'').

(3) CONSULTATION IN DEVELOPMENT.—The center shall develop the Registry in consultation with audiologists, speech and language pathologists, otolaryngologists, and other specialist personnel of the Department of Defense and the audiologists, speech and language pathologists, otolaryngologists, and other specialist personnel of the Department of Veterans Affairs. The mechanisms and procedures of the Registry shall reflect applicable expert research on military and other hearing loss.

(4) MECHANISMS.—The mechanisms of the Registry for tracking under paragraph (1)(A) shall ensure that each military medical treatment facility or other medical facility shall submit to the center for inclusion in the Registry information on the diagnosis, surgical intervention or other operative procedure, other treatment, and follow up for each case of hearing loss and auditory system injury described in that paragraph as follows (to the extent applicable):

(A) Not later than 30 days after surgery or other operative intervention, including a surgery or other operative intervention carried out as a result of a follow-up examination.

(B) Not later than 180 days after the hearing loss and auditory system injury is reported or recorded in the medical record.

(5) COORDINATION OF CARE AND BENEFITS.—(A) The center shall provide notice to the National Center for Rehabilitative Auditory Research (NCRAR) of the Department of Veterans Affairs and to the auditory system impairment services of the Veterans Health Administration on each member of the Armed Forces described in subparagraph (B) for purposes of ensuring the coordination of the provision of ongoing auditory system rehabilitation benefits and services by the Department of Veterans Affairs after the separation or release of such member from the Armed Forces.

(B) A member of the Armed Forces described in this subparagraph is a member of the Armed Forces with significant hearing loss or auditory system injury incurred while serving on active duty, including a member with auditory dysfunction related to traumatic brain injury.

(d) UTILIZATION OF REGISTRY INFORMATION.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly ensure that information in the Registry is available to appropriate audiologists, speech and language pathologists, otolaryngologists, and other specialist personnel of the Department of Defense and the Department of Veterans Affairs for purposes of encouraging and facilitating the conduct of research, and the development of best practices and clinical education, on hearing loss or auditory system injury incurred by members of the Armed Forces.

(e) INCLUSION OF RECORDS OF OIF/OEF VETERANS.—The Secretary of Defense shall take appropriate actions to include in the Registry such records of members of the Armed Forces who incurred a hearing loss or auditory system injury while serving on active duty on or after September 11, 2001, but before the establishment of the Registry, as the Secretary considers appropriate for purposes of the Registry.

SEC. 722. CLARIFICATION TO CENTER OF EXCELLENCE RELATING TO MILITARY EYE INJURIES.

Section 1623(d) of Public Law 110–181 is amended by striking ''in combat'' at the end.

SEC. 723. CENTER OF EXCELLENCE IN THE MITIGATION, TREATMENT, AND REHABILITATION OF TRAUMATIC EXTREMITY INJURIES AND AMPUTATIONS.

(a) IN GENERAL.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly establish a center of excellence in the mitigation, treatment, and rehabilitation of traumatic extremity injuries and amputations.

(b) PARTNERSHIPS.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly ensure that the center collaborates with the Department of Defense, the Department of Veterans Affairs, institutions of higher education, and other appropriate public and private entities (including international entities) to carry out the responsibilities specified in subsection (c).

(c) RESPONSIBILITIES.—The center shall have the responsibilities as follows:

(1) To implement a comprehensive plan and strategy for the Department of Defense and the Department of Veterans Affairs for the mitigation, treatment, and rehabilitation of traumatic extremity injuries and amputations.

(2) To conduct research to develop scientific information aimed at saving injured extremities, avoiding amputations, and preserving and restoring the function of injured extremities. Such research shall address military medical needs and include the full range of scientific inquiry encompassing basic, translational, and clinical research.

(3) To carry out such other activities to improve and enhance the efforts of the Department of Defense and the Department of Veterans Affairs for the mitigation, treatment, and rehabilitation of traumatic extremity injuries and amputations as the Secretary of Defense and the Secretary of Veterans Affairs consider appropriate.

(d) REPORTS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and annually thereafter, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress a report on the activities of the center.

(2) ELEMENTS.—Each report under this subsection shall include the following:

(A) In the case of the first report under this subsection, a description of the implementation of the requirements of this Act.

(B) A description and assessment of the activities of the center during the one-year period ending on the date of such report, including an assessment of the role of such activities in improving and enhancing the efforts of the Department of Defense and the Department of Veterans Affairs for the mitigation, treatment, and rehabilitation of traumatic extremity injuries and amputations.

SEC. 724. ADDITIONAL RESPONSIBILITIES FOR THE WOUNDED WARRIOR RESOURCE CENTER.

Section 1616(a) of the Wounded Warrior Act (title XVI of Public Law 110–181; 122 Stat. 447; 10 U.S.C. 1071 note) is amended in the first sentence by inserting ''receiving legal assistance referral information (where appropriate), receiving other appropriate referral information,'' after ''receiving benefits information,''.

SEC. 725. SENSE OF CONGRESS ON RESEARCH ON TRAUMATIC BRAIN INJURY.

It is the sense of Congress that the requirement under section 1621(c)(7) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 453; 10 U.S.C. 1071 note) to conduct basic science and translational research on traumatic brain injury includes pilot programs designed to test the efficacy of clinical approaches, including the use of pharmacological agents. Congress urges continued studies of the efficacy of pharmacological agents for treatment of traumatic brain injury and supports continued joint research with the National Institutes of Health in this area.

SEC. 726. EXTENSION OF SENIOR OVERSIGHT COMMITTEE WITH RESPECT TO WOUNDED WARRIOR MATTERS.

(a) IN GENERAL.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly take such actions as are appropriate, including the allocation of appropriate personnel, funding, and other resources, to continue the operations of the Senior Oversight Committee until December 31, 2009.

(b) REPORT ON FURTHER EXTENSION OF COMMITTEE.—Not later than August 31, 2009, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress a report setting forth the joint recommendation of the Secretaries as to the advisability of continuing the operations of the Senior Oversight Committee after December 31, 2009. If the Secretaries recommend that continuing the operations of the Senior Oversight Committee after December 31, 2009, is advisable, the report may include such recommendations for the modification of the responsibilities, composition, or support of the Senior Oversight Committee as the Secretaries jointly consider appropriate.

(c) SENIOR OVERSIGHT COMMITTEE DEFINED.—In this section, the term ''Senior Oversight Committee'' means the Senior Oversight Committee jointly established by the Secretary of Defense and the Secretary of Veterans Affairs in May 2007. The Senior Oversight Committee was established to address concerns related to the treatment of wounded, ill, and injured members of the Armed Forces and veterans and serves as the single point of contact for oversight, strategy, and integration of proposed strategies for the efforts of the Department of Defense and the Department of Veterans Affairs to improve support throughout the recovery, rehabilitation, and reintegration of wounded, ill, or injured members of the Armed Forces.

SEC. 727. MODIFICATION OF UTILIZATION OF VETERANS' PRESUMPTION OF SOUND CONDITION IN ESTABLISHING ELIGIBILITY OF MEMBERS OF THE ARMED FORCES FOR RETIREMENT FOR DISABILITY.

(a) RETIREMENT OF REGULARS AND MEMBERS ON ACTIVE DUTY FOR MORE THAN 30 DAYS.—Section 1201(b)(3)(B)(i) of title 10, United States Code, is amended—

(1) by striking ''the member has six months or more of active military service and''; and

(2) by striking ''(unless compelling evidence'' and all that follows through ''active duty)'' and inserting ''(unless clear and unmistakable evidence demonstrates that the disability existed before the member's entrance on active duty and was not aggravated by active military service)''.

(b) SEPARATION OF REGULARS AND MEMBERS ON ACTIVE DUTY FOR MORE THAN 30 DAYS.—Section 1203(b)(4)(B) of such title is amended—

(1) by striking ''the member has six months or more of active military service, and''; and

(2) by striking ''(unless compelling evidence'' and all that follows through ''active duty)'' and inserting ''(unless clear and unmistakable evidence demonstrates that the disability existed before the member's entrance on active duty and was not aggravated by active military service)''.

Subtitle D—Other Matters

SEC. 731. REPORT ON PROVIDING THE EXTENDED CARE HEALTH OPTION PROGRAM TO 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 on including dependents of military retirees in the ECHO program for a limited transitional period following retirement.

(b) CONTENTS OF REPORT.—The report required under subsection (a) shall include the following:

(1) The most current data on the number of military retirees with dependents who are eligible to receive extended benefits under the ECHO program and an estimate of the number of future military retirees with dependents who are eligible to receive such benefits.

(2) The cost estimates of providing extended benefits under the ECHO program to dependents of all current and future military retirees.

(3) The feasibility of including dependents of military retirees in any ongoing demonstration or pilot programs within the ECHO program.

(4) The statutory and regulatory impediments to including dependents of military retirees in the ECHO program.

(c) ECHO PROGRAM.—In this section, the term ''ECHO program'' means the Extended Care Health Option program provided pursuant to subsections (d), (e), and (f) of section 1079 of title 10, United States Code.

SEC. 732. INCREASE IN CAP ON EXTENDED BENEFITS UNDER EXTENDED HEALTH CARE OPTION (ECHO).

Section 1079(f) of title 10, United States Code is amended—

(1) in paragraph (2)(A), by striking ''month shall not exceed $2,500,'' and inserting ''year shall not exceed $36,000, prorated as determined by the Secretary of Defense,''; and

(2) in paragraph (2)(B), by striking ''month'' and inserting ''year.''.

SEC. 733. DEPARTMENT OF DEFENSE TASK FORCE ON THE PREVENTION OF SUICIDE BY MEMBERS OF THE ARMED FORCES.

(a) REQUIREMENT TO ESTABLISH.—The Secretary of Defense shall establish within the Department of Defense a task force to examine matters relating to prevention of suicide by members of the Armed Forces.

(b) COMPOSITION.—

(1) MEMBERS.—The task force shall consist of not more than 14 members appointed by the Secretary of Defense from among individuals described in paragraph (2) who have demonstrated expertise in the area of suicide prevention and response.

(2) RANGE OF MEMBERS.—The individuals appointed to the task force shall include—

(A) at least one member of each of the Army, Navy, Air Force, and Marine Corps;

(B) a number of persons from outside the Department of Defense equal to the total number of personnel from within the Department of Defense (whether members of the Armed Forces or civilian personnel) who are appointed to the task force;

(C) persons who have experience in—

(i) national suicide prevention policy;

(ii) military personnel policy;

(iii) research in the field of suicide prevention;

(iv) clinical care in mental health; or

(v) military chaplaincy or pastoral care; and

(D) at least one family member of a member of the Armed Forces who has experience working with military families.

(3) INDIVIDUALS APPOINTED OUTSIDE DEPARTMENT OF DEFENSE.—Individuals appointed to the task force from outside the Department of Defense may include officers or employees of other departments or agencies of the Federal Government, officers or employees of State and local governments, or individuals from the private sector.

(4) DEADLINE FOR APPOINTMENT.—All appointments of individuals to the task force shall be made not later than 180 days after the date of the enactment of this Act.

(5) CO-CHAIRS OF TASK FORCE.—There shall be two co-chairs of the task force. One of the co-chairs shall be designated by the Secretary of the Defense at the time of appointment from among the Department of Defense personnel appointed to the task force. The other co-chair shall be selected from among the members appointed from outside the Department of Defense by members so appointed.

(c) ASSESSMENT AND RECOMMENDATIONS ON SUICIDE PREVENTION POLICY.—

(1) IN GENERAL.—Not later than 12 months after the date on which all members of the task force have been appointed, the task force shall submit to the Secretary a report containing recommendations regarding a comprehensive policy designed to prevent suicide by members of the Armed Forces.

(2) UTILIZATION OF OTHER EFFORTS.—In preparing the report, the task force shall take into consideration completed and ongoing efforts by the military departments to improve the efficacy of suicide prevention programs.

(3) ELEMENTS.—The recommendations (including recommendations for legislative or administrative action) shall include measures to address the following:

(A) Methods to identify trends and common causal factors in suicides by members of the Armed Forces.

(B) Methods to establish or update suicide education and prevention programs conducted by each military department based on identified trends and causal factors.

(C) An assessment of current suicide education and prevention programs of each military department.

(D) An assessment of suicide incidence by military occupation to include identification of military occupations with a high incidence of suicide.

(E) The appropriate type and method of investigation to determine the causes and factors surrounding each suicide by a member of the Armed Forces.

(F) The qualifications of the individual appointed to conduct an investigation of a suicide by a member of the Armed Forces.

(G) The required information to be determined by an investigation in order to determine the causes and factors surrounding suicides by members of the Armed Forces.

(H) The appropriate reporting requirements following an investigation conducted on a suicide by a member of the Armed Forces.

(I) The appropriate official or executive agent within the military department and Department of Defense to receive and analyze reports on investigations of suicides by members of the Armed Forces.

(J) The appropriate use of the information gathered during investigations of suicides by members of the Armed Forces.

(K) Methods for protecting confidentiality of information contained in reports of investigations of suicides by members of the Armed Forces.

(d) ADMINISTRATIVE MATTERS.—

(1) COMPENSATION.—Each member of the task force who is a member of the Armed Forces or a civilian officer or employee of the United States shall serve without compensation (other than compensation to which entitled as a member of the Armed Forces or an officer or employee of the United States, as the case may be). Other members of the task force shall be treated for purposes of section 3161 of title 5, United States Code, as having been appointed under subsection (b) of such section.

(2) OVERSIGHT.—The Under Secretary of Defense for Personnel and Readiness shall oversee the activities of the task force.

(3) ADMINISTRATIVE SUPPORT.—The Washington Headquarters Services of the Department of Defense shall provide the task force with personnel, facilities, and other administrative support as necessary for the performance of the duties of the task force.

(4) ACCESS TO FACILITIES.—The Under Secretary of Defense for Personnel and Readiness shall, in coordination with the Secretaries of the military departments, ensure appropriate access by the task force to military installations and facilities for purposes of the discharge of the duties of the task force.

(e) REPORT.—

(1) IN GENERAL.—The task force shall submit to the Secretary of Defense a report on its activities under this section. The report shall include—

(A) a description of the activities of the task force;

(B) the assessment and recommendations required by subsection (c); and

(C) such other matters relating to the activities of the task force that the task force considers appropriate.

(2) TRANSMITTAL TO CONGRESS.—Not later than 90 days after receipt of the report under paragraph (1), the Secretary shall transmit the report to the Committees on Armed Services of the Senate and the House of Representatives. The Secretary may include in the transmittal such comments on the report as the Secretary considers appropriate.

(f) PLAN REQUIRED.—Not later than March 1, 2010, the Secretary of Defense shall develop a plan based on the recommendations of the task force and submit the plan to the congressional defense committees.

(g) TERMINATION.—The task force shall terminate 90 days after the date on which the report of the task force is submitted to Congress under subsection (e)(2).

SEC. 734. TRANSITIONAL HEALTH CARE FOR CERTAIN MEMBERS OF THE ARMED FORCES WHO AGREE TO SERVE IN THE SELECTED RESERVE OF THE READY RESERVE.

(a) PROVISION OF TRANSITIONAL HEALTH CARE.—Section 1145(a)(2) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

''(F) A member who is separated from active duty who agrees to become a member of the Selected Reserve of the Ready Reserve of a reserve component.''.

(b) EFFECTIVE DATE.—Subparagraph (F) of section 1145(a)(2) of title 10, United States Code, as added by subsection (a), shall apply with respect to members of the Armed Forces separated from active duty after the date of the enactment of this Act.

SEC. 735. ENHANCEMENT OF MEDICAL AND DENTAL READINESS OF MEMBERS OF THE ARMED FORCES.

(a) EXPANSION OF AVAILABILITY OF MEDICAL AND DENTAL SERVICES FOR RESERVES.—

(1) EXPANSION OF AVAILABILITY FOR RESERVES ASSIGNED TO UNITS SCHEDULED FOR DEPLOYMENT WITHIN 75 DAYS OF MOBILIZATION.—Subsection (d)(1) of section 1074a of title 10, United States Code, is amended by striking ''The Secretary of the Army shall provide to members of the Selected Reserve of the Army'' and inserting ''The Secretary concerned shall provide to members of the Selected Reserve''.

(2) AVAILABILITY FOR CERTAIN OTHER RESERVES.—Such section is further amended by adding at the end the following new subsection:

''(g)(1) The Secretary concerned may provide to any member of the Selected Reserve not described in subsection (d)(1) or (f), and to any member of the Individual Ready Reserve described in section 10144(b) of this title the medical and dental services specified in subsection (d)(1) if the Secretary determines that the receipt of such services by such member is necessary to ensure that the member meets applicable standards of medical and dental readiness.

''(2) Services may not be provided to a member under this subsection for a condition that is the result of the member's own misconduct.

''(3) The services provided under this subsection shall be provided at no cost to the member.''.

(3) FUNDING.—Such section is further amended by adding at the end the following new subsection:

''(h) Amounts available for operation and maintenance of a reserve component of the armed forces may be available for purposes of this section to ensure the medical and dental readiness of members of such reserve component.''.

(b) WAIVER OF CERTAIN COPAYMENTS FOR DENTAL CARE FOR RESERVES FOR READINESS PURPOSES.—Section 1076a(e) of such title is amended—

(1) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(2) by striking ''A member or dependent'' and inserting ''(1) Except as provided pursuant to paragraph (2), a member or dependent''; and

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

''(2)(A) During a national emergency declared by the President or Congress and subject to regulations prescribed by the Secretary of Defense, the Secretary may waive, in whole or in part, the charges otherwise payable by a member of the Selected Reserve of the Ready Reserve or a member of the Individual Ready Reserve under paragraph (1) for the coverage of the member alone under the dental insurance plan established under subsection (a)(1) if the Secretary determines that such waiver of the charges would facilitate or ensure the readiness of a unit or individual for deployment.

''(B) The waiver under subparagraph (A) may apply only with respect to charges for coverage of dental care required for readiness.''.

(c) REPORT ON POLICIES AND PROCEDURES IN SUPPORT OF MEDICAL AND DENTAL READINESS.—

(1) IN GENERAL.—Not later than March 1, 2009, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the policies and procedures of the Department of Defense to ensure the medical and dental readiness of members of the Armed Forces.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A description of the current standards of each military department with respect to the medical and dental readiness of individual members of the Armed Forces (including members of the regular components and members of the reserve components), and with respect to the medical and dental readiness of units of the Armed Forces (including units of the regular components and units of the reserve components), under the jurisdiction of such military department.

(B) A description of the manner in which each military department applies the standards described under subparagraph (A) with respect to each of the following:

(i) Performance evaluation.

(ii) Promotion.

(iii) In the case of the members of the reserve components, eligibility to attend annual training.

(iv) Continued retention in the Armed Forces.

(v) Such other matters as the Secretary considers appropriate.

(C) A statement of the number of members of the Armed Forces (including members of the regular components and members of the reserve components) who were determined to be not ready for deployment at any time during the period beginning on October 1, 2001, and ending on September 30, 2008, due to failure to meet applicable medical or dental standards, and an assessment of whether the unreadiness of such members for deployment could reasonably have been mitigated by actions of the members concerned to maintain individual medical or dental readiness.

(D) A description of any actual or perceived barriers to the achievement of full medical and dental readiness in the Armed Forces (including among the regular components and the reserve components), including barriers associated with the following:

(i) Quality or cost of, or access to, medical and dental care.

(ii) Availability of programs and incentives intended to prevent medical or dental problems.

(E) Such recommendations for legislative or administrative action as the Secretary considers appropriate to ensure the medical and dental readiness of individual members of the Armed Forces and units of the Armed Forces, including recommendations regarding the following:

(i) The advisability of requiring that fitness reports of members of the Armed Forces include—

(I) a statement of whether or not a member meets medical and dental readiness standards for deployment; and

(II) in cases in which a member does not meet such standard, a statement of actions being taken to ensure that the member meets such standards and the anticipated schedule for meeting such standards.

(ii) The advisability of establishing a mandatory promotion standard relating to individual medical and dental readiness and, in the case of a unit commander, unit medical and dental readiness.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Policy and Management

Sec. 801. Assessment of urgent operational needs fulfillment.
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Sec. 803. Commercial software reuse preference.
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Sec. 887. Report on the implementation of earned value management at the Department of Defense.

Subtitle A—Acquisition Policy and Management

SEC. 801. ASSESSMENT OF URGENT OPERATIONAL NEEDS FULFILLMENT.

(a) ASSESSMENT REQUIRED.—The Secretary of Defense shall commission a study and report by an independent commission or a federally funded research and development center to assess the effectiveness of the processes used by the Department of Defense for the generation of urgent operational need requirements, and the acquisition processes used to fulfill such requirements. Such assessment shall include the following:

(1) A description and evaluation of the effectiveness of the procedures used to generate, validate, and fulfill warfighting requirements through the urgent operational need and joint urgent operational need processes, including—

(A) the extent to which joint and urgent operational need statements are used to document required capability gaps or are used to request specific acquisition outcomes, such as specific systems or equipment;

(B) the effectiveness of the processes used by each of the military departments and the various elements of the Department of Defense to prioritize and fulfill joint and urgent operational needs, including the rapid acquisition processes of the military departments, as well as the joint improvised explosive device defeat organization and the joint rapid acquisition cell; and

(C) the timeliness and responsiveness of the processes used by the military departments and the various elements of the Department of Defense to review and validate urgent operational needs statements and joint urgent operational needs statements.

(2) An evaluation of the extent to which joint urgent operational need statements are used to avoid using service-specific urgent operational need and acquisition processes or to document non-urgent capability gaps.

(3) An evaluation of the extent to which joint acquisition entities maintain oversight, once a military department or defense agency has been designated as responsible for execution and fielding of a capability in response to a joint urgent operational need statement, including oversight of—

(A) the responsiveness of the military department or agency in execution;

(B) the field performance of the capability delivered in response to the joint urgent operational need statement; and

(C) the concurrent development of a long term acquisition and sustainment strategy.

(8) Recommendations regarding—

(A) best practices and process improvements to ensure that urgent operational needs statements and joint urgent operational needs statements are presented to appropriate authorities for review and validation not later than 60 days after the documents are submitted;

(B) common definitions and standards for urgent operational needs statements and joint urgent operational need statements;

(C) best practices and process improvements for the creation, evaluation, prioritization, and fulfillment of urgent operational need statements and joint urgent operational need statements; and

(D) the extent to which rapid acquisition processes should be consolidated or expanded.

(b) SUBMISSION TO CONGRESS.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees the report resulting from the study conducted pursuant to subsection (a).

SEC. 802. IMPLEMENTATION OF STATUTORY REQUIREMENTS REGARDING THE NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.

(a) GUIDANCE REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance regarding—

(1) the appropriate application of the authority in sections 2304(b) and 2304(c)(3)(A) of title 10, United States Code, in connection with major defense acquisition programs; and

(2) the appropriate timing and performance of the requirement in section 2440 of title 10, United States Code, to consider the national technology and industrial base in the development and implementation of acquisition plans for each major defense acquisition program.

(b) DEFINITIONS.—In this section;

(1) MAJOR DEFENSE ACQUISITION PROGRAM.—The term ''major defense acquisition program'' has the meaning provided in section 2430 of title 10, United States Code.

(2) NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.—The term ''national technology and industrial base'' has the meaning provided in section 2500(1) of title 10, United States Code.

SEC. 803. 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 (including concept refinement, concept decision, and technology development), opportunities for the use of commercial computer software and other non-developmental software.

(b) REPORT.—Not later than 270 days after the date of enactment of this Act, the Secretary shall submit to the congressional defense committees a report on actions taken to implement subsection (a), including a description of any relevant regulations and policy guidance.

SEC. 804. INTERNAL CONTROLS FOR PROCUREMENTS ON BEHALF OF THE DEPARTMENT OF DEFENSE BY CERTAIN NON-DEFENSE AGENCIES.

(a) INCLUSION OF ADDITIONAL NON-DEFENSE AGENCIES IN REVIEW.—The covered non-defense agencies specified in subsection (c) of this section shall be considered covered non-defense agencies as defined in subsection (i) of section 817 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2326) for purposes of such section.

(b) DEADLINES AND APPLICABILITY FOR ADDITIONAL NON-DEFENSE AGENCIES.—For each covered non-defense agency specified in subsection (c) of this section, section 817 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2326) shall apply to such agency as follows:

(1) The review and determination required by subsection (a)(1) of such section shall be completed by not later than March 15, 2009.

(2) The review and determination required by subsection (a)(2) of such section, if necessary, shall be completed by not later than June 15, 2010, and such review and determination shall be a review and determination of such agency's procurement of property and services on behalf of the Department of Defense in fiscal year 2009.

(3) The memorandum of understanding required by subsection (c)(1) of such section shall be entered into by not later than 60 days after the date of the enactment of this Act.

(4) The limitation specified in subsection (d)(1) of such section shall apply after March 15, 2009, and before June 16, 2010.

(5) The limitation specified in subsection (d)(2) of such section shall apply after June 15, 2010.

(6) The limitation required by subsection (d)(3) of such section shall commence, if necessary, on the date that is 60 days after the date of the enactment of this Act.

(c) DEFINITION OF COVERED NON-DEFENSE AGENCY.—In this section, the term ''covered non-defense agency'' means each of the following:

(1) The Department of Commerce.

(2) The Department of Energy.

(d) MODIFICATION OF CERTAIN ADDITIONAL AUTHORITIES ON INTERNAL CONTROLS FOR PROCUREMENTS ON BEHALF OF DOD.—Section 801 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 202; 10 U.S.C. 2304 note) is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (B), by striking ''each of the Department of the Treasury, the Department of the Interior, and the National Aeronautics and Space Administration'' and inserting ''the Department of the Interior''; and

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

''(D) In the case of each of the Department of Commerce and the Department of Energy, by not later than March 15, 2015.''; and

(2) in subsection (f)(2)—

(A) by striking subparagraphs (B) and (D);

(B) by redesignating subparagraphs (C), (E), and (F) as subparagraphs (B), (C), and (D), respectively; and

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

''(E) The Department of Commerce.

''(F) The Department of Energy.''.

Subtitle B—Provisions Relating to Major Defense Acquisition Programs

SEC. 811. INCLUSION OF MAJOR SUBPROGRAMS TO MAJOR DEFENSE ACQUISITION PROGRAMS UNDER ACQUISITION REPORTING REQUIREMENTS.

(a) AUTHORITY TO DESIGNATE MAJOR SUBPROGRAMS AS SUBJECT TO ACQUISITION REPORTING REQUIREMENTS.—

(1) IN GENERAL.—Chapter 144 of title 10, United States Code, is amended by inserting after section 2430 the following new section:

"§ 2430a. Major subprograms

''(a) AUTHORITY TO DESIGNATE MAJOR SUBPROGRAMS AS SUBJECT TO ACQUISITION REPORTING REQUIREMENTS.—(1) If the Secretary of Defense determines that a major defense acquisition program requires the delivery of two or more categories of end items which differ significantly from each other in form and function, the Secretary may designate each such category of end items as a major subprogram for the purposes of acquisition reporting under this chapter.

''(2) The Secretary shall notify the congressional defense committees in writing of any proposed designation pursuant to paragraph (1) not less than 30 days before the date such designation takes effect.

''(b) REPORTING REQUIREMENTS.—If the Secretary designates a major subprogram of a major defense acquisition program in accordance with subsection (a), Selected Acquisition Reports, unit cost reports, and program baselines under this chapter shall reflect cost, schedule, and performance information—

''(1) for the major defense acquisition program as a whole; and

''(2) for each major subprogram of the major defense acquisition program so designated.

''(c) REQUIREMENT TO COVER ENTIRE MAJOR DEFENSE ACQUISITION PROGRAM.—If a subprogram of a major defense acquisition program is designated as a major subprogram under subsection (a), all other elements of the major defense acquisition program shall be appropriately organized into one or more subprograms under the major defense acquisition program, each of which subprograms, as so organized, shall be treated as a major subprogram under subsection (a).

''(d) DEFINITIONS.—Notwithstanding paragraphs (1) and (2) of section 2432(a) of this title, in the case of a major defense acquisition program for which the Secretary has designated one or more major subprograms under this section for the purposes of this chapter—

''(1) the term 'program acquisition unit cost' applies at the level of the subprogram and means the total cost for the development and procurement of, and specific military construction for, the major defense acquisition program that is reasonably allocable to each such major subprogram, divided by the relevant number of fully-configured end items to be produced under such major subprogram;

''(2) the term 'procurement unit cost' applies at the level of the subprogram and means the total of all funds programmed to be available for obligation for procurement for each such major subprogram, divided by the number of fully-configured end items to be procured under such major subprogram;

''(3) the term 'major contract', with respect to a designated major subprogram, means each of the six largest prime, associate, or Government furnished equipment contracts under the subprogram that is in excess of $40,000,000 and that is not a firm-fixed price contract; and

''(4) the term 'life cycle cost', with respect to a designated major subprogram, means all costs of development, procurement, military construction, and operations and support, without regard to funding source or management control.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 144 of such title is amended by inserting after the item relating to section 2430 the following new item:

''2430a. Major subprograms.''.

(b) CONFORMING AMENDMENTS TO SECTION 2432.—Section 2432 of such title is amended—

(1) in subsection (b)(2)(A), by inserting ''for the program (or for each designated subprogram under the program)'' after ''procurement unit cost'';

(2) in subsection (c)—

(A) in paragraph (1)(B)—

(i) by inserting ''or designated major subprogram'' after ''for each major defense acquisition program''; and

(ii) by inserting ''or subprogram'' after ''the program'';

(B) in paragraph (1)(C)—

(i) by inserting ''or designated major subprogram'' after ''major defense acquisition program''; and

(ii) by inserting ''or subprogram'' after ''the program''; and

(C) in paragraph (3)(A), by inserting ''and each designated major subprogram'' after ''for each major defense acquisition program'';

(3) in subsection (e)—

(A) in paragraph (3), by inserting before the period the following: ''for the program (or for each designated major subprogram under the program)'';

(B) in paragraph (5), by inserting before the period the following: ''(or for each designated major subprogram under the program)'';

(C) in paragraph (7), by inserting ''or subprogram'' after ''of the program'' each place it appears; and

(D) in paragraph (8), by inserting ''and designated major subprograms under the program'' after ''the program'';

(4) in subsection (g)—

(A) by inserting ''or designated major subprogram'' after ''major defense acquisition program''; and

(B) by inserting ''or subprogram'' after ''the program'' each place it appears; and

(5) in subsection (h)(2)(C), by inserting ''and designated major subprograms under the program'' after ''the development program''.

(c) CONFORMING AMENDMENTS TO SECTION 2433.—Section 2433 of such title is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''The terms'' and inserting ''Except as provided in section 2430a(c) of this title, the terms'';

(B) in paragraph (2)—

(i) by inserting ''or designated major subprogram'' after ''major defense acquisition program''; and

(ii) by inserting ''or subprogram'' after ''the program'';

(C) in paragraph (4)—

(i) by inserting ''or designated major defense subprogram'' after ''major defense acquisition program'' each place it appears; and

(ii) by inserting ''or subprogram'' after ''for the program'' each place it appears; and

(D) in paragraph (5)—

(i) by inserting ''or designated major defense subprogram'' after ''major defense acquisition program'' each place it appears; and

(ii) by inserting ''or subprogram'' after ''for the program'' each place it appears;

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by inserting ''(or of each designated major subprogram under the program)'' after ''unit costs of the program'';

(B) in paragraph (1), by inserting before the period the following: ''for the program (or for each designated major subprogram under the program)'';

(C) in paragraph (2), by inserting before the period the following: ''for the program (or for each designated major subprogram under the program)''; and

(D) in paragraph (5), by inserting ''or subprogram'' after ''the program'' each place it appears (other than the last place it appears);

(3) in subsection (c)—

(A) by striking ''the program acquisition unit cost for the program or the procurement unit cost for the program'' and inserting ''the program acquisition unit cost for the program (or for a designated major subprogram under the program) or the procurement unit cost for the program (or for such a subprogram)''; and

(B) by striking ''for the program'' after ''significant cost growth threshold'';

(4) in subsection (d)—

(A) in paragraph (1)—

(i) by inserting ''or any designated major subprogram under the program'' after ''major defense acquisition program''; and

(ii) by inserting ''or subprogram'' after ''for the program'' each place it appears;

(B) in paragraph (2)—

(i) by inserting ''or any designated major subprogram under the program'' after ''major defense acquisition program''; and

(ii) by inserting ''or subprogram'' after ''for the program'' each place it appears; and

(C) in paragraph (3), by striking ''such program'' and inserting ''the program or subprogram concerned'';

(5) in subsection (e)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) by inserting ''or designated major subprogram'' after ''major defense acquisition program''; and

(II) by inserting ''or subprogram'' after ''for the program''; and

(ii) in subparagraph (B)—

(I) by inserting ''or designated major subprogram'' after ''major defense acquisition program''; and

(II) by inserting ''or subprogram'' after ''that program''; and

(B) in paragraph (2), in the matter preceding subparagraph (A)—

(i) by inserting ''or designated major subprogram'' after ''major defense acquisition program''; and

(ii) by inserting ''or subprogram'' after ''for the program''; and

(6) in subsection (g)—

(A) in paragraph (1)—

(i) in subparagraph (D)—

(I) by inserting ''(and for each designated major subprogram under the program)'' after ''for the program''; and

(II) by inserting ''or subprogram'' after ''in which the program'';

(ii) in subparagraph (E), by inserting ''for the program (and for each designated major subprogram under the program)'' after ''program acquisition cost'';

(iii) in subparagraph (F), by inserting before the period the following: ''for the program (or for any designated major subprogram under the program)'';

(iv) in subparagraph (G)—

(I) by inserting ''and each designated major subprogram under the program'' after of ''the program''; and

(II) by inserting ''or subprogram'' after ''for the program'' each place it appears;

(v) in subparagraph (H)—

(I) by inserting ''and each designated major subprogram under the program'' after ''the program'' the first place it appears; and

(II) by inserting ''or subprogram'' after ''the program'' the second place it appears;

(vi) in subparagraph (J), by inserting ''for the program (or for each designated major subprogram under the program)'' after ''program acquisition unit cost'';

(vii) in subparagraph (K), by inserting ''for the program (or for each designated major subprogram under the program)'' after ''procurement unit cost'' each place it appears;

(viii) in subparagraph (O), by inserting before the period the following: ''for the program (or for any designated major subprogram under the program)'';

(ix) in subparagraph (P)—

(I) by inserting ''or subprogram'' after ''the program'' the first place it appears; and

(II) by inserting ''and any designated major subprogram under the program'' after ''the program'' the second place it appears; and

(x) in subparagraph (Q), by inserting ''or any designated major subprogram under the program'' after ''the program''; and

(B) in paragraph (2)—

(i) by inserting ''or designated major subprogram'' after ''major defense acquisition program'';

(ii) by inserting ''or subprogram'' after ''the entire program''; and

(iii) by inserting ''or subprogram'' after ''a program''.

(d) CONFORMING AMENDMENTS TO SECTION 2435.—Section 2435 of such title is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting ''and for each designated major subprogram under the program'' after ''major defense acquisition program''; and

(B) in paragraph (2), by inserting ''or designated major subprogram'' after ''major defense acquisition program'';

(2) in subsection (b)—

(A) by inserting ''or any designated major subprogram under the program'' after ''major defense acquisition program''; and

(B) by inserting ''or subprogram'' after ''the program'';

(3) in subsection (c)—

(A) by inserting ''or any designated major subprogram under the program'' after ''major defense acquisition program''; and

(B) by inserting ''or subprogram'' after ''the program'' each place it appears;

(4) in subsection (d)—

(A) by inserting ''or any designated major subprogram under the program'' after ''major defense acquisition program'' each place it appears;

(B) in paragraph (1)—

(i) by inserting ''or subprogram'' after ''the program'' each place it appears; and

(ii) by inserting ''or subprogram'' after ''at program''; and

(C) in paragraph (2), by inserting ''or subprogram'' after ''for the program'' each place it appears; and

(5) in subsection (e)—

(A) by inserting ''(or in the case of a major defense acquisition program with one or more designated major subprograms, approved baseline descriptions for such subprograms)'' after ''baseline description'';

(B) by striking ''the baseline'' and inserting ''any such baseline description''; and

(C) by inserting ''or subprogram'' after ''of the program''.

SEC. 812. INCLUSION OF CERTAIN MAJOR INFORMATION TECHNOLOGY INVESTMENTS IN ACQUISITION OVERSIGHT AUTHORITIES FOR MAJOR AUTOMATED INFORMATION SYSTEM PROGRAMS.

(a) DEFINITIONS.—

(1) IN GENERAL.—Section 2445a of title 10, United States Code, is amended—

(A) in subsection (a), by striking ''IN GENERAL'' and inserting ''MAJOR AUTOMATED INFORMATION SYSTEM PROGRAM''; and

(B) by adding at the end the following new subsection:

''(d) OTHER MAJOR INFORMATION TECHNOLOGY INVESTMENT PROGRAM.—In this chapter, the term 'other major information technology investment program' means the following:

''(1) An investment that is designated by the Secretary of Defense, or a designee of the Secretary, as a 'pre-Major Automated Information System' or 'pre-MAIS' program.

''(2) Any other investment in automated information system products or services that is expected to exceed the thresholds established in subsection (a), as adjusted under subsection (b), but is not considered to be a major automated information system program because a formal acquisition decision has not yet been made with respect to such investment.''.

(2) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

''§ 2445a. Definitions''.

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 144A of such title is amended by striking the item relating to section 2445a and inserting the following new item:

''2445a. Definitions.''.

(b) COST, SCHEDULE, AND PERFORMANCE INFORMATION.—Section 2445b of such title is amended—

(1) in subsection (a), by inserting ''and each other major information technology investment program'' after ''each major automated information system program'';

(2) in subsection (b), by inserting ''REGARDING MAJOR AUTOMATED INFORMATION SYSTEM PROGRAMS'' after ''ELEMENTS''; and

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

''(d) ELEMENTS REGARDING OTHER MAJOR INFORMATION TECHNOLOGY INVESTMENT PROGRAMS.—With respect to each other major information technology investment program, the information required by subsection (a) may be provided in the format that is most appropriate to the current status of the program.''.

(c) QUARTERLY REPORTS.—Section 2445c of such title is amended—

(1) in subsection (a)—

(A) by inserting ''or other major information technology investment program'' after ''major automated information system program''; and

(B) by inserting ''or information technology investment'' after ''the major automated information system'';

(2) in subsection (b)—

(A) by inserting ''or other major information technology investment program'' after ''major automated information system program'' in the matter preceding paragraph (1); and

(B) by inserting ''or information technology investment'' after ''automated information system'' each place it appears in paragraphs (1) and (2);

(3) in subsection (d)—

(A) in paragraph (1) and in paragraph (2) in the matter preceding subparagraph (A), by inserting ''or other major information technology investment program'' after ''major automated information system program''; and

(B) in paragraph (2)—

(i) by striking subparagraph (A) and inserting the following:

''(A) the automated information system or information technology investment failed to achieve initial operational capability within five years after funds were first obligated for the program;'';

(ii) in subparagraph (B), by inserting before the semicolon the following: ''or section 2445b(d) of this title, as applicable'';

(iii) in subparagraph (C), by inserting before the semicolon the following: ''or section 2445b(d) of this title, as applicable''; and

(iv) in subparagraph (D)—

(I) by inserting ''or major information technology investment'' after ''major automated information system''; and

(II) by inserting before the period the following: ''or section 2445b(d) of this title, as applicable'';

(4) in subsection (e), by inserting ''or other major information technology investment program'' after ''major automated information system program''; and

(5) in subsection (f)—

(A) by inserting ''or other major information technology investment program'' after ''major automated information system program'' in the matter preceding paragraph (1);

(B) in paragraph (1), by inserting ''or information technology investment'' after ''automated information system'';

(C) in paragraph (2), by inserting ''or information technology investment'' after ''the system''; and

(D) in paragraph (3), by inserting ''or information technology investment, as applicable,'' after ''the program and system''.

SEC. 813. 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 so as 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) CONFORMING 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 2366b(a)(4),''.

(2) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008.—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''; and

(B) in section 816—

(i) in subsection (a)(2) 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''; and

(iii) in subsection (c)(2) by striking ''2366a'' each place such term appears (including in the paragraph heading) and inserting ''2366b''.

(3) JOHN WARNER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007.—The John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364) is amended in section 812 (120 Stat. 2317), in each of subsections (c)(2)(A) and (d)(2), by striking ''2366a'' and inserting ''2366b''.

(e) ADDITIONAL TECHNICAL AMENDMENTS.—

(1) Section 2366a of title 10, United States Code, as transferred and redesignated by this section, is amended—

(A) in paragraphs (1), (2), and (4) of subsection (a), by striking ''system'' each place it appears and inserting ''program'';

(B) in paragraph (3) of subsection (a)—

(i) by striking ''if the system'' and inserting ''if the program''; and

(ii) by striking ''such system'' and inserting ''such program'';

(C) in subsection (b)—

(i) by striking ''major system'' and inserting ''major defense acquisition program''; and

(ii) by striking ''the system'' each place it appears and inserting ''the program''; and

(D) in paragraph (1) of subsection (c)—

(i) by striking ''major system'' and inserting ''major defense acquisition program''; and

(ii) by striking ''2302(5)'' and inserting ''2430''.

(2) Section 943 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 288) is amended—

(A) in subsection (b), by striking ''major weapon system'' and inserting ''major defense acquisition program''; and

(B) in subsection (c)—

(i) by striking ''major systems'' and inserting ''major defense acquisition programs''; and

(ii) by adding at the end the following: ''In the case of the certification required by paragraph (2) of subsection (a) of such section, during the period prior to the completion of the first quadrennial roles and missions review required by section 118b of title 10, United States Code, the certification required by that paragraph shall be that the system is being executed by an entity with a relevant core competency as identified by the Secretary of Defense.''.

SEC. 814. CONFIGURATION STEERING BOARDS FOR COST CONTROL UNDER MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) CONFIGURATION STEERING BOARDS.—Each Secretary of a military department shall establish one or more boards (to be known as a ''Configuration Steering Board'') for the major defense acquisition programs of such department.

(b) COMPOSITION.—

(1) CHAIR.—Each Configuration Steering Board under this section shall be chaired by the service acquisition executive of the military department concerned.

(2) PARTICULAR MEMBERS.—Each Configuration Steering Board under this section shall include a representative of the following:

(A) The Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics.

(B) The Chief of Staff of the Armed Force concerned.

(C) Other Armed Forces, as appropriate.

(D) The Joint Staff.

(E) The Comptroller of the military department concerned.

(F) The military deputy to the service acquisition executive concerned.

(G) The program executive officer for the major defense acquisition program concerned.

(H) Other senior representatives of the Office of the Secretary of Defense and the military department concerned, as appropriate.

(c) RESPONSIBILITIES.—

(1) IN GENERAL.—The Configuration Steering Board for a major defense acquisition program under this section shall be responsible for the following:

(A) Preventing unnecessary changes to program requirements and system configuration that could have an adverse impact on program cost or schedule.

(B) Mitigating the adverse cost and schedule impact of any changes to program requirements or system configuration that may be required.

(C) Ensuring that the program delivers as much planned capability as possible, at or below the relevant program baseline.

(2) DISCHARGE OF RESPONSIBILITIES.—In discharging its responsibilities under this section with respect to a major defense acquisition program, a Configuration Steering Board shall—

(A) review and approve or disapprove any proposed changes to program requirements or system configuration that have the potential to adversely impact program cost or schedule; and

(B) review and recommend proposals to reduce program requirements that have the potential to improve program cost or schedule in a manner consistent with program objectives.

(3) PRESENTATION OF RECOMMENDATIONS ON REDUCTION IN REQUIREMENTS.—Any recommendation for a proposed reduction in requirements that is made by a Configuration Steering Board under paragraph (2)(B) shall be presented to appropriate organizations of the Joint Staff and the military departments responsible for such requirements for review and approval in accordance with applicable procedures.

(4) ANNUAL CONSIDERATION OF EACH MAJOR DEFENSE ACQUISITION PROGRAM.—The Secretary of the military department concerned shall ensure that a Configuration Steering Board under this section meets to consider each major defense acquisition program of such military department at least once each year.

(5) CERTIFICATION OF COST AND SCHEDULE DEVIATIONS DURING SYSTEM DESIGN AND DEVELOPMENT.—For a major defense acquisition program that received an initial Milestone B approval during fiscal year 2008, a Configuration Steering Board may not approve any proposed alteration to program requirements or system configuration if such an alteration would—

(A) increase the cost (including any increase for expected inflation or currency exchange rates) for system development and demonstration by more than 25 percent; or

(B) extend the schedule for key events 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,

unless the Under Secretary of Defense for Acquisition, Technology, and Logistics certifies to the congressional defense committees, and includes in the certification supporting rationale, that approving such alteration to program requirements or system configuration is in the best interest of the Department of Defense despite the cost and schedule impacts to system development and demonstration of such program.

(d) APPLICABILITY.—

(1) IN GENERAL.—The requirements of this section shall apply with respect to any major defense acquisition program that is commenced before, on, or after the date of the enactment of this Act.

(2) CURRENT PROGRAMS.—In the case of any major defense acquisition program that is ongoing as of the date of the enactment of this Act, a Configuration Steering Board under this section shall be established for such program not later than 60 days after the date of the enactment of this Act.

(e) GUIDANCE ON AUTHORITIES OF PROGRAM MANAGERS AFTER MILESTONE B.—

(1) MODIFICATION OF GUIDANCE ON AUTHORITIES.—Paragraph (2) of section 853(d) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2343) is amended to read as follows:

''(2) authorities available to the program manager, including—

''(A) the authority to object to the addition of new program requirements that would be inconsistent with the parameters established at Milestone B (or Key Decision Point B in the case of a space program) and reflected in the performance agreement, unless such requirements are approved by the appropriate Configuration Steering Board; and

''(B) the authority to recommend to the appropriate Configuration Steering Board reduced program requirements that have the potential to improve program cost or schedule in a manner consistent with program objectives; and''.

(2) APPLICABILITY.—The Secretary of Defense shall modify the guidance described in section 853(d) of the John Warner National Defense Authorization Act for Fiscal Year 2007 in order to take into account the amendment made by paragraph (1) not later than 60 days after the date of the enactment of this Act.

(f) MAJOR DEFENSE ACQUISITION PROGRAM DEFINED.—In this section, the term ''major defense acquisition program'' has the meaning given that term in section 2430(a) of title 10, United States Code.

SEC. 815. PRESERVATION OF TOOLING FOR MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) GUIDANCE REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance requiring the preservation and storage of unique tooling associated with the production of hardware for a major defense acquisition program through the end of the service life of the end item associated with such a program. Such guidance shall—

(1) require that the milestone decision authority approve a plan, including the identification of any contract clauses, facilities, and funding required, for the preservation and storage of such tooling prior to Milestone C approval;

(2) require that the milestone decision authority periodically review the plan required by paragraph (1) prior to the end of the service life of the end item, to ensure that the preservation and storage of such tooling remains adequate and in the best interest of the Department of Defense;

(3) provide a mechanism for the Secretary to waive the requirement for preservation and storage of unique production tooling, or any category of unique production tooling, if the Secretary—

(A) makes a written determination that such a waiver is in the best interest of the Department of Defense; and

(B) notifies the congressional defense committees of the waiver upon making such determination; and

(4) provide such criteria as necessary to guide a determination made pursuant to paragraph (3)(A).

(b) DEFINITIONS.—In this section:

(1) MAJOR DEFENSE ACQUISITION PROGRAM.—The term ''major defense acquisition program'' has the meaning provided in section 2430 of title 10, United States Code.

(2) MILESTONE DECISION AUTHORITY.—The term ''milestone decision authority'' has the meaning provided in section 2366a(f)(2) of such title.

(3) MILESTONE C APPROVAL.—The term ''Milestone C approval'' has the meaning provided in section 2366(e)(8) of such title.

Subtitle C—Amendments to General Contracting Authorities, Procedures, and Limitations

SEC. 821. DEFINITION OF SYSTEM FOR DEFENSE ACQUISITION CHALLENGE PROGRAM.

Section 2359b of title 10, United States Code, is amended by adding at the end the following new subsection:

''(l) SYSTEM DEFINED.—In this section, the term 'system'—

''(1) means—

''(A) the organization of hardware, software, material, facilities, personnel, data, and services needed to perform a designated function with specified results (such as the gathering of specified data, its processing, and its delivery to users); or

''(B) a combination of two or more interrelated pieces (or sets) of equipment arranged in a functional package to perform an operational function or to satisfy a requirement; and

''(2) includes a major system (as defined in section 2302(5) of this title).''.

SEC. 822. TECHNICAL DATA RIGHTS.

(a) POLICY GUIDANCE.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall issue policy guidance with respect to rights in technical data under a non-FAR agreement. The guidance shall—

(1) establish criteria for defining the legitimate interests of the United States and the party concerned in technical data pertaining to an item or process to be developed under the agreement;

(2) require that specific rights in technical data be established during agreement negotiations and be based upon negotiations between the United States and the potential party 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 agreement negotiations would not be practicable; and

(3) require the program manager for a major weapon system or an item of personnel protective equipment that is to be developed using a non-FAR agreement to assess the long-term technical data needs of such system or item.

(b) REQUIREMENT TO INCLUDE PROVISIONS IN NON-FAR AGREEMENTS.—A non-FAR agreement shall contain appropriate provisions relating to rights in technical data consistent with the policy guidance issued pursuant to subsection (a).

(c) 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 prescribed, including—

(A) a transaction authorized under section 2371 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.

(d) REPORT ON LIFE CYCLE PLANNING FOR TECHNICAL DATA NEEDS.—Not later than 270 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) a description of the extent to which program managers have received training to better assess the long-term technical data needs of major weapon systems and subsystems; and

(3) a description of one or more examples, if any, where a priced contract option has been used on major weapon systems for the future delivery of technical data and one or more examples, if any, where all relevant technical data were acquired upon contract award.

SEC. 823. REVISION TO THE APPLICATION OF COST ACCOUNTING STANDARDS.

(a) REQUIREMENT FOR REVIEW OF EXEMPTIONS TO THE COST ACCOUNTING STANDARDS.—The Cost Accounting Standards Board shall—

(1) review the inapplicability of the cost accounting standards, in accordance with existing exemptions, to any contract or subcontract that is executed and performed outside the United States when such a contract or subcontract is performed by a contractor that, but for the fact that the contract or subcontract is being executed and performed entirely outside the United States, would be required to comply with such standards; and

(2) determine whether the application of the standards to such a contract or subcontract (or any category of such contracts and subcontracts) would benefit the Government.

(b) PUBLICATION OF REQUEST FOR INFORMATION.—The Cost Accounting Standards Board shall publish a request for information as part of the review required by subsection (a) and shall provide a copy of the request to the appropriate committees of Congress not less than five days before the publication of such request.

(c) REPORT TO CONGRESS UPON COMPLETION OF THE REVIEW.—Not later than 270 days after the date of the enactment of this Act, the Cost Accounting Standards Board shall submit to the appropriate committees of Congress a report containing—

(1) any revision to the cost accounting standards proposed as a result of the review required by subsection (a) and a copy of any proposed rulemaking implementing the revision; or

(2) if no revision and rulemaking are proposed, a detailed justification for such decision.

(d) DEFINITIONS.—In this section:

(1) The term ''appropriate committees of Congress'' means the Committees on Armed Services of the Senate and of 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.

(2) The term ''cost accounting standards'' means the standards promulgated under section 26 of the Office of Federal Procurement Policy Act (41 U.S.C. 422).

(3) The term ''Cost Accounting Standards Board'' means the Board established pursuant to section 26 of the Office of Federal Procurement Policy Act (41 U.S.C. 422).

SEC. 824. MODIFICATION AND EXTENSION OF PILOT PROGRAM FOR TRANSITION TO FOLLOW-ON CONTRACTS UNDER AUTHORITY TO CARRY OUT CERTAIN PROTOTYPE PROJECTS.

(a) EXPANSION OF SCOPE OF PILOT PROGRAM.—Paragraph (1) of section 845(e) of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 2371 note) is amended by striking ''under prototype projects carried out under this section'' and inserting ''developed under prototype projects carried out under this section or research projects carried out pursuant to section 2371 of title 10, United States Code''.

(b) TWO-YEAR EXTENSION OF AUTHORITY.—Paragraph (4) of such section is amended by striking ''September 30, 2008'' and inserting ''September 30, 2010''.

SEC. 825. CLARIFICATION OF STATUS OF GOVERNMENT RIGHTS IN THE DESIGNS OF DEPARTMENT OF DEFENSE VESSELS, BOATS, 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

''(a) IN GENERAL.—Government rights in the design of a vessel, boat, or craft, and its components, including the hull, decks, superstructure, and all shipboard equipment and systems, shall be determined solely as follows:

''(1) In the case of a vessel, boat, craft, or component procured through a contract, in accordance with the provisions of section 2320 of this title.

''(2) In the case of a vessel, boat, craft, or component procured through an instrument not governed by section 2320 of this title, by the terms of the instrument (other than a contract) under which the design for such vessel, boat, craft, or component, as applicable, was developed for the Government.

''(b) CONSTRUCTION OF SUPERSEDING AUTHORITIES.—This section may be modified or superseded by a provision of statute only if such provision expressly refers to this section in modifying or superseding this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 633 of such title is amended by adding at the end the following new item:

''7317. Status of Government rights in the designs of vessels, boats, and craft, and components thereof''.

Subtitle D—Provisions Relating to Acquisition Workforce and Inherently Governmental Functions

SEC. 831. DEVELOPMENT OF GUIDANCE ON PERSONAL SERVICES CONTRACTS.

(a) GUIDANCE REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall develop guidance related to personal services contracts to—

(1) require a clear distinction between employees of the Department of Defense and employees of Department of Defense contractors;

(2) provide appropriate safeguards with respect to when, where, and to what extent the Secretary may enter into a contract for the procurement of personal services; and

(3) assess and take steps to mitigate the risk that, as implemented and administered, non-personal services contracts may become personal services contracts.

(b) DEFINITION OF PERSONAL SERVICES CONTRACT.—In this section, the term ''personal services contract'' has the meaning given that term in section 2330a(g)(5) of title 10, United States Code.

SEC. 832. SENSE OF CONGRESS ON PERFORMANCE BY PRIVATE SECURITY CONTRACTORS OF CERTAIN FUNCTIONS IN AN AREA OF COMBAT OPERATIONS.

It is the sense of Congress that—

(1) security operations for the protection of resources (including people, information, equipment, and supplies) in uncontrolled or unpredictable high-threat environments should ordinarily be performed by members of the Armed Forces if they will be performed in highly hazardous public areas where the risks are uncertain and could reasonably be expected to require deadly force that is more likely to be initiated by personnel performing such security operations than to occur in self-defense;

(2) it should be in the sole discretion of the commander of the relevant combatant command to determine whether or not the performance by a private security contractor under a contract awarded by any Federal agency of a particular activity, a series of activities, or activities in a particular location, within a designated area of combat operations is appropriate and such a determination should not be delegated to any person who is not in the military chain of command;

(3) the Secretaries of the military departments and the Chiefs of Staff of the Armed Forces should ensure that the United States Armed Forces have appropriate numbers of trained personnel to perform the functions described in paragraph (1) without the need to rely upon private security contractors; and

(4) the regulations issued by the Secretary of Defense pursuant to section 862(a) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 254; 10 U.S.C. 2302 note) should ensure that private security contractors are not authorized to perform inherently governmental functions in an area of combat operations.

SEC. 833. ACQUISITION WORKFORCE EXPEDITED HIRING AUTHORITY.

Section 1705 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(h) EXPEDITED HIRING AUTHORITY.—

''(1) For purposes of sections 3304, 5333, and 5753 of title 5, United States Code, the Secretary of Defense may—

''(A) designate any category of acquisition positions within the Department of Defense as shortage category positions; and

''(B) utilize the authorities in such sections to recruit and appoint highly qualified persons directly to positions so designated.

''(2) The Secretary may not appoint a person to a position of employment under this subsection after September 30, 2012.''.

SEC. 834. CAREER PATH AND OTHER REQUIREMENTS FOR MILITARY PERSONNEL IN THE ACQUISITION FIELD.

(a) ACQUISITION PERSONNEL REQUIREMENTS.—

(1) IN GENERAL.—Chapter 87 of title 10, United States Code, is amended by inserting after section 1722 the following new section:

''§ 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 such military department) 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 the 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 noncommissioned 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 eligible for and active in the acquisition field sufficient to ensure the optimum management of the acquisition functions of the Department of Defense and the appropriate use of military personnel in contingency contracting.

''(c) RESERVATION OF ACQUISITION BILLETS FOR GENERAL OFFICERS AND FLAG OFFICERS.—(1) The Secretary of Defense shall—

''(A) establish for each military department a sufficient number of billets coded or classified for acquisition personnel that are reserved for general officers and flag officers that are needed for the purpose of ensuring the optimum management of the acquisition functions of the Department of Defense; and

''(B) ensure that the policies established and guidance issued pursuant to subsection (a) by the Secretary of each military department reserve at least that minimum number of billets and fill the billets with qualified and trained general officers and flag officers who have significant acquisition experience.

''(2) The Secretary of Defense shall ensure—

''(A) a sufficient number of billets for acquisition personnel who are general officers or flag officers exist within the Office of the Secretary of Defense, the unified combatant commands, the Defense Agencies, and the Defense Field Activities to ensure the optimum management of the acquisition functions of the Department of Defense; and

''(B) that the policies established and guidance issued pursuant to subsection (a) by the Secretary reserve within the Office of the Secretary of Defense, the unified combatant commands, the Defense Agencies, and the Defense Field Activities at least that minimum number of billets and fill the billets with qualified and trained general officers and flag officers who have significant acquisition experience.

''(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 and are reserved for general officers and flag officers who have significant contracting experience.

''(d) 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 1722(b) of this title from the limitation in paragraph (1) of such section.

''(e) REPORT.—Not later than January 1 of each year, the Secretary of each military department shall submit to the Under Secretary of Defense for Acquisition, Technology, and Logistics a report describing how the Secretary fulfilled the objectives of this section in the preceding calendar year. The report shall include information on the reservation of acquisition billets for general officers and flag officers within the department concerned.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 87 of such title is amended by inserting after the item relating to section 1722 the following new item:

''1722a. Special requirements for military personnel in the acquisition field.''.

(b) ADDITIONAL ITEM IN STRATEGIC PLAN.—Section 543(f)(3)(E) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat 116) is amended by inserting after ''officer assignments and grade requirements'' the following: '', including requirements relating to the reservation of billets in the acquisition field for general and flag officers,''.

(c) ANNUAL REPORT REQUIRED.—Not later than 270 days after the date of the enactment of this Act, and not later than March 1 of 2010, 2011, and 2012, the Secretary of Defense shall submit to the congressional defense committees a report on—

(1) the number acquisition and contracting billets in each of the Armed Forces and joint activities that are reserved for general officers and flag officers; and

(2) the extent to which these billets have been filled by general officers and flag officers with significant acquisition experience and significant contracting experience, as applicable.

Subtitle E—Department of Defense Contractor Matters

SEC. 841. ETHICS SAFEGUARDS RELATED TO CONTRACTOR CONFLICTS OF INTEREST.

(a) POLICY ON PERSONAL CONFLICTS OF INTEREST BY EMPLOYEES OF FEDERAL GOVERNMENT CONTRACTORS.—Not later than 270 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall develop and issue a standard policy to prevent personal conflicts of interest by contractor employees performing acquisition functions closely associated with inherently governmental functions (including the development, award, and administration of Government contracts) for or on behalf of a Federal agency or department.

(1) ELEMENTS OF POLICY.—The policy required under subsection (a) shall—

(A) provide a definition of the term ''personal conflict of interest'' as it relates to contractor employees performing acquisition functions closely associated with inherently governmental functions; and

(B) require each contractor whose employees perform acquisition functions closely associated with inherently governmental functions to—

(i) identify and prevent personal conflicts of interest for employees of the contractor who are performing such functions;

(ii) prohibit contractor employees who have access to non-public government information obtained while performing such functions from using such information for personal gain;

(iii) report any personal conflict-of-interest violation by such an employee to the applicable contracting officer or contracting officer's representative as soon as it is identified;

(iv) maintain effective oversight to verify compliance with personal conflict-of-interest safeguards;

(v) have procedures in place to screen for potential conflicts of interest for all employees performing such functions; and

(vi) take appropriate disciplinary action in the case of employees who fail to comply with policies established pursuant to this section.

(2) CONTRACT CLAUSE.—

(A) The Administrator shall develop a personal conflicts-of-interest clause or a set of clauses for inclusion in solicitations and contracts (and task or delivery orders) for the performance of acquisition functions closely associated with inherently governmental functions that sets forth the personal conflicts-of-interest policy developed under this subsection and that sets forth the contractor's responsibilities under such policy.

(B) Subparagraph (A) shall take effect 300 days after the date of the enactment of this Act and shall apply to—

(i) contracts entered into on or after that effective date; and

(ii) task or delivery orders awarded on or after that effective date, regardless of whether the contracts pursuant to which such task or delivery orders are awarded are entered before, on, or after the date of the enactment of this Act.

(3) APPLICABILITY.—

(A) Except as provided in subparagraph (B), this subsection shall apply to any contract for an amount in excess of the simplified acquisition threshold (as defined in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)) if the contract is for the performance of acquisition functions closely associated with inherently governmental functions.

(B) If only a portion of a contract described in subparagraph (A) is for the performance of

acquisition functions described in that subparagraph, then this subsection applies only to that portion of the contract.

(b) REVIEW OF FEDERAL ACQUISITION REGULATION RELATING TO CONFLICTS OF INTEREST.—

(1) REVIEW.—Not later than 12 months after the date of the enactment of this Act, the Administrator for Federal Procurement Policy, in consultation with the Director of the Office of Government Ethics, shall review the Federal Acquisition Regulation to—

(A) identify contracting methods, types and services that raise heightened concerns for potential personal and organizational conflicts of interest; and

(B) determine whether revisions to the Federal Acquisition Regulation are necessary to—

(i) address personal conflicts of interest by contractor employees with respect to functions other than those described in subsection (a); or

(ii) achieve sufficiently rigorous, comprehensive, and uniform government-wide policies to prevent and mitigate organizational conflicts of interest in Federal contracting.

(2) REGULATORY REVISIONS.—If the Administrator determines pursuant to the review under paragraph (1)(B) that revisions to the Federal Acquisition Regulation are necessary, the Administrator shall work with the Federal Acquisition Regulatory Council to prescribe appropriate revisions to the regulations, including the development of appropriate contract clauses.

(3) REPORT.—Not later than March 1, 2010, the Administrator 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 setting forth such findings and determinations under subparagraphs (A) and (B) of paragraph (1), together with an assessment of any revisions to the Federal Acquisition Regulation that may be necessary.

(c) BEST PRACTICES.—The Administrator for Federal Procurement Policy shall, in consultation with the Director of the Office Government Ethics, develop and maintain a repository of best practices relating to the prevention and mitigation of organizational and personal conflicts of interest in Federal contracting.

SEC. 842. INFORMATION FOR DEPARTMENT OF DEFENSE CONTRACTOR EMPLOYEES ON THEIR WHISTLEBLOWER RIGHTS.

(a) IN GENERAL.—The Secretary of Defense shall ensure that contractors of the Department of Defense inform their employees in writing of employee whistleblower rights and protections under section 2409 of title 10, United States Code, as implemented by subpart 3.9 of part I of title 48, Code of Federal Regulations.

(b) CONTRACTOR DEFINED.—In this section, the term ''contractor'' has the meaning given that term in section 2409(e)(4) of title 10, United States Code.

SEC. 843. REQUIREMENT FOR DEPARTMENT OF DEFENSE TO ADOPT AN ACQUISITION STRATEGY FOR DEFENSE BASE ACT 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.) which minimizes the cost of such insurance to the Department of Defense and to defense contractors subject to such Act.

(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 regarding 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.

(c) OPTIONS.—In adopting the acquisition strategy pursuant to subsection (a), the Secretary shall consider such options (including entering into a single Defense Base Act insurance contract) as the Secretary deems to best satisfy the criteria identified under subsection (b).

(d) REPORT.—(1) Not later than 270 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 addresses the criteria identified under subsection (b), and shall include a plan to implement within 18 months after the date of enactment of this Act the acquisition strategy adopted by the Secretary.

(e) REVIEW OF ACQUISITION 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).

SEC. 844. REPORT ON USE OF OFF-SHORE SUBSIDIARIES BY DEFENSE CONTRACTORS.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall provide a report to the Committees on Armed Services of the Senate and the House of Representatives on the use of off-shore subsidiaries by contractors of the Department of Defense.

(b) MATTERS COVERED.—The report shall comprehensively examine the rationale, implications, and costs and benefits for both the contractor and the Department of Defense in using off-shore subsidiaries, particularly in respect to—

(1) tax liability (including corporate income taxes and payroll taxes);

(2) legal liability;

(3) compliance with cost accounting standards;

(4) efficiency in contract performance;

(5) contract management and contract oversight; and

(6) such other areas as the Comptroller General determines appropriate.

SEC. 845. DEFENSE INDUSTRIAL SECURITY.

(a) DEFENSE INDUSTRIAL SECURITY.—

(1) IN GENERAL.—Subchapter I of chapter 21 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 438. Defense industrial security

''(a) RESPONSIBILITY FOR DEFENSE INDUSTRIAL SECURITY.—The Secretary of Defense shall be responsible for the protection of classified information disclosed to contractors of the Department of Defense.

''(b) CONSISTENCY WITH EXECUTIVE ORDERS AND DIRECTIVES.—The Secretary shall carry out the responsibility assigned under subsection (a) in a manner consistent with Executive Order 12829 (or any successor order to such executive order) and consistent with policies relating to the National Industrial Security Program (or any successor to such program).

''(c) PERFORMANCE OF INDUSTRIAL SECURITY FUNCTIONS FOR OTHER AGENCIES.—The Secretary may perform industrial security functions for other agencies of the Federal government upon request or upon designation of the Department of Defense as executive agent for the National Industrial Security Program (or any successor to such program).

''(d) REGULATIONS AND POLICY GUIDANCE.—The Secretary shall prescribe, and from time to time revise, such regulations and policy guidance as are necessary to ensure the protection of classified information disclosed to contractors of the Department of Defense.

''(e) DEDICATION OF RESOURCES.—The Secretary shall ensure that sufficient resources are provided to staff, train, and support such personnel as are necessary to fully protect classified information disclosed to contractors of the Department of Defense.

''(f) BIENNIAL REPORT.—The Secretary shall report biennially to the congressional defense committees on expenditures and activities of the Department of Defense in carrying out the requirements of this section. The Secretary shall submit the report at or about the same time that the President's budget is submitted pursuant to section 1105(a) of title 31, United States Code, in odd numbered years. The report shall be in an unclassified form (with a classified annex if necessary) and shall cover the activities of the Department of Defense in the preceding two fiscal years, including the following:

''(1) The workforce responsible for carrying out the requirements of this section, including the number and experience of such workforce; training in the performance of industrial security functions; performance metrics; and resulting assessment of overall quality.

''(2) A description of funds authorized, appropriated, or reprogrammed to carry out the requirements of this section, the budget execution of such funds, and the adequacy of budgets provided for performing such purpose.

''(3) Statistics on the number of contractors handling classified information of the Department of Defense, and the percentage of such contractors who are subject to foreign ownership, control, or influence.

''(4) Statistics on the number of violations identified, enforcement actions taken, and the percentage of such violations occurring at facilities of contractors subject to foreign ownership, control, or influence.

''(5) An assessment of whether major contractors implementing the program have adequate enforcement programs and have trained their employees adequately in the requirements of the program.

''(6) Trend data on attempts to compromise classified information disclosed to contractors of the Department of Defense to the extent that such data are available.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 21 of title 10, United States Code, is amended by adding at the end the following new item:

''438. Defense industrial security.''.

(b) SUBMISSION OF FIRST BIENNIAL REPORT.—Notwithstanding the deadline in subsection (f) of section 438 of title 10, United States Code, as added by this section, the first biennial report submitted after the date of the enactment of this Act pursuant to

such subsection shall be submitted not later than September 1, 2009, and shall address the period from the date of the enactment of this Act to the issuance of such report.

(c) REPORT ON IMPROVING INDUSTRIAL SECURITY.—Not later than March 1, 2009, the Secretary of Defense shall submit to the congressional defense committees a report on improving industrial security, including, at a minimum, the following:

(1) The actions taken or actions planned to implement the recommendations of the Comptroller General as embodied in the report entitled ''Industrial Security: DOD Cannot Ensure Its Oversight of Contractors Under Foreign Influence Is Sufficient'' (GAO–05–681; July 2005).

(2) Other actions taken or action planned to improve industrial security.

(3) An analysis of the impact of emerging financial arrangements such as sovereign wealth funds, hedge funds, and other new financial debt and credit arrangements on the Department's ability to identify and mitigate foreign ownership, control, or influence.

(4) Any recommendations of the Secretary for modifying regulations and policy guidance prescribed pursuant to section 438(d) of title 10, United States Code, or other regulations or policy guidance addressing industrial security, to extend best practices for industrial security across the broadest possible range of defense contractors, and to improve industrial security generally.

Subtitle F—Matters Relating to Iraq and Afghanistan

SEC. 851. CLARIFICATION AND MODIFICATION OF AUTHORITIES RELATING TO THE COMMISSION ON WARTIME CONTRACTING IN IRAQ AND AFGHANISTAN.

(a) NATURE OF COMMISSION.—Subsection (a) of section 841 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 230) is amended by inserting ''in the legislative branch'' after ''There is hereby established''.

(b) PAY AND ANNUITIES OF MEMBERS AND STAFF ON FEDERAL REEMPLOYMENT.—Subsection (e) of such is amended by adding at the end the following new paragraph:

''(8) PAY AND ANNUITIES OF MEMBERS AND STAFF ON FEDERAL REEMPLOYMENT.—If warranted by circumstances described in subparagraph (A) or (B) of section 8344(i)(1) of title 5, United States Code, or by circumstances described in subparagraph (A) or (B) of section 8468(f)(1) of such title, as applicable, a co-chairman of the Commission may exercise, with respect to the members and staff of the Commission, the same waiver authority as would be available to the Director of the Office of Personnel Management under such section.''.

(c) EFFECTIVE DATE.—

(1) NATURE OF COMMISSION.—The amendment made by subsection (a) shall take effect as of January 28, 2008, as if included in the enactment of the National Defense Authorization Act for Fiscal Year 2008.

(2) PAY AND ANNUITIES.—The amendment made by subsection (b) shall apply to members and staff of the Commission on Wartime Contracting in Iraq and Afghanistan appointed or employed, as the case may be, on or after that date.

SEC. 852. COMPREHENSIVE AUDIT OF SPARE PARTS PURCHASES AND DEPOT OVERHAUL AND MAINTENANCE OF EQUIPMENT FOR OPERATIONS IN IRAQ AND AFGHANISTAN.

(a) AUDITS REQUIRED.—The Army Audit Agency, the Navy Audit Service, and the Air Force Audit Agency shall each conduct thorough audits to identify potential waste, fraud, and abuse in the performance of the following:

(1) Department of Defense contracts, subcontracts, and task and delivery orders for—

(A) depot overhaul and maintenance of equipment for the military in Iraq and Afghanistan; and

(B) spare parts for military equipment used in Iraq and Afghanistan; and

(2) Department of Defense in-house overhaul and maintenance of military equipment used in Iraq and Afghanistan.

(b) COMPREHENSIVE AUDIT PLAN.—

(1) PLANS.—The Army Audit Agency, the Navy Audit Service, and the Air Force Audit Agency shall, in coordination with the Inspector General of the Department of Defense, develop a comprehensive plan for a series of audits to discharge the requirements of subsection (a).

(2) INCORPORATION INTO REQUIRED AUDIT PLAN.—The plan developed under paragraph (1) shall be submitted to the Inspector General of the Department of Defense for incorporation into the audit plan required by section 842(b)(1) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 234; 10 U.S.C. 2302 note).

(c) INDEPENDENT CONDUCT OF AUDIT FUNCTIONS.—All audit functions performed under this section, including audit planning and coordination, shall be performed in an independent manner.

(d) AVAILABILITY OF RESULTS.—All audit reports resulting from audits under this section shall be made available to the Commission on Wartime Contracting in Iraq and Afghanistan established pursuant to section 841 of the National Defense Authorization Act for Fiscal Year 2008 (122 Stat. 230).

(e) CONSTRUCTION.—Nothing in this section shall be construed to require any agency of the Federal Government to duplicate audit work that an agency of the Federal Government has already performed.

SEC. 853. ADDITIONAL MATTERS REQUIRED TO BE REPORTED BY CONTRACTORS PERFORMING SECURITY FUNCTIONS IN AREAS OF COMBAT OPERATIONS.

Section 862 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 254; 10 U.S.C. 2302 note) is amended—

(1) in subsection (a)(2)(D)—

(A) by striking ''or'' at the end of clause (ii); and

(B) by inserting after clause (iii) the following new clauses:

''(iv) a weapon is discharged against personnel performing private security functions in an area of combat operations or personnel performing such functions believe a weapon was so discharged; or

''(v) active, non-lethal countermeasures (other than the discharge of a weapon) are employed by the personnel performing private security functions in an area of combat operations in response to a perceived immediate threat to such personnel;''; and

(2) in subsection (b)(2)(B) in the matter preceding clause (i)—

(A) by inserting ''comply with and'' before ''ensure''; and

(B) by striking ''comply with—'' and inserting ''act in accordance with—''.

SEC. 854. ADDITIONAL CONTRACTOR REQUIREMENTS AND RESPONSIBILITIES RELATING TO ALLEGED CRIMES BY OR AGAINST CONTRACTOR PERSONNEL IN IRAQ AND AFGHANISTAN.

(a) IN GENERAL.—Section 861(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 253; 10 U.S.C. 2302 note) is amended by adding the following new paragraphs:

''(7) Mechanisms for ensuring that contractors are required to report offenses described in paragraph (6) that are alleged to have been committed by or against contractor personnel to appropriate investigative authorities.

''(8) Responsibility for providing victim and witness protection and assistance to contractor personnel in connection with alleged offenses described in paragraph (6).

''(9) Development of a requirement that a contractor shall provide to all contractor personnel who will perform work on a contract in Iraq or Afghanistan, before beginning such work, information on the following:

''(A) How and where to report an alleged offense described in paragraph (6).

''(B) Where to seek the assistance required by paragraph (8).''.

(b) IMPLEMENTATION.—

(1) THROUGH MEMORANDUM OF UNDERSTANDING.—The memorandum of understanding required by section 861(a) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 253; 10 U.S.C. 2302 note) shall be modified to address the requirements under the amendment made by subsection (a) not later than 120 days after the date of the enactment of this Act.

(2) AS CONDITION OF CURRENT AND FUTURE CONTRACTS.—The requirements under the amendment made by subsection (a) shall be included in each contract in Iraq or Afghanistan (as defined in section 864(a)(2) of Public Law 110–181; 2302 note) awarded on or after the date that is 180 days after the date of the enactment of this Act. Federal agencies shall make best efforts to provide for the inclusion of such requirements in covered contracts awarded before such date.

(c) REPORTING REQUIREMENT.—Beginning not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall make publicly available a numerical accounting of alleged offenses described in section 861(b)(6) of Public Law 110–181 that have been reported under that section that occurred after the date of the enactment of this Act. The information shall be updated no less frequently than semi-annually.

(d) DEFINITIONS.—Section 864(a) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 253; 10 U.S.C. 2302 note) is amended—

(1) by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively; and

(2) by inserting after paragraph (4) the following new paragraph:

''(5) CONTRACTOR PERSONNEL.—The term 'contractor personnel' means any person performing work under contract for the Department of Defense, the Department of State, or the United States Agency for International Development, in Iraq or Afghanistan, including individuals and subcontractors at any tier.''.

SEC. 855. SUSPENSION OF STATUTES OF LIMITATIONS WHEN CONGRESS AUTHORIZES THE USE OF MILITARY FORCE.

Section 3287 of title 18, United States Code, is amended—

(1) by inserting ''or Congress has enacted a specific authorization for the use of the Armed Forces, as described in section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)),'' after ''is at war'';

(2) by inserting ''or directly connected with or related to the authorized use of the Armed Forces'' after ''prosecution of the war'';

(3) by striking ''three years'' and inserting ''5 years'';

(4) by striking ''proclaimed by the President'' and inserting ''proclaimed by a Presidential proclamation, with notice to Congress,''; and

(5) by adding at the end the following: ''For purposes of applying such definitions in this section, the term 'war' includes a specific authorization for the use of the Armed Forces, as described in section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)).''.

Subtitle G—Governmentwide Acquisition Improvements

SEC. 861. SHORT TITLE.

This subtitle may be cited as the ''Clean Contracting Act of 2008''.

SEC. 862. LIMITATION ON LENGTH OF CERTAIN NONCOMPETITIVE CONTRACTS.

(a) CIVILIAN AGENCY CONTRACTS.—Section 303(d) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(d)) 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)—

''(i) 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

''(ii) may not exceed one year unless the head of the executive agency entering into such contract determines that exceptional circumstances apply.

''(B) This paragraph applies to any contract in an amount greater than the simplified acquisition threshold.''.

(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)—

''(i) 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 agency to enter into another contract for the required goods or services through the use of competitive procedures; and

''(ii) may not exceed one year unless the head of the agency entering into such contract determines that exceptional circumstances apply.

''(B) This paragraph applies to any contract in an amount greater than the simplified acquisition threshold.''.

SEC. 863. REQUIREMENTS FOR PURCHASE OF PROPERTY AND SERVICES PURSUANT TO MULTIPLE AWARD CONTRACTS.

(a) REGULATIONS REQUIRED.—Not later than one year 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) one of the circumstances described in paragraphs (1) through (4) of section 303J(b) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253j(b)) or section 2304c(b) of title 10, United States Code, applies to such individual purchase; or

(ii) a law expressly authorizes or requires that the purchase be made from a specified source; and

(B) justifies the determination in writing.

(2) COMPETITIVE BASIS PROCEDURES.—For purposes of this subsection, an individual purchase of property or services is made on a competitive basis only if it is made pursuant to procedures that—

(A) except as provided in paragraph (3), require fair notice of the intent to make that purchase (including a description of the work to be performed and the basis on which the selection will be made) to be provided to all contractors offering such property or services under the multiple award contract; and

(B) afford all contractors responding to the notice a fair opportunity to make an offer and have that offer fairly considered by the official making the purchase.

(3) EXCEPTION TO NOTICE REQUIREMENT.—

(A) IN GENERAL.—Notwithstanding paragraph (2), and subject to subparagraph (B), notice may be provided to fewer than all contractors offering such property or services under a multiple award contract as described in subsection (d)(2)(A) if notice is provided to as many contractors as practicable.

(B) LIMITATION ON EXCEPTION.—A purchase may not be made pursuant to a notice that is provided to fewer than all contractors under subparagraph (A) unless—

(i) offers were received from at least 3 qualified contractors; or

(ii) a contracting officer of the executive agency determines in writing that no additional qualified contractors were able to be identified despite reasonable efforts to do so.

(c) PUBLIC NOTICE REQUIREMENTS RELATED TO SOLE SOURCE TASK OR DELIVERY ORDERS.—

(1) PUBLIC NOTICE REQUIRED.—Not later than one year after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to require the head of each executive agency to—

(A) publish on FedBizOpps notice of all sole source task or delivery orders in excess of the simplified acquisition threshold that are placed against multiple award contracts not later than 14 days after such orders are placed, except in the event of extraordinary circumstances or classified orders; and

(B) disclose the determination required by subsection (b)(1) related to sole source task or delivery orders in excess of the simplified acquisition threshold placed against multiple award contracts through the same mechanism and to the same extent as the disclosure of documents containing a justification and approval required by section 2304(f)(1) of title 10, United States Code, and section 303(f)(1) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(f)(1)), except in the event of extraordinary circumstances or classified orders.

(2) EXEMPTION.—This subsection does not require the public availability of information that is exempt from public disclosure under section 552(b) of title 5, United States Code.

(d) DEFINITIONS.—In this section:

(1) The term ''executive agency'' has the meaning given such term in section 4(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(1)).

(2) The term ''individual purchase'' means a task order, delivery order, or other purchase.

(3) The term ''multiple award contract'' means—

(A) a contract that is entered into by the Administrator of General Services under the multiple award schedule program referred to in section 2302(2)(C) of title 10, United States Code;

(B) a multiple award task order contract that is entered into under the authority of sections 2304a through 2304d of title 10, United States Code, or sections 303H through 303K of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253h through 253k); and

(C) any other indefinite delivery, indefinite quantity contract that is entered into by the head of an executive agency with 2 or more sources pursuant to the same solicitation.

(4) The term ''sole source task or delivery order'' means any order that does not follow the competitive procedures in subsection (b)(2) or (b)(3).

(e) APPLICABILITY.—The regulations required by subsection (a) shall apply to all individual purchases of property or services that are made under multiple award contracts on or after the effective date of such regulations, without regard to whether the multiple award contracts were entered into before, on, or after such effective date.

(f) REPEAL OF REDUNDANT PROVISION.—Section 803 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 10 U.S.C. 2304 note) is repealed.

SEC. 864. REGULATIONS ON THE USE OF COST-REIMBURSEMENT CONTRACTS.

(a) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to address the use of cost-reimbursement contracts.

(b) CONTENT.—The regulations promulgated under subsection (a) shall include, at a minimum, guidance regarding—

(1) when and under what circumstances cost-reimbursement contracts are appropriate;

(2) the acquisition plan findings necessary to support a decision to use cost-reimbursement contracts; and

(3) the acquisition workforce resources necessary to award and manage cost-reimbursement contracts.

(c) INSPECTOR GENERAL REVIEW.—Not later than one year after the regulations required by subsection (a) are promulgated, the Inspector General for each executive agency shall review the use of cost-reimbursement contracts by such agency for compliance with such regulations and shall include the results of the review in the Inspector General's next semiannual report.

(d) REPORT.—Subject to subsection (f), the Director of the Office of Management and Budget shall submit an annual report to Congressional committees identified in subsection (e) on the use of cost-reimbursement contracts and task or delivery orders by all executive agencies. The report shall be submitted no later than March 1 and shall cover the fiscal year ending September 30 of the prior year. The report shall include—

(1) the total number and value of contracts awarded and orders issued during the covered fiscal year;

(2) the total number and value of cost-reimbursement contracts awarded and orders issued during the covered fiscal year; and

(3) an assessment of the effectiveness of the regulations promulgated pursuant to subsection (a) in ensuring the appropriate use of cost-reimbursement contracts.

(e) CONGRESSIONAL COMMITTEES DEFINED.—The report required by subsection (d) shall be submitted to the Committee on Oversight and Government Reform of the House of Representatives; 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 Defense and the Department of Energy, the Committees on Armed Services of the Senate and the House of Representatives.

(f) REQUIREMENTS LIMITED TO CERTAIN AGENCIES AND YEARS.—

(1) AGENCIES.—The requirement in subsection (c) shall apply only to those executive agencies that awarded contracts or issued orders (under contracts previously awarded) in a total amount of at least $1,000,000,000 in the fiscal year proceeding the

fiscal year in which the assessments and reports are submitted.

(2) YEARS.—The report required by subsection (d) shall be submitted from March 1, 2009, until March 1, 2014.

(g) EXECUTIVE AGENCY DEFINED.—In this section, the term ''executive agency'' has the meaning given such term in section 4(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(1)).

SEC. 865. PREVENTING ABUSE OF INTERAGENCY CONTRACTS.

(a) OFFICE OF MANAGEMENT AND BUDGET POLICY GUIDANCE.—

(1) REPORT AND GUIDELINES.—Not later than one year after the date of the enactment of this Act, the Director of the Office of Management and Budget shall—

(A) submit to Congress a comprehensive report on interagency acquisitions, including their frequency of use, management controls, cost-effectiveness, and savings generated; and

(B) issue guidelines to assist the heads of executive agencies in improving the management of interagency acquisitions.

(2) MATTERS COVERED BY GUIDELINES.—For purposes of paragraph (1)(B), the Director shall include guidelines on the following matters:

(A) Procedures for the use of interagency acquisitions to maximize competition, deliver best value to executive agencies, and minimize waste, fraud, and abuse.

(B) Categories of contracting inappropriate for interagency acquisition.

(C) Requirements for training acquisition workforce personnel in the proper use of interagency acquisitions.

(b) REGULATIONS REQUIRED.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to require that all interagency acquisitions—

(A) include a written agreement between the requesting agency and the servicing agency assigning responsibility for the administration and management of the contract;

(B) include a determination that an interagency acquisition is the best procurement alternative; and

(C) include sufficient documentation to ensure an adequate audit.

(2) MULTI-AGENCY CONTRACTS.—Not later than one year after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to require any multi-agency contract entered into by an executive agency after the effective date of such regulations to be supported by a business case analysis detailing the administration of such contract, including an analysis of all direct and indirect costs to the Federal Government of awarding and administering such contract and the impact such contract will have on the ability of the Federal Government to leverage its purchasing power.

(c) AGENCY REPORTING REQUIREMENT.—The senior procurement executive for each executive agency shall, as directed by the Director of the Office of Management and Budget, submit to the Director annual reports on the actions taken by the executive agency pursuant to the guidelines issued under subsection (a).

(d) DEFINITIONS.—In this section:

(1) The term ''executive agency'' has the meaning given such term in section 4(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(1)), except that, in the case of a military department, it means the Department of Defense.

(2) The term ''head of executive agency'' means the head of an executive agency except that, in the case of a military department, the term means the Secretary of Defense.

(3) The term ''interagency acquisition'' means a procedure by which an executive agency needing supplies or services (the requesting agency) obtains them from another executive agency (the servicing agency). The term includes acquisitions under section 1535 of title 31, United States Code (commonly referred to as the ''Economy Act''), Federal Supply Schedules above $500,000, and Governmentwide acquisition contracts.

(4) The term ''multi-agency contract'' means a task or delivery order contract established for use by more than one executive agency to obtain supplies and services, consistent with section 1535 of title 31, United States Code (commonly referred to as the ''Economy Act'').

SEC. 866. LIMITATIONS ON TIERING OF SUBCONTRACTORS.

(a) REGULATIONS.—Not later than one year after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended, for executive agencies other than the Department of Defense, to minimize the excessive use by contractors of subcontractors, or of tiers of subcontractors, that add no or negligible value, and to ensure that neither a contractor nor a subcontractor receives indirect costs or profit on work performed by a lower-tier subcontractor to which the higher-tier contractor or subcontractor adds no, or negligible, value (but not to limit charges for indirect costs and profit based on the direct costs of managing lower-tier subcontracts).

(b) COVERED CONTRACTS.—This section applies to any cost-reimbursement type contract or task or delivery order in an amount greater than the simplified acquisition threshold (as defined by section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)).

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as limiting the ability of the Department of Defense to implement more restrictive limitations on the tiering of subcontractors.

(d) APPLICABILITY.—The Department of Defense shall continue to be subject to guidance on limitations on tiering of subcontractors issued by the Department pursuant to section 852 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2340).

(e) EXECUTIVE AGENCY DEFINED.—In this section, the term ''executive agency'' has the meaning given such term in section 4(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(1)).

SEC. 867. LINKING OF AWARD AND INCENTIVE FEES TO ACQUISITION OUTCOMES.

(a) GUIDANCE FOR EXECUTIVE AGENCIES ON LINKING OF AWARD AND INCENTIVE FEES TO ACQUISITION OUTCOMES.—Not later than 1 year after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to provide executive agencies other than the Department of Defense 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 all 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 guidance 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) ensure 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;

(9) include performance measures to evaluate the effectiveness of award and incentive fees as a tool for improving contractor performance and achieving desired program outcomes; and

(10) provide mechanisms for sharing proven incentive strategies for the acquisition of different types of products and services among contracting and program management officials.

(c) GUIDANCE FOR DEPARTMENT OF DEFENSE.—The Department of Defense shall continue to be subject to guidance on award and incentive fees issued by the Secretary of Defense pursuant to section 814 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2321).

(d) EXECUTIVE AGENCY DEFINED.—In this section, the term ''executive agency'' has the meaning given such term in section 4(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(1)).

SEC. 868. 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 with respect to the procurement of commercial services.

(b) APPLICABILITY OF COMMERCIAL PROCEDURES.—

(1) SERVICES OF A TYPE SOLD IN MARKETPLACE.—The regulations modified pursuant to subsection (a) shall ensure that services that are not offered and sold competitively 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 254b 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 request the offeror to submit—

(A) prices paid for the same or similar commercial items under comparable terms and conditions by both government and commercial customers; and

(B) if the contracting officer determines that the information described in subparagraph (A) is not sufficient to determine the reasonableness of price, other relevant information regarding the basis for price or cost,

including information on labor costs, material costs, and overhead rates.

SEC. 869. ACQUISITION WORKFORCE DEVELOPMENT STRATEGIC PLAN.

(a) PURPOSE.—The purpose of this section is to authorize the preparation and completion of a plan (to be known as the ''Acquisition Workforce Development Strategic Plan'') for Federal agencies other than the Department of Defense to develop a specific and actionable 5-year plan to increase the size of the acquisition workforce, and to operate a government-wide acquisition intern program, for such Federal agencies.

(b) ESTABLISHMENT OF PLAN.—The Associate Administrator for Acquisition Workforce Programs designated under section 855(a) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 251; 41 U.S.C. 433(a)) shall be responsible for the management, oversight, and administration of the Acquisition Workforce Development Strategic Plan in cooperation and consultation with the Office of Federal Procurement Policy and the assistance of the Federal Acquisition Institute.

(c) CRITERIA.—The Acquisition Workforce Development Strategic Plan shall include, at a minimum, an examination of the following matters:

(1) The variety and complexity of acquisitions conducted by each Federal agency covered by the plan, and the workforce needed to effectively carry out such acquisitions.

(2) The development of a sustainable funding model to support efforts to hire, retain, and train an acquisition workforce of appropriate size and skill to effectively carry out the acquisition programs of the Federal agencies covered by the plan, including an examination of interagency funding methods and a discussion of how the model of the Defense Acquisition Workforce Development Fund could be applied to civilian agencies.

(3) Any strategic human capital planning necessary to hire, retain, and train an acquisition workforce of appropriate size and skill at each Federal agency covered by the plan.

(4) Methodologies that Federal agencies covered by the plan can use to project future acquisition workforce personnel hiring requirements, including an appropriate distribution of such personnel across each category of positions designated as acquisition workforce personnel under section 37(j) of the Office of Federal Procurement Policy Act (41 U.S.C. 433(j)).

(5) Government-wide training standards and certification requirements necessary to enhance the mobility and career opportunities of the Federal acquisition workforce within the Federal agencies covered by the plan.

(6) If the Associate Administrator recommends as part of the plan a growth in the acquisition workforce of the Federal agencies covered by the plan below 25 percent over the next 5 years, an examination of each of the matters specified in paragraphs (1) through (5) in the context of a 5-year plan that increases the size of such acquisition workforce by not less than 25 percent, or an explanation why such a level of growth would not be in the best interest of the Federal Government.

(d) DEADLINE FOR COMPLETION.—The Acquisition Workforce Development Strategic Plan shall be completed not later than one year after the date of the enactment of this Act and in a fashion that allows for immediate implementation of its recommendations and guidelines.

(e) FUNDS.—The Acquisition Workforce Development Strategic Plan shall be funded from the Acquisition Workforce Training Fund under section 37(h)(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 433(h)(3)).

SEC. 870. CONTINGENCY CONTRACTING CORPS.

(a) ESTABLISHMENT.—The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.) is amended by adding at the end the following new section:

''SEC. 44. CONTINGENCY CONTRACTING CORPS.

''(a) ESTABLISHMENT.—The Administrator of General Services, pursuant to policies established by the Office of Management and Budget, and in consultation with the Secretary of Defense and the Secretary of Homeland Security, shall establish a Government-wide 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, both within or outside the continental United States.

''(b) APPLICABILITY.—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 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

''(c) MEMBERSHIP.—Membership in the Corps shall be voluntary and open to all Federal employees and members of the Armed Forces who are members of the Federal acquisition workforce.

''(d) EDUCATION AND TRAINING.—The Administrator may, in consultation with the Director of the Federal Acquisition Institute and the Chief Acquisition Officers Council, establish educational and training requirements for members of the Corps. Education and training carried out pursuant to such requirements shall be paid for from funds available in the acquisition workforce training fund established pursuant to section 37(h)(3) of this Act.

''(e) SALARY.—The salary for a member of the Corps shall be paid—

''(1) in the case of a member of the Armed Forces, out of funds available to the Armed Force concerned; and

''(2) in the case of a Federal employee, out of funds available to the employing agency.

''(f) AUTHORITY TO DEPLOY THE CORPS.—(1) The Director of the Office of Management and Budget shall have the authority, upon request by an executive agency, to determine when members of the Corps shall be deployed, with the concurrence of the head of the agency or agencies employing the members to be deployed.

''(2) Nothing in this section shall preclude the Secretary of Defense or the Secretary's designee from deploying members of the Armed Forces or civilian personnel of the Department of Defense in support of a contingency operation as defined in section 101(a)(13) of title 10, United States Code.

''(g) ANNUAL REPORT.—

''(1) IN GENERAL.—The Administrator of General Services shall provide to the Committee on Homeland Security and Governmental Affairs and the Committee on Armed Services of the Senate and the Committee on Oversight and Government Reform and the Committee on Armed Services of the House of Representatives an annual report on the status of the Contingency Contracting Corps as of September 30 of each fiscal year.

''(2) CONTENT.—At a minimum, each report under paragraph (1) shall include the number of members of the Contingency Contracting Corps, the total cost of operating the program, the number of deployments of members of the program, and the performance of members of the program in deployment.''.

(b) CLERICAL AMENDMENT.—The table of contents for that Act (contained in section 1(b) of that Act) is amended by adding at the end the following new item:

''Sec. 44. Contingency Contracting Corps.''.

SEC. 871. ACCESS OF GOVERNMENT ACCOUNTABILITY 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)(1) by inserting before the period the following: ''and to interview any current employee regarding such transactions''.

(b) DEFENSE AGENCIES.—Section 2313 of title 10, United States Code, is amended in subsection (c)(1) by inserting before the period the following: ''and to interview any current employee regarding such transactions''.

SEC. 872. DATABASE FOR FEDERAL AGENCY CONTRACT AND GRANT OFFICERS AND 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, not later than one year after the date of the enactment of this Act, and maintain a database of information regarding the integrity and performance of certain persons awarded Federal agency contracts and grants for use by Federal agency officials having authority over contracts and grants.

(b) PERSONS COVERED.—The database shall cover the following:

(1) Any person awarded a Federal agency contract or grant in excess of $500,000, if any information described in subsection (c) exists with respect to such person.

(2) Any person awarded such other category or categories of Federal agency contract as the Federal Acquisition Regulation may provide, if such information exists with respect to such person.

(c) INFORMATION INCLUDED.—With respect to a covered person the database shall include information (in the form of a brief description) for the most recent 5-year period regarding the following:

(1) Each civil or criminal proceeding, or any administrative proceeding, in connection with the award or performance of a contract or grant with the Federal Government with respect to the person during the period to the extent that such proceeding results in the following dispositions:

(A) In a criminal proceeding, a conviction.

(B) In a civil proceeding, a finding of fault and liability that results in the payment of a monetary fine, penalty, reimbursement, restitution, or damages of $5,000 or more.

(C) In an administrative proceeding, a finding of fault and liability that results in—

(i) the payment of a monetary fine or penalty of $5,000 or more; or

(ii) the payment of a reimbursement, restitution, or damages in excess of $100,000.

(D) To the maximum extent practicable and consistent with applicable laws and regulations, in a criminal, civil, or administrative proceeding, a disposition of the matter by consent or compromise with an acknowledgment of fault by the person if the proceeding could have led to any of the outcomes specified in subparagraph (A), (B), or (C).

(2) Each Federal contract and grant awarded to the person that was terminated in such period due to default.

(3) Each Federal suspension and debarment of the person in that period.

(4) Each Federal administrative agreement entered into by the person and the Federal Government in that period to resolve a suspension or debarment proceeding.

(5) Each final finding by a Federal official in that period that the person has been determined not to be a responsible source under subparagraph (C) or (D) of section 4(7) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(7)).

(6) Such other information as shall be provided for purposes of this section in the Federal Acquisition Regulation.

(7) To the maximum extent practical, information similar to the information covered by paragraphs (1) through (4) in connection with the award or performance of a contract or grant with a State government.

(d) REQUIREMENTS RELATING TO INFORMATION IN DATABASE.—

(1) DIRECT INPUT AND UPDATE.—The Administrator shall design and maintain the database in a manner that allows the appropriate Federal agency officials to directly input and update information in the database relating to actions such officials have taken with regard to contractors or grant recipients.

(2) TIMELINESS AND ACCURACY.—The Administrator shall develop policies to require—

(A) the timely and accurate input of information into the database;

(B) the timely notification of any covered person when information relevant to the person is entered into the database; and

(C) opportunities for any covered person to submit comments pertaining to information about such person for inclusion in the database.

(e) USE OF DATABASE.—

(1) AVAILABILITY TO GOVERNMENT OFFICIALS.—The Administrator shall ensure that the information in the database is available to appropriate acquisition officials of Federal agencies, to such other government officials as the Administrator determines appropriate, and, upon request, to the Chairman and Ranking Member of the committees of Congress having jurisdiction.

(2) REVIEW AND ASSESSMENT OF DATA.—

(A) IN GENERAL.—Before awarding a contract or grant in excess of the simplified acquisition threshold under section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)), the Federal agency official responsible for awarding the contract or grant shall review the database and shall consider all information in the database with regard to any offer or proposal, and, in the case of a contract, shall consider other past performance information available with respect to the offeror in making any responsibility determination or past performance evaluation for such offeror.

(B) DOCUMENTATION IN CONTRACT FILE.—The contract file for each contract of a Federal agency in excess of the simplified acquisition threshold shall document the manner in which the material in the database was considered in any responsibility determination or past performance evaluation.

(f) DISCLOSURE IN APPLICATIONS.—Not later than one year after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to require that persons with Federal agency contracts and grants valued in total greater than $10,000,000 shall—

(1) submit to the Administrator, in a manner determined appropriate by the Administrator, the information subject to inclusion in the database as listed in subsection (c) current as of the date of submittal of such information under this subsection; and

(2) update such information on a semiannual basis.

(g) RULEMAKING.—The Administrator shall promulgate such regulations as may be necessary to carry out this section.

SEC. 873. ROLE OF INTERAGENCY COMMITTEE ON DEBARMENT AND SUSPENSION.

(a) REQUIREMENT.—The Interagency Committee on Debarment and Suspension shall—

(1) resolve issues regarding which of several Federal agencies is the lead agency having responsibility to initiate suspension or debarment proceedings;

(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 Committee to establish subcommittees as appropriate to best enable the Interagency Committee to carry out its functions; and

(7) submit to Congress an annual report on—

(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.

(b) DEFINITION.—The term ''Interagency Committee on Debarment and Suspension'' means such committee constituted under sections 4 and 5 and of Executive Order No. 12549.

SEC. 874. IMPROVEMENTS TO THE FEDERAL PROCUREMENT DATA SYSTEM.

(a) ENHANCED TRANSPARENCY ON INTERAGENCY CONTRACTING AND OTHER TRANSACTIONS.—Not later than one year after the date of the enactment of this Act, the Director of the Office of Management and Budget shall direct 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 and on transactions other than contracts, grants, and cooperative agreements issued pursuant to section 2371 of title 10, United States Code, or similar authorities. The Director shall ensure that data, consistent with what is collected for contract actions, is obtained on—

(1) interagency contracting actions, including data at the task or delivery-order level; and

(2) other transactions, including the initial award and any subsequent modifications awarded or orders issued (other than transactions that are reported through the Federal Assistance Awards Data System).

(b) AMENDMENT.—Subsection (d) of section 19 of the Office of Federal Procurement Policy Act (41 U.S.C. 417(d)) is amended to read as follows:

''(d) TRANSMISSION AND DATA ENTRY OF INFORMATION.—The head of each executive agency shall ensure the accuracy of the information included in the record established and maintained by such agency under subsection (a) and shall transmit in a timely manner such information to the General Services Administration for entry into the Federal Procurement Data System referred to in section 6(d)(4), or any successor system.''.

(c) REPORT TO CONGRESS.—

(1) 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.

(2) CONTENTS OF REPORT.—The report shall contain the following:

(A) A list of all databases that include information about Federal contracting and Federal grants.

(B) Recommendations for further legislation or administrative action that the Administrator considers appropriate to create a centralized, comprehensive Federal contracting and Federal grant database.

Subtitle H—Other Matters

SEC. 881. EXPANSION OF AUTHORITY TO RETAIN FEES FROM LICENSING OF INTELLECTUAL PROPERTY.

Section 2260 of title 10, United States Code, is amended—

(1) in subsection (a), by inserting ''or the Secretary of Homeland Security'' after ''Secretary of Defense''; and

(2) in subsection (f)—

(A) by striking ''(f) DEFINITIONS.—In this section, the'' and inserting the following:

''(f) DEFINITIONS.—In this section:

''(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 not operating as a service in the Department of the Navy.''.

SEC. 882. REPORT ON MARKET RESEARCH.

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 implementation of section 826 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 10 U.S.C. 2377 note) and the amendments made by that section. The report shall address—

(1) actions taken by the Department of Defense to implement the amendments made by section 826(a) of such Act to section 2377 of title 10, United States Code, with a particular focus on—

(A) the guidance issued by the Department on the performance of market research;

(B) the market research being performed pursuant to such guidance; and

(C) the results of such guidance and market research;

(2) training tools the Secretary of Defense has developed to assist contracting officials in performing market research in accordance with section 826(b) of such Act;

(3) actions the Department of Defense intends to take to further implement such section 826 and the amendments made by that section, including dissemination of best practices and corrective actions where necessary; and

(4) such other matters as the Secretary considers appropriate.

SEC. 883. 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 81mm munitions used by the Armed Forces are procured, including, where relevant, an explanation of the decision to procure such munitions from non-domestic sources and the justification for awarding contracts to non-domestic sources.

SEC. 884. MOTOR CARRIER FUEL SURCHARGES.

(a) PASS THROUGH TO COST BEARER.—The Secretary of Defense shall take appropriate actions to ensure that, to the maximum extent practicable, in all carriage contracts in which a fuel-related adjustment is provided for, any fuel-related adjustment is passed through to the person who bears the cost of the fuel that the adjustment relates to.

(b) USE OF CONTRACT CLAUSE.—The actions taken by the Secretary under subsection (a) shall include the insertion of a contract clause, with appropriate flow-down requirements, into all contracts with motor carriers, brokers, or freight forwarders providing or arranging truck transportation or services in which a fuel-related adjustment is provided for.

(c) DISCLOSURE.—The Secretary shall publicly disclose any decision by the Department of Defense to pay fuel-related adjustments under contracts (or a category of contracts) covered by this section.

(d) REPORT.—Not later than 270 days after the date of the enactment of this Act, the Secretary shall submit to the committees on Armed Services of the Senate and the House of Representatives a report on the actions taken in accordance with the requirements of subsection (a).

SEC. 885. PROCUREMENT BY STATE AND LOCAL GOVERNMENTS OF EQUIPMENT FOR HOMELAND SECURITY AND EMERGENCY RESPONSE ACTIVITIES THROUGH THE DEPARTMENT OF DEFENSE.

(a) EXPANSION OF PROCUREMENT AUTHORITY TO INCLUDE EQUIPMENT FOR HOMELAND SECURITY AND EMERGENCY RESPONSE ACTIVITIES.—

(1) PROCEDURES.—Subsection (a)(1) of section 381 of title 10, United States Code, is amended—

(A) in subsection (a)(1)—

(i) in the matter preceding subparagraph (A)—

(I) by striking ''law enforcement''; and

(II) by inserting '', homeland security, and emergency response'' after ''counter-drug'';

(ii) in subparagraph (A)—

(I) in the matter preceding clause (i), by inserting '', homeland security, or emergency response'' after ''counter-drug''; and

(II) in clause (i), by striking ''law enforcement'';

(iii) in subparagraph (C), by striking ''law enforcement'' each place it appears; and

(iv) in subparagraph (D), by striking ''law enforcement''.

(2) GSA CATALOG.—Subsection (c) of such section is amended—

(A) by striking ''law enforcement''; and

(B) by inserting '', homeland security, and emergency response'' after ''counter-drug''.

(3) DEFINITIONS.—Subsection (d) of such section is amended—

(A) in paragraph (2), by inserting ''or emergency response'' after ''law enforcement'' both places it appears; and

(B) in paragraph (3)—

(i) by striking ''law enforcement'';

(ii) by inserting '', homeland security, and emergency response'' after ''counter-drug''; and

(iii) by inserting ''and, in the case of equipment for homeland security activities, may not include any equipment that is not found on the Authorized Equipment List published by the Department of Homeland Security'' after ''purposes''.

(b) CLERICAL AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

''§ 381. Procurement of equipment by State and local governments through the Department of Defense: equipment for counter-drug, homeland security, and emergency response activities''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 18 of such title is amended by striking the item relating to section 381 and inserting the following new item:

''381. Procurement of equipment by State and local governments through the Department of Defense: equipment for counter-drug, homeland security, and emergency response activities.''.

SEC. 886. REVIEW OF IMPACT OF COVERED SUBSIDIES ON ACQUISITION OF KC-45 AIRCRAFT.

(a) REVIEW OF COVERED SUBSIDIES REQUIRED.—The Secretary of Defense, not later than 10 days after a ruling by the World Trade Organization that the United States, the European Union, or any political entity within the United States or the European Union, has provided a covered subsidy to a manufacturer of large commercial aircraft, shall begin a review, as described in subsection (b), of the impact of such covered subsidy on the source selection for the KC-45 Aerial Refueling Aircraft Program.

(b) PERFORMANCE OF THE REVIEW.—In performing the review required by subsection (a), the Secretary of Defense shall consult with experts within the Department of Defense, the Office of Management and Budget, the Office of the United States Trade Representative, and other agencies and offices of the Federal Government, and with such other experts outside the Government as the Secretary considers appropriate, on the potential impact of a covered subsidy on the source selection process for the KC-45 Aerial Refueling Aircraft Program.

(c) COMPLETION OF REVIEW.—The Secretary of Defense shall complete the review required by subsection (a) not later than 90 days after the World Trade Organization has completed ruling on all cases involving the allegation of a covered subsidy provided to a manufacturer of large commercial aircraft pending at the World Trade Organization as of the date of the enactment of this Act.

(d) REPORT ON REVIEW.—Not later than 30 days after the completion of the review required by subsection (a), the Secretary of Defense shall provide a report to the congressional defense committees on the findings of the review, together with any recommendations the Secretary considers appropriate.

(e) DEFINITIONS.—In this section:

(1) The term ''covered subsidy'' means a subsidy found to constitute a violation of the Agreement on Subsidies and Countervailing Measures.

(2) 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. 3511(d)(12)).

(3) The term ''source selection'', with respect to a program of the Department of Defense, 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 program.

SEC. 887. REPORT ON THE IMPLEMENTATION OF EARNED VALUE MANAGEMENT AT THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—The Secretary of Defense shall prepare a report on the implementation by the Department of Defense of earned value management. The report shall include, at a minimum, the following:

(1) A discussion of the regulations and guidance of the Department applicable to the use and implementation of earned value management.

(2) A discussion of the relative value of earned value management as a tool for program managers and senior Department officials.

(3) A discussion of specific challenges the Department faces in successfully using earned value management because of the nature of the culture, history, systems, and activities of the Department, particularly with regard to requirements and funding instability.

(4) A discussion of the methodology of the Department for earned value management implementation, including data quality issues, training, and information technology systems used to integrate and transmit earned value management data.

(5) An evaluation of the accuracy of the earned value management data provided by vendors to the Federal Government concerning acquisition categories I and II programs, with a discussion of the impact of this data on the ability of the Department to achieve program objectives.

(6) A description of the criteria used by the Department to evaluate the success of earned value management in delivering program objectives, with illustrative data and examples covering not less than three years.

(7) Recommendations for improving earned value management and its implementation within the Department, including a discussion of the merits of possible alternatives.

(b) SUBMISSION OF REPORT.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit the report required by subsection (a) to the Committees on Armed Services of the Senate and of the House of Representatives.

(c) DEFINITION.—In this section, 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 as published in June 2008.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department of Defense Management

Sec. 901. Plan required for personnel management of special operations forces.
Sec. 902. Director of Operational Energy Plans and Programs.
Sec. 903. Corrosion control and prevention executives for the military departments.
Sec. 904. Participation of Deputy Chief Management Officer of the Department of Defense on Defense Business System Management Committee.
Sec. 905. Modification of status of Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs.
Sec. 906. Requirement for the Secretary of Defense to prepare a strategic plan to enhance the role of the National Guard and Reserves.
Sec. 907. General Counsel to the Inspector General of the Department of Defense.
Sec. 908. Business transformation initiatives for the military departments.

Subtitle B—Space Activities

Sec. 911. Extension of authority for pilot program for provision of space surveillance network services to entities outside United States Government.
Sec. 912. Investment and acquisition strategy for commercial satellite capabilities.
Sec. 913. Space posture review.

Subtitle C—Chemical Demilitarization Program

Sec. 921. Responsibilities for Chemical Demilitarization Citizens' Advisory Commissions in Colorado and Kentucky.
Sec. 922. Cost-benefit analysis of future treatment of hydrolysate at Pueblo 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. 932. Technical amendments to title 10, United States Code, arising from enactment of the Intelligence Reform and Terrorism Prevention Act of 2004.
Sec. 933. Technical amendments relating to the Associate Director of the CIA for Military Affairs.
Subtitle E—Other Matters
Sec. 941. Enhancement of authorities relating to Department of Defense regional centers for security studies.
Sec. 942. Restriction on obligation of funds for United States Southern Command development assistance activities.
Sec. 943. Authorization of non-conventional assisted recovery capabilities.
Sec. 944. Report on homeland defense and civil support issues.
Sec. 945. Report on National Guard resource requirements.

Subtitle A—Department of Defense Management

SEC. 901. PLAN REQUIRED FOR PERSONNEL MANAGEMENT OF SPECIAL OPERATIONS FORCES.

(a) REQUIREMENT FOR PLAN.—The commander of the special operations command, in consultation with the secretaries of the military departments, shall prepare and submit to the Secretary of Defense a plan relating to personnel management of special operations forces.

(b) MATTERS COVERED.—The plan under subsection (a) shall address the following:

(1) Coordination among the military departments in order to enhance the manpower management and improve overall readiness of special operations forces.

(2) Coordination by the commander of the special operations command with the Secretaries of the military departments in order to better execute his responsibility to maintain readiness of special operations forces, including in the areas of accessions, assignments, compensation, promotions, professional development, retention, sustainment, and training.

(c) SUBMISSION OF PLAN TO CONGRESSIONAL DEFENSE COMMITTEES.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit the plan required under subsection (a) to the congressional defense committees, together with such additional comments as the Secretary and the Chairman of the Joint Chiefs of Staff consider appropriate.

SEC. 902. DIRECTOR OF OPERATIONAL ENERGY PLANS AND PROGRAMS.

(a) ESTABLISHMENT OF POSITION; DUTIES.—Chapter 4 of title 10, United States Code, is amended by inserting after section 139a the following new section:

"§ 139b. Director of Operational Energy Plans and Programs

''(a) APPOINTMENT.—There is a Director of Operational Energy Plans and Programs in the 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 political affiliation and solely on the basis of fitness to perform the duties of the office of Director.

''(b) DUTIES.—The Director shall—

''(1) provide leadership and facilitate communication regarding, and conduct oversight to manage and be accountable for, operational energy plans and 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 related to—

''(A) implementation of the operational energy strategy;

''(B) the consideration of operational energy demands in defense planning, requirements, and acquisition processes; and

''(C) research and development investments related to operational energy demand and supply technologies; and

''(4) monitor and review all operational energy initiatives in the Department of Defense.

''(c) PRINCIPAL ADVISOR FOR OPERATIONAL ENERGY PLANS AND PROGRAMS.—(1) The Director is the principal adviser to the Secretary of Defense and the Deputy Secretary of Defense regarding operational energy plans and programs and the principal policy official within the senior management of the Department of Defense regarding operational energy plans and programs.

''(2) The Director may communicate views on matters related to operational energy plans and programs and the operational energy strategy required by subsection (d) directly to the Secretary of Defense and the Deputy Secretary of Defense without obtaining the approval or concurrence of any other official within the Department of Defense.

''(d) OPERATIONAL ENERGY STRATEGY.—(1) The Director shall be responsible for the establishment and maintenance of a department-wide transformational strategy for operational energy. The strategy shall establish near-term, mid-term, and long-term goals, performance metrics to measure progress in meeting the goals, and a plan for implementation of the strategy within the military departments, the Office of the Secretary of Defense, and Defense Agencies.

''(2) Not later than 90 days after the date on which the Director is first appointed, the Secretary of each of the military departments shall designate a senior official within each armed force under the jurisdiction of the Secretary who will be responsible for operational energy plans and programs for that armed force. The officials shall be responsible for coordinating with the Director and implementing initiatives pursuant to the strategy with regard to that official's armed force.

''(3) By authority of the Secretary of Defense, the Director shall prescribe policies and procedures for the implementation of the strategy. The Director shall provide guidance to, and consult with, the Secretary of Defense, the Deputy Secretary of Defense, the Secretaries of the military departments, and the officials designated under paragraph (2) with respect to specific operational energy plans and programs to be carried out pursuant to the strategy.

''(4) The initial strategy shall be submitted to the congressional defense committees not later than 180 days after the date on which the Director is first appointed. Subsequent updates to the strategy shall be submitted to the congressional defense committees as soon as practicable after the modifications to the strategy are made.

''(e) BUDGETARY AND FINANCIAL MATTERS.—(1) The Director shall review and make recommendations to the Secretary of Defense regarding all budgetary and financial matters relating to the operational energy strategy.

''(2) 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 strategy transmit their proposed budget 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).

''(3) 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, shall 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 regarding whether the proposed budget is adequate for implementation of the strategy.

''(4) 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 proposes to take, together with 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.

''(5) 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.

''(f) ACCESS TO INITIATIVE RESULTS AND RECORDS.—(1) The Secretary of a military department shall submit to the Director the results of all studies and initiatives conducted by the military department in connection with the operational energy strategy.

''(2) The Director shall have access to all records and data in the Department of Defense (including the records and data of each military department) necessary in order to permit the Director to carry out the duties of the Director.

''(g) 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.

''(h) DEFINITIONS.—In this section:

''(1) OPERATIONAL ENERGY.—The term 'operational energy' means the energy required for training, moving, and sustaining 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 terms 'operational energy strategy' and 'strategy' mean the operational energy strategy developed under subsection (d).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 139a the following new item:

''139b. Director of Operational Energy Plans and Programs.''.

SEC. 903. 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 the 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 programs and activities.

(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 materiel acquisition process.

(F) Military infrastructure design, construction, and maintenance.

(2) The corrosion control and prevention executive of a military department shall be responsible for identifying the funding levels necessary to accomplish the items listed in subparagraphs (A) through (F) of paragraph (1).

(3) 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 materiel 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.

(4) The corrosion control and prevention executive of a military department shall be the principal point of contact of the department to the Director of Corrosion Policy and Oversight (as assigned under section 2228 of title 10, United States Code).

(5) The corrosion control and prevention executive of a military department shall submit an annual report, not later than December 31 of each year, to the Secretary of Defense containing recommendations pertaining to the corrosion control and prevention program of the military department, including corrosion-related funding levels to carry out all of the duties of the executive under this section.

SEC. 904. PARTICIPATION OF DEPUTY CHIEF MANAGEMENT OFFICER OF THE DEPARTMENT OF DEFENSE ON DEFENSE BUSINESS SYSTEM MANAGEMENT COMMITTEE.

(a) PARTICIPATION.—Subsection (a) of section 186 of title 10, United States Code, is amended—

(1) by redesignating paragraphs (2) through (7) as paragraphs (3) through (8), respectively;

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2) The Deputy Chief Management Officer of the Department of Defense.''; and

(3) by striking paragraph (7), as redesignated by paragraph (1), and inserting the following new paragraph:

''(7) The Chief Management Officers of the military departments and the heads of such Defense Agencies as may be designated by the Secretary of Defense.''.

(b) SERVICE AS VICE CHAIRMAN.—The second sentence of subsection (b) of such section is amended to read as follows: ''The Deputy Chief Management Officer of the Department of Defense shall serve as the vice chairman of the Committee, and shall act as chairman in the absence of the Deputy Secretary of Defense.''.

SEC. 905. MODIFICATION OF STATUS OF ASSISTANT TO THE SECRETARY OF DEFENSE FOR NUCLEAR AND CHEMICAL AND BIOLOGICAL DEFENSE PROGRAMS.

Section 142 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c) The Assistant to the Secretary shall be considered an Assistant Secretary of Defense for purposes of section 138(d) of this title.''.

SEC. 906. REQUIREMENT FOR THE SECRETARY OF DEFENSE TO PREPARE A STRATEGIC PLAN TO ENHANCE THE ROLE OF THE NATIONAL GUARD AND RESERVES.

(a) PLAN.—Not later than April 1, 2009, the Secretary of Defense shall prepare a plan for enhancing the roles of the National Guard and Reserve—

(1) when federalized in the case of the National Guard, or activated in the case of the Reserves, in support of operations conducted under title 10, United States Code, including the transition of the reserve component of the Armed Forces from a strategic force to an operational reserve;

(2) in support of operations conducted under title 32, United States Code, or in support to civil authorities; and

(3) with respect to the achievement of a fully-integrated total force (including further development of a continuum of service).

(b) CONSULTATION.—In preparing the plan under subsection (a), the Secretary of Defense shall take into consideration the advice of the Chairman of the Joint Chiefs of Staff, the Secretary and Chief of Staff of the Army, the Secretary and Chief of Staff of the Air Force, the commander of the United States Northern Command, the Chief of the National Guard Bureau, and other appropriate officials, as determined by the Secretary of Defense.

(c) MATTERS TO BE ASSESSED.—In preparing the plan, the Secretary shall assess—

(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''; and

(2) the provisions of H.R. 5603 and S. 2706 of the 110th Congress, as introduced on March 13, 2008 (the National Guard Empowerment and State-National Defense Integration Act of 2008).

(d) REPORT.—Not later than April 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 plan required under this section. The report shall include recommendations on—

(1) any changes to the current Department of Defense organization, structure, command relationships, budget authority, procurement authority, and compensation and benefits;

(2) any legislation that the Secretary considers necessary; and

(3) any other matter the Secretary considers appropriate.

SEC. 907. GENERAL COUNSEL TO THE INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE.

Section 8 of the Inspector General Act of 1978 (50 U.S.C. App. 8) is amended by adding at the end the following new subsection:

''(h)(1) There is a General Counsel to the Inspector General of the Department of Defense, who shall be appointed by the Inspector General of the Department of Defense.

''(2)(A) Notwithstanding section 140(b) of title 10, United States Code, the General Counsel is the chief legal officer of the Office of the Inspector General.

''(B) The Inspector General is the exclusive legal client of the General Counsel.

''(C) The General Counsel shall perform such functions as the Inspector General may prescribe.

''(D) The General Counsel shall serve at the discretion of the Inspector General.

''(3) There is an Office of the General Counsel to the Inspector General of the Department of Defense. The Inspector General may appoint to the Office to serve as staff of the General Counsel such legal counsel as the Inspector General considers appropriate.''.

SEC. 908. BUSINESS TRANSFORMATION INITIATIVES FOR THE MILITARY DEPARTMENTS.

(a) IN GENERAL.—The Secretary of each military department shall, acting through the Chief Management Officer of such military department, carry out an initiative for the business transformation of such military department.

(b) OBJECTIVES.—The objectives of the business transformation initiative of a military department under this section shall include, at a minimum, the following:

(1) The development of a comprehensive business transformation plan, with measurable performance goals and objectives, to achieve an integrated management system for the business operations of the military department.

(2) The development of a well-defined enterprise-wide business systems architecture and transition plan encompassing end-to-end business processes and capable of providing accurately and timely information in support of business decisions of the military department.

(3) The implementation of the business transformation plan developed pursuant to paragraph (1) and the business systems architecture and transition plan developed pursuant to paragraph (2).

(c) BUSINESS TRANSFORMATION OFFICES.—

(1) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of each military department shall establish within such military department an office (to be known as the ''Office of Business Transformation'' of such military department) to assist the Chief Management Officer of such military department in carrying out the initiative required by this section for such military department.

(2) HEAD.—The Office of Business Transformation of a military department under this subsection shall be headed by a Director of Business Transformation, who shall be appointed by the Chief Management Officer of the military department, in consultation with the Director of the Business Transformation Agency of the Department of Defense, from among individuals with significant experience managing large-scale organizations or business transformation efforts.

(3) SUPERVISION.—The Director of Business Transformation of a military department under paragraph (2) shall report directly to the Chief Management Officer of the military department, subject to policy guidance from the Director of the Business Transformation Agency of the Department of Defense.

(4) AUTHORITY.—In carrying out the initiative required by this section for a military department, the Director of Business Transformation of the military department under paragraph (2) shall have the authority to require elements of the military department to

carry out actions that are within the purpose and scope of the initiative.

(d) RESPONSIBILITIES OF BUSINESS TRANSFORMATION OFFICES.—The Office of Business Transformation of a military department established pursuant to subsection (b) may be responsible for the following:

(1) Transforming the budget, finance, accounting, and human resource operations of the military department in a manner that is consistent with the business transformation plan developed pursuant to subsection (b)(1).

(2) Eliminating or replacing financial management systems of the military department that are inconsistent with the business systems architecture and transition plan developed pursuant to subsection (b)(2).

(3) Ensuring that the business transformation plan and the business systems architecture and transition plan are implemented in a manner that is aggressive, realistic, and accurately measured.

(4) Such other responsibilities as the Secretary of that military department determines are appropriate.

(e) REQUIRED ELEMENTS.—In carrying out the initiative required by this section for a military department, the Chief Management Officer and the Director of Business Transformation of the military department shall ensure that each element of the initiative is consistent with—

(1) the requirements of the Business Enterprise Architecture and Transition Plan developed by the Secretary of Defense pursuant to section 2222 of title 10, United States Code;

(2) the Standard Financial Information Structure of the Department of Defense;

(3) the Federal Financial Management Improvement Act of 1996 (and the amendments made by that Act); and

(4) other applicable requirements of law and regulation.

(f) REPORTS ON IMPLEMENTATION.—

(1) INITIAL REPORTS.—Not later than nine months after the date of the enactment of this Act, the Chief Management Officer of each military department shall submit to the congressional defense committees a report on the actions taken, and on the actions planned to be taken, by such military department to implement the requirements of this section.

(2) UPDATES.—Not later than March 1 of each of 2010, 2011, and 2012, the Chief Management Officer of each military department shall submit to the congressional defense committees a current update of the report submitted by such Chief Management Officer under paragraph (1).

Subtitle B—Space Activities

SEC. 911. EXTENSION OF AUTHORITY FOR PILOT PROGRAM FOR PROVISION OF SPACE SURVEILLANCE NETWORK SERVICES TO ENTITIES OUTSIDE UNITED STATES GOVERNMENT.

Section 2274(i) of title 10, United States Code, is amended by striking ''September 30, 2009'' and inserting ''September 30, 2010''.

SEC. 912. INVESTMENT AND ACQUISITION STRATEGY FOR COMMERCIAL SATELLITE CAPABILITIES.

(a) REQUIREMENT.—The Secretary of Defense shall conduct an assessment to determine a recommended investment and acquisition strategy for commercial satellite capabilities.

(b) ELEMENTS.—The assessment required under subsection (a) shall include the following:

(1) Review of national and defense policy relevant to the requirements for, acquisition of, and use of commercial satellite capabilities, and the relationship with commercial satellite providers.

(2) Assessment of the manner in which commercial satellite capabilities are used by the Department of Defense and options for expanding such use or identifying new means to leverage commercial satellite capabilities, such as hosting payloads.

(3) Review of military requirements for satellite communications and remote sensing by quantity, quality, timeline, and any other metric considered appropriate.

(4) Description of current and planned commercial satellite capabilities and an assessment of their ability to meet the requirements identified in paragraph (3).

(5) Assessment of the ability of commercial satellite capabilities to meet other military requirements not identified in paragraph (3).

(6) Description of the use of and resources allocated to commercial satellite communications and remote sensing needed to meet the requirements identified in paragraph (3) during—

(A) the five-year period preceding the date of the assessment;

(B) the period from the date of the assessment through the fiscal years covered under the future-years defense program under section 221 of title 10, United States Code; and

(C) the period beyond the fiscal years covered under the future-years defense program under such section 221.

(7) Assessment of purchasing patterns that may lead to recommendations in which the Department may consolidate requirements, centralize operations, aggregate purchases, or leverage purchasing power (including the use of multiyear contracting).

(8) Assessment of various models for acquiring commercial satellite capabilities, including funding, management, and operations models.

(c) REPORT.—

(1) IN GENERAL.—Not later than February 1, 2010, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the results of the assessment required under subsection (a) and provide recommendations, including—

(A) the recommended investment and acquisition strategy of the Department for commercial satellite capabilities;

(B) how the investment and acquisition strategy should be addressed in fiscal years after fiscal year 2010; and

(C) a proposal for such legislative action as the Secretary considers necessary to acquire appropriate types and amounts of commercial satellite capabilities.

(2) FORM.—The report shall be in unclassified form, but may include a classified annex.

(d) DEFINITIONS.—In this section:

(1) The term ''commercial satellite capabilities'' means the system, capability, or service provided by a commercial satellite provider.

(2) The term ''commercial satellite provider'' refers to privately owned and operated space systems, their technology, components, products, data, services, and related information, as well as foreign systems whose products and services are sold commercially.

SEC. 913. SPACE POSTURE REVIEW.

(a) REQUIREMENT FOR COMPREHENSIVE REVIEW.—In order to clarify the national security space policy and strategy of the United States for the near term, the Secretary of Defense and the Director of National Intelligence shall jointly conduct a comprehensive review of the space posture of the United States over the posture review period.

(b) ELEMENTS OF REVIEW.—The review conducted under subsection (a) shall include, for the posture review period, the following:

(1) The definition, policy, requirements, and objectives for each of the following:

(A) Space situational awareness.

(B) Space control.

(C) Space superiority, including defensive and offensive counterspace and protection.

(D) Force enhancement and force application.

(E) Space-based intelligence and surveillance and reconnaissance from space.

(F) Integration of space and ground control and user equipment.

(G) Any other matter the Secretary considers relevant to understanding the space posture of the United States.

(2) A description of current and planned space acquisition programs that are in acquisition categories 1 and 2, including how each program will address the policy, requirements, and objectives described under each of subparagraphs (A) through (G) of paragraph (1).

(3) A description of future space systems and technology development (other than such systems and technology in development as of the date of the enactment of this Act) necessary to address the policy, requirements, and objectives described under each of subparagraphs (A) through (G) of paragraph (1).

(4) An assessment of the relationship among the following:

(A) Military space policy.

(B) National security space policy.

(C) National security space objectives.

(D) Arms control policy.

(E) Export control policy.

(F) Industrial base policy.

(5) An assessment of the effect of the military and national security space policy of the United States on the proliferation of weapons capable of targeting objects in space or objects on Earth from space.

(c) REPORT.—

(1) IN GENERAL.—Not later than December 1, 2009, the Secretary of Defense and the Director of National Intelligence shall jointly submit to the congressional committees specified in paragraph (3) a report on the review conducted under subsection (a).

(2) FORM OF REPORT.—The report under this subsection shall be submitted in unclassified form, but may include a classified annex.

(3) COMMITTEES.—The congressional committees specified in this paragraph are—

(A) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

(d) POSTURE REVIEW PERIOD DEFINED.—In this section, the term ''posture review period'' means the 10-year period beginning on February 1, 2009.

Subtitle C—Chemical Demilitarization Program

SEC. 921. RESPONSIBILITIES FOR CHEMICAL DEMILITARIZATION CITIZENS' ADVISORY COMMISSIONS IN COLORADO AND KENTUCKY.

Section 172 of the National Defense Authorization Act for Fiscal Year 1993 (50 U.S.C. 1521 note) is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following new subsection (f):

''(f) COLORADO AND KENTUCKY CHEMICAL DEMILITARIZATION CITIZENS' ADVISORY COMMISSIONS.—(1) Notwithstanding subsections (b), (g), and (h), and consistent with section 142 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (50 U.S.C. 1521 note) and section 8122 of the Department of Defense Appropriations Act, 2003 (Public Law 107–248; 116 Stat. 1566; 50 U.S.C. 1521 note), the Secretary of the Army shall

transfer responsibilities for the Chemical Demilitarization Citizens' Advisory Commissions in Colorado and Kentucky to the Program Manager for Assembled Chemical Weapons Alternatives.

''(2) In carrying out the responsibilities transferred under paragraph (1), the Program Manager for Assembled Chemical Weapons Alternatives shall take appropriate actions to ensure that each Commission referred to in paragraph (1) retains the capacity to receive citizen and State concerns regarding the ongoing chemical demilitarization program in the State concerned.

''(3) A representative of the Office of the Assistant to the Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs shall meet with each Commission referred to in paragraph (1) not less often than twice a year.

''(4) Funds appropriated for the Assembled Chemical Weapons Alternatives Program shall be available for travel and associated travel costs for Commissioners on the Commissions referred to in paragraph (1) when such travel is conducted at the invitation of the Special Assistant for Chemical and Biological Defense and Chemical Demilitarization Programs of the Department of Defense.''.

SEC. 922. COST-BENEFIT ANALYSIS OF FUTURE TREATMENT OF HYDROLYSATE AT PUEBLO CHEMICAL DEPOT, COLORADO.

(a) FINDINGS.—Congress makes the following findings:

(1) The Pueblo Chemical Agent Destruction Pilot Plant, Colorado, is not planned to begin chemical agent destruction operations until 2015.

(2) There will be no hydrolysate byproduct of chemical agent neutralization at the Pueblo Chemical Depot, Colorado, until after chemical agent destruction operations begin.

(3) The Department of Defense has no plans to produce, treat, store, or transport hydrolysate at the Pueblo Chemical Depot, Colorado, during fiscal year 2009.

(4) A January 10, 2007, Department of Defense Acquisition Decision Memorandum requires the Program Manager for the Assembled Chemical Weapons Alternatives to continue to pursue off-site treatment and disposal of hydrolysate as long as doing so would be safe, efficient, and economically beneficial.

(b) COST-BENEFIT ANALYSIS.—The Secretary of Defense shall perform a cost-benefit analysis of future on-site and off-site options for treatment and disposal of hydrolysate expected to be produced at the Pueblo Chemical Depot, Colorado.

(c) REPORT.—Together with the budget justification materials submitted to Congress in support of the Department of Defense budget for fiscal year 2010 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code), the Secretary of Defense shall submit to the congressional defense committees a report containing the results of the cost-benefit analysis required by subsection (b).

(d) NOTICE AND WAIT.—After the submission of the report required by subsection (c), if the Secretary of Defense decides to transport hydrolysate from Pueblo Chemical Depot, Colorado, to an off-site location during fiscal year 2009, the Department shall not commence such transport until 60 days after the Secretary provides written notice to the congressional defense committees of the Department's intent to conduct such transport.

Subtitle D—Intelligence-Related Matters

SEC. 931. TECHNICAL CHANGES FOLLOWING THE REDESIGNATION OF NATIONAL IMAGERY AND MAPPING AGENCY AS NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.

(a) TECHNICAL CHANGES TO UNITED STATES CODE.—

(1) TITLE 5.—Title 5, United States Code, is amended by striking ''National Imagery and Mapping Agency'' each place it appears and inserting ''National Geospatial-Intelligence Agency''.

(2) TITLE 44—Title 44, United States Code, is amended by striking ''National Imagery and Mapping Agency'' each place it appears and inserting ''National Geospatial-Intelligence Agency''.

(b) TECHNICAL CHANGES TO OTHER ACTS.—

(1) ETHICS IN GOVERNMENT ACT OF 1978—Section 105(a)(1) of the Ethics in Government Act of 1978 (Public Law 95–521; 5 U.S.C. App. 4) is amended by striking ''National Imagery and Mapping Agency'' and inserting ''National Geospatial-Intelligence Agency''.

(2) INSPECTOR GENERAL ACT OF 1978.—Section 8H of the Inspector General Act of 1978 (Public Law 95–452; 5 U.S.C. App.) is amended—

(A) in subsection (a)(1)(A), by striking ''National Imagery and Mapping Agency'' and inserting ''National Geospatial-Intelligence Agency''; and

(B) in subsection (g)(1), by striking ''National Imagery and Mapping Agency'' and inserting ''National Geospatial-Intelligence Agency''.

(3) EMPLOYEE POLYGRAPH PROTECTION ACT OF 1988.—Section 7(b)(2)(A)(i) of the Employee Polygraph Protection Act of 1988 (29 U.S.C. 2006(b)(2)(A)(i)) is amended by striking ''National Imagery and Mapping Agency'' and inserting ''National Geospatial-Intelligence Agency''.

(4) LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1993.—Section 207(a)(2)(B) of the Legislative Branch Appropriations Act, 1993 (Public Law 102–392; 44 U.S.C. 501 note), is amended by striking ''National Imagery and Mapping Agency'' and inserting ''National Geospatial-Intelligence Agency''.

(5) HOMELAND SECURITY ACT OF 2002.—Section 201(e)(2) of the Homeland Security Act of 2002 (6 U.S.C. 121(e)(2)) is amended by striking ''National Imagery and Mapping Agency'' and inserting ''National Geospatial-Intelligence Agency''.

SEC. 932. TECHNICAL AMENDMENTS TO TITLE 10, UNITED STATES CODE, ARISING FROM ENACTMENT OF THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.

(a) REFERENCES TO HEAD OF 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(e).
(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 441(c).
(9) Section 441(d).
(10) Section 443(d).
(11) Section 2273(b)(1).
(12) Section 2723(a).

(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 443(d).

(c) REFERENCE TO HEAD OF CENTRAL INTELLIGENCE AGENCY.—Section 444 of such title is amended by striking ''Director of Central Intelligence'' each place it appears and inserting ''Director of the Central Intelligence Agency''.

SEC. 933. TECHNICAL AMENDMENTS RELATING TO THE ASSOCIATE DIRECTOR OF THE CIA FOR MILITARY AFFAIRS.

Section 528(c) of title 10, United States Code, is amended—

(1) in the heading, by striking ''MILITARY SUPPORT'' and inserting ''MILITARY AFFAIRS''; and

(2) by striking ''Military Support'' and inserting ''Military Affairs''.

Subtitle E—Other Matters

SEC. 941. ENHANCEMENT OF AUTHORITIES RELATING TO DEPARTMENT OF DEFENSE REGIONAL CENTERS FOR SECURITY STUDIES.

(a) AVAILABILITY OF FUNDS FOR ACTIVITIES ACROSS FISCAL YEARS.—

(1) IN GENERAL.—Section 184(f) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(6) Funds available to carry out this section, including funds accepted under paragraph (4) and funds available under paragraph (5), shall be available, to the extent provided in appropriations Acts, for programs and activities under this section that begin in a fiscal year and end in the following fiscal year.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on October 1, 2008, and shall apply with respect to programs and activities under section 184 of title 10, United States Code (as so amended), that begin on or after that date.

(b) TEMPORARY WAIVER OF REIMBURSEMENT OF COSTS OF ACTIVITIES FOR NONGOVERNMENTAL PERSONNEL.—

(1) AUTHORITY FOR TEMPORARY WAIVER.—In fiscal years 2009 and 2010, the Secretary of Defense may, with the concurrence of the Secretary of State, waive reimbursement otherwise required under subsection (f) of section 184 of title 10, United States Code, of the costs of activities of Regional Centers under such section for personnel of nongovernmental and international organizations who participate in activities of the Regional Centers that enhance cooperation of nongovernmental organizations and international organizations with United States forces if the Secretary of Defense determines that attendance of such personnel without reimbursement is in the national security interests of the United States.

(2) LIMITATION.—The amount of reimbursement that may be waived under paragraph (1) in any fiscal year may not exceed $1,000,000.

(3) ANNUAL REPORT.—The Secretary of Defense shall include in the annual report under section 184(h) of title 10, United States Code, in 2010 and 2011 information on the attendance of personnel of nongovernmental and international organizations in activities of the Regional Centers during the preceding fiscal year for which a waiver of reimbursement was made under paragraph (1), including information on the costs incurred by the United States for the participation of personnel of each nongovernmental or international organization that so attended.

SEC. 942. RESTRICTION ON OBLIGATION OF FUNDS FOR UNITED STATES SOUTHERN COMMAND DEVELOPMENT ASSISTANCE ACTIVITIES.

(a) REPORT AND CERTIFICATION REQUIRED.—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 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—

(1) will not adversely diminish the ability of the United States Southern Command or its components to carry out its combat or military missions;

(2) do not divert resources from funded or unfunded requirements of the United States Southern Command in connection with the role of the Department of Defense under section 124 of title 10, United States Code, as the single lead agency of the Federal Government for the detection and monitoring of aerial and maritime transit of illegal drugs into the United States;

(3) are not unnecessarily duplicative of activities already conducted or planned to be conducted by any other Federal department or agency during fiscal year 2009; and

(4) are designed, planned, and conducted to complement joint training and exercises, host-country capacity building, or similar activities directly connected to the responsibilities of the United States Southern Command.

(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 operation and maintenance for the United States Southern Command, not more than 90 percent may be obligated or expended until 30 days after the certification required by subsection (a) is received by the congressional defense committees.

(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 under—

(1) chapters 1, 10, 11, and 12 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151, 2293, 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. 943. AUTHORIZATION OF NON-CONVENTIONAL ASSISTED RECOVERY CAPABILITIES.

(a) NON-CONVENTIONAL ASSISTED RECOVERY CAPABILITIES.—Upon a determination by a commander of a combatant command that an action is necessary in connection with a non-conventional assisted recovery effort, and with the concurrence of the relevant Chief of Mission or Chiefs of Mission, 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) may, in limited and special 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) NOTICE TO CONGRESS ON USE OF AUTHORITY.—Upon using the authority in subsection (a) to make funds available for support of non-conventional assisted recovery activities, the Secretary of Defense shall notify the congressional defense committees within 72 hours of the use of such authority with respect to support of such activities. Any such notice shall be in writing.

(e) 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. Each such report shall describe the support provided, including a statement of the recipient of support and the amount obligated to provide the support.

(f) LIMITATION ON INTELLIGENCE ACTIVITIES.—This section does not constitute authority to conduct a covert action, as such term is defined in section 503(e) of the National Security Act of 1947 (50 U.S.C. 413b(e)).

(g) LIMITATION ON FOREIGN ASSISTANCE ACTIVITIES.—This section does not constitute authority—

(1) to build the capacity of foreign military forces or provide security and stabilization assistance, as described in sections 1206 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.

(h) PERIOD OF AUTHORITY.—The authority under this section is in effect during each of the fiscal years 2009 through 2011.

SEC. 944. REPORT ON HOMELAND DEFENSE AND CIVIL SUPPORT ISSUES.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on certain homeland defense and civil support issues.

(b) ELEMENTS.—The report required under subsection (a) shall include the following:

(1) A description of the progress made by the Department of Defense to address the concerns related to the United States Northern Command identified in the Comptroller General reports GAO–08–251 and GAO–08–252, including improved coordination with other agencies.

(2) A detailed description of the plans and progress made by the Department of Defense to establish forces assigned the mission of managing the consequences of an incident in the United States homeland involving a chemical, biological, radiological, or nuclear device, or high-yield explosives.

SEC. 945. REPORT ON NATIONAL GUARD RESOURCE REQUIREMENTS.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Chief of the National Guard Bureau shall submit to the Secretary of Defense a report—

(1) detailing the extent to which the various provisions in title XVIII of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) have been effective in giving the Chief of the National Guard Bureau the authorities and resources needed to perform the responsibilities and duties of the Chief; and

(2) assessing the adequacy of Department of Defense funding for the resource requirements of the National Guard.

(b) REPORT TO CONGRESS.—Not later than 30 days after the Secretary of Defense receives the report under subsection (a), the Secretary shall submit to Congress such report, along with any explanatory comments the Secretary considers necessary.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

Sec. 1001. General transfer authority.
Sec. 1002. One-time shift of military retirement payments.
Sec. 1003. Management of purchase cards.
Sec. 1004. Codification of recurring authority on United States contributions to the North Atlantic Treaty Organization common-funded budgets.
Sec. 1005. Incorporation of funding decisions into law.

Subtitle B—Policy Relating to Vessels and Shipyards

Sec. 1011. Conveyance, Navy drydock, Aransas Pass, Texas.
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Subtitle C—Counter-Drug Activities

Sec. 1021. Extension of reporting requirement regarding Department of Defense expenditures 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.
Sec. 1023. Extension of authority to support unified counter-drug and counterterrorism campaign in Colombia and continuation of numerical limitation on assignment 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 United States Africa Command.
Sec. 1026. Comprehensive Department of Defense strategy for counter-narcotics efforts in South and Central Asian regions.

Subtitle D—Miscellaneous Authorities and Limitations

Sec. 1031. Enhancement of the capacity of the United States Government to conduct complex operations.
Sec. 1032. Crediting of admiralty claim receipts for damage to property funded from a Department of Defense working capital fund.
Sec. 1033. Minimum annual purchase requirements for charter air transportation services from carriers participating in the Civil Reserve Air Fleet.
Sec. 1034. Semi-annual reports on status of Navy Next Generation Enterprise Networks program.
Sec. 1035. Sense of Congress on nuclear weapons management.
Sec. 1036. Sense of Congress on joint Department of Defense-Federal Aviation Administration executive committee on conflict and dispute resolution.

Sec. 1037. Sense of Congress on sale of new outsize cargo, strategic airlift aircraft for civilian use.

Subtitle E—Studies and Reports

Sec. 1041. Report on corrosion control and prevention.
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Sec. 1043. Study on rotorcraft survivability.
Sec. 1044. Report on nuclear weapons.
Sec. 1045. Report on compliance by Department of Defense with Guam tax and licensing laws.
Sec. 1046. Report on detention operations in Iraq.
Sec. 1047. Review of bandwidth capacity requirements of the Department of Defense and the intelligence community.
Sec. 1048. Review of findings and recommendations applicable to the Department of Defense regarding electromagnetic pulse attack.

Subtitle F—Other Matters

Sec. 1051. Additional information under annual submissions of information regarding information technology capital assets.
Sec. 1052. Submission to Congress of revision to regulation on enemy prisoners of war, retained personnel, civilian internees, and other detainees.
Sec. 1053. Barnegat Inlet to Little Egg Inlet, New Jersey.
Sec. 1054. Standing advisory panel on improving coordination among the Department of Defense, the Department of State, and the United States Agency for International Development on matters of national security.
Sec. 1055. Reports on strategic communication and public diplomacy activities of the Federal Government.
Sec. 1056. Prohibitions relating to propaganda.
Sec. 1057. Sense of Congress on interrogation of detainees by contractor personnel.
Sec. 1058. Sense of Congress with respect to videotaping or otherwise electronically recording strategic intelligence interrogations of persons in the custody of or under the effective control of the Department of Defense.
Sec. 1059. Modification of deadlines for standards required for entry to military installations in the United States.
Sec. 1060. Extension of certain dates for Congressional Commission on the Strategic Posture of the United States.
Sec. 1061. Technical and clerical amendments.
Sec. 1062. Notification of Committees on Armed Services with respect to certain nonproliferation and proliferation activities.
Sec. 1063. Assessment of security measures at consolidated center for North American Aerospace Defense Command and United States Northern Command.

Subtitle A—Financial Matters

SEC. 1001. GENERAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2009 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—Except as provided in paragraph (3), the total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $4,200,000,000.

(3) EXCEPTION FOR TRANSFERS BETWEEN MILITARY PERSONNEL AUTHORIZATIONS.—A transfer of funds between military personnel authorizations under title IV shall not be counted toward the dollar limitation in paragraph (2).

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. ONE-TIME SHIFT OF MILITARY RETIREMENT PAYMENTS.

(a) REDUCTION OF PAYMENTS.—Notwithstanding any other provision of law, any amounts that would otherwise be payable from the fund to individuals for the month of August 2013 (with disbursements scheduled for September 2013) shall be reduced by 1 percent.

(b) REVERSION.—Beginning on September 1, 2013 (with disbursements beginning in October 2013), amounts payable to individuals from the fund shall revert back to amounts as specified in law as if the reduction in subsection (a) did not take place.

(c) REFUND.—Any individual who has a payment reduced under subsection (a) shall receive a one-time payment, from the fund, in an amount equal to the amount of such reduction. This one-time payment shall be included with disbursements from the fund scheduled for October 2013.

(d) FUND.—In this section, the term ''fund'' refers to the Department of Defense Military Retirement Fund established by section 1461 of title 10, United States Code.

(e) TRANSFER.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall transfer $40,000,000 from the unobligated balances of the National Defense Stockpile Transaction Fund to the Miscellaneous Receipts Fund of the United States Treasury to offset estimated costs arising from section 702 and the amendments made by such section.

SEC. 1003. MANAGEMENT OF PURCHASE CARDS.

(a) PENALTIES FOR VIOLATIONS.—Section 2784(c)(1) of title 10, United States Code, is amended by striking ''(1) provide for'' and inserting the following:

''(1) provide—

''(A) for the reimbursement of charges for unauthorized or erroneous purchases, in appropriate cases; and

''(B) for''.

(b) REQUIRED REPORT.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report detailing actions to be taken by the Department of Defense to implement the recommendations of the Government Accountability Office in its report titled ''Actions Needed to Strengthen Internal Controls to Reduce Fraudulent, Improper, and Abusive Purchases'' (GAO–08–333) to improve safeguards and internal controls on the use of agency purchase cards.

SEC. 1004. CODIFICATION OF RECURRING AUTHORITY ON UNITED STATES CONTRIBUTIONS TO THE NORTH ATLANTIC TREATY ORGANIZATION COMMON-FUNDED BUDGETS.

(a) CODIFICATION OF AUTHORITY.—

(1) IN GENERAL.—Subchapter II of chapter 134 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2263. United States contributions to the North Atlantic Treaty Organization common-funded budgets

''(a) IN GENERAL.—The total amount contributed by the Secretary of Defense in any fiscal year for the common-funded budgets of NATO may be an amount in excess of the maximum amount that would otherwise be applicable to those contributions in such fiscal year under the fiscal year 1998 baseline limitation.

''(b) REPORTS.—(1) Not later than October 30 each year, the Secretary of Defense shall submit to the congressional defense committees a report on the contributions made by the Secretary to the common-funded budgets of NATO in the preceding fiscal year.

''(2) Each report under paragraph (1) shall include, for the fiscal year covered by such report, the following:

''(A) The amounts contributed by the Secretary to each of the separate budgets and programs of the North Atlantic Treaty Organization under the common-funded budgets of NATO.

''(B) For each budget and program to which the Secretary made such a contribution, the percentage of such budget or program during the fiscal year that such contribution represented.

''(c) DEFINITIONS.—In this section:

''(1) COMMON-FUNDED BUDGETS OF NATO.—The term 'common-funded budgets of NATO' means the Military Budget, the Security Investment Program, and the Civil Budget of the North Atlantic Treaty Organization (and any successor or additional account or program of NATO).

''(2) FISCAL YEAR 1998 BASELINE LIMITATION.—The term 'fiscal year 1998 baseline limitation' means the maximum annual amount of Department of Defense contributions for common-funded budgets of NATO that is set forth as the annual limitation in section 3(2)(C)(ii) of the resolution of the Senate giving the advice and consent of the Senate to the ratification of the Protocols to the North Atlantic Treaty of 1949 on the Accession of Poland, Hungary, and the Czech Republic (as defined in section 4(7) of that resolution), approved by the Senate on April 30, 1998.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of chapter 134 of such title is amended by adding at the end the following new item:

''2263. United States contributions to the North Atlantic Treaty Organization common-funded budgets.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008, and shall apply to fiscal years that begin on or after that date.

SEC. 1005. INCORPORATION OF FUNDING DECISIONS INTO LAW.

(a) AMOUNTS SPECIFIED IN JOINT EXPLANATORY STATEMENT ARE AUTHORIZED BY LAW.—Wherever a funding table in the Joint Explanatory Statement which is to be printed in the Congressional Record on or about September 23, 2008, to explain the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 specifies a dollar amount for a project, program, or activity, the obligation and expenditure of the specified dollar amount for the indicated project, program, or activity is hereby authorized by law to be carried out to the same extent as if included in the text of the Act, subject to the availability of appropriations.

(b) MERIT-BASED DECISIONS.—Decisions by agency heads to commit, obligate, or expend funds with or to a specific entity on the basis of dollar amount authorized pursuant to subsection (a) shall be based on authorized, transparent, statutory criteria, or merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, and other applicable provisions of law.

(c) RELATIONSHIP TO TRANSFER AND REPROGRAMMING AUTHORITY.—This section does not prevent an amount covered by this section from being transferred or reprogrammed under a transfer or reprogramming authority provided by another provision of this Act or by other law. The transfer or reprogramming of an amount incorporated into the Act by this section shall not count against a ceiling on such transfers or reprogrammings under section 1001 of this Act or any other provision of law, unless such transfer or reprogramming would move funds between appropriation accounts.

(d) APPLICABILITY TO CLASSIFIED ANNEX.—This section applies to any classified annex to the Joint Explanatory Statement referred to in subsection (a).

(e) ORAL AND WRITTEN COMMUNICATION.—No oral or written communication concerning any amount specified in the Joint Explanatory Statement referred to in subsection (a) shall supersede the requirements of this section.

Subtitle B—Policy Relating to Vessels and Shipyards

SEC. 1011. CONVEYANCE, NAVY DRYDOCK, ARANSAS PASS, TEXAS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy is authorized to convey the floating drydock AFDL–23, located in Aransas Pass, Texas, to Gulf Copper Ship Repair, that company being the current lessee of the drydock.

(b) CONDITION OF CONVEYANCE.—The Secretary shall require as a condition of the conveyance under subsection (a) that the drydock remain at the facilities of Gulf Copper Ship Repair, at Aransas Pass, Texas, until at least September 30, 2010.

(c) CONSIDERATION.—As consideration for the conveyance of the drydock under subsection (a), the purchaser shall provide compensation to the United States the value of which, as determined by the Secretary, is equal to the fair market value of the drydock, as determined by the Secretary. The Secretary shall take into account amounts paid by, or due and owing from, the lessee.

(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 7310 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c) REPORT.—(1) The Secretary of the Navy shall submit to Congress each year, at the time that the President's budget is submitted to Congress that year under section 1105(a) of title 31, a report listing all repairs and maintenance performed on any covered naval vessel that has undergone work for the repair of the vessel in any shipyard outside the United States or Guam (in this section referred to as a 'foreign shipyard') during the fiscal year preceding the fiscal year in which the report is submitted.

''(2) The report shall include the percentage of the annual ship repair budget of the Navy that was spent on repair of covered naval vessels in foreign shipyards during the fiscal year covered by the report.

''(3) The report also shall include the following with respect to each covered naval vessel:

''(A) The justification under law for the repair in a foreign shipyard.

''(B) The name and class of vessel repaired.

''(C) The category of repair and whether the repair qualified as voyage repair as defined in Commander Military Sealift Command Instruction 4700.15C (September 13, 2007) or Joint Fleet Maintenance Manual (Commander Fleet Forces Command Instruction 4790.3 Revision A, Change 7), Volume III. Scheduled availabilities are to be considered as a composite and reported as a single entity without individual repair and maintenance items listed separately.

''(D) The shipyard where the repair work was carried out.

''(E) The number of days the vessel was in port for repair.

''(F) The cost of the repair and the amount (if any) that the cost of the repair was less than or greater than the cost of the repair provided for in the contract.

''(G) The schedule for repair, the amount of work accomplished (stated in terms of work days), whether the repair was accomplished on schedule, and, if not so accomplished, the reason for the schedule over-run.

''(H) The homeport or location of the vessel prior to its voyage for repair.

''(I) Whether the repair was performed under a contract awarded through the use of competitive procedures or procedures other than competitive procedures.

''(4) In this subsection, the term 'covered naval vessel' means any of the following:

''(A) A naval vessel.

''(B) Any other vessel under the jurisdiction of the Secretary of the Navy.''.

SEC. 1013. REPORT ON PLAN FOR DISPOSAL OF CERTAIN VESSELS STRICKEN FROM THE NAVAL VESSEL REGISTER.

Not later than 180 days after the date of the enactment of this Act, the Secretary of the Navy, in consultation with the Administrator of the Maritime Administration, shall submit to the congressional defense committees a report containing—

(1) a plan for the sale and disposal of each vessel over 50,000 tons light ship displacement stricken from the Naval Vessel Register but not yet disposed of by the Navy or the Maritime Administration; and

(2) the estimated contribution to the domestic market for steel and other metals that might be made from the scrapping of such vessels.

SEC. 1014. REIMBURSEMENT OF EXPENSES FOR CERTAIN NAVY MESS OPERATIONS.

(a) AUTHORITY FOR PAYMENT.—Of the amounts appropriated for operation and maintenance for the Navy, not more that $1,000,000 may be used to pay the charge established under section 1011 of title 37, United States Code, for meals sold by messes for United States Navy and Naval Auxiliary vessels to the following:

(1) Members of nongovernmental organizations and officers or employees of host and foreign nations when participating in or providing support to United States civil-military operations.

(2) Foreign national patients treated on Naval vessels during the conduct of United States civil-military operations, and their escorts.

(b) EXPIRATION OF AUTHORITY.—The authority to pay for meals under subsection (a) shall expire on September 30, 2010.

(c) REPORT.—Not later than March 31 of each year during which the authority to pay for meals under subsection (a) is in effect, the Secretary of Defense shall submit to Congress a report on the use of such authority.

SEC. 1015. POLICY RELATING TO MAJOR COMBATANT VESSELS OF THE STRIKE FORCES OF THE UNITED STATES NAVY.

Section 1012(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.''.

Subtitle C—Counter-Drug Activities

SEC. 1021. EXTENSION OF REPORTING REQUIREMENT REGARDING DEPARTMENT OF DEFENSE EXPENDITURES TO SUPPORT FOREIGN COUNTER-DRUG ACTIVITIES.

Section 1022(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–255), as most recently amended by section 1024 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2383), is further amended by striking ''and February 15, 2008'' and inserting ''February 15, 2008, and February 15, 2009''.

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 2004 (Public Law 108–136; 10 U.S.C. 371 note), as amended by section 1021 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 304), is amended by striking ''2008'' and inserting ''2009''.

SEC. 1023. EXTENSION OF AUTHORITY TO SUPPORT UNIFIED COUNTER-DRUG AND COUNTERTERRORISM CAMPAIGN IN COLOMBIA AND CONTINUATION OF NUMERICAL LIMITATION ON ASSIGNMENT OF UNITED STATES PERSONNEL.

Section 1021 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2042), as amended by section 1023 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2382), is further amended—

(1) in subsection (a), by striking ''2008'' and inserting ''2009''; and

(2) in subsection (c), by striking ''2008'' and inserting ''2009''.

SEC. 1024. EXPANSION AND EXTENSION 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 Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1881), as amended by

section 1021 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136, 117 Stat. 1593), section 1022 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2137), and section 1022 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 304), is further amended by striking ''2008'' and inserting ''2009''.

(b) ADDITIONAL GOVERNMENTS ELIGIBLE TO RECEIVE SUPPORT.—Subsection (b) of such section is amended by adding at the end the following new paragraphs:

''(19) The Government of Guinea–Bissau.

''(20) The Government of Senegal.

''(21) The Government of El Salvador.

''(22) The Government of Honduras.''.

(c) MAXIMUM ANNUAL AMOUNT OF SUPPORT.—Subsection (e)(2) of such section is amended—

(1) by striking ''or'' after ''2006,''; and

(2) by striking the period at the end and inserting '', or $75,000,000 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: ''funds appropriated for fiscal year 2009 to carry out this section and''; and

(2) in paragraph (4)(B), by striking ''Committee on International Relations'' and inserting ''Committee on Foreign Affairs''.

(e) COUNTER-DRUG PLAN.—Subsection (h) of such section is amended—

(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 2009, and thereafter, for the first fiscal year''.

SEC. 1025. COMPREHENSIVE DEPARTMENT OF DEFENSE STRATEGY FOR COUNTER-NARCOTICS EFFORTS FOR UNITED STATES AFRICA COMMAND.

(a) REPORT REQUIRED.—Not later than June 30, 2009, the Secretary of Defense shall submit to the congressional defense committees a comprehensive strategy of the Department of the Defense with regard to counter-narcotics efforts in Africa, with an emphasis on West Africa 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) A description of the overall United States counter-narcotics policy for Africa.

(2) The roles and missions of the Department of Defense in support of the overall United States counter-narcotics policy for Africa.

(3) The priorities for the Department of Defense to meet programmatic objectives one-year, three-years, and five-years after the end of fiscal year 2009, including a description of the expected allocation of resources of the Department of Defense to accomplish these priorities.

(4) The efforts of the Secretary of Defense to coordinate the Department of Defense counter-narcotics activities in Africa with Department of Defense building capacity programs, including programs carried out under the authority of the Secretary under section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3456).

(5) The efforts to coordinate the counter-narcotics activities of the Department of Defense with the counter-narcotics activities of the governments eligible to receive support under section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1881) and the counter-narcotics activities in Africa of European countries and other international and regional partners.

(c) PLANS.—The comprehensive strategy shall also include the following plans:

(1) A detailed and comprehensive plan to utilize the capabilities and assets of the combatant commands that geographically surround the United States Africa Command for the counter-narcotics efforts and activities of the United States Africa Command on a temporary basis until the United States Africa Command develops its own commensurate capabilities and assets, including in the plan a description of what measures will be taken to effectuate the transition of the missions.

(2) A detailed and comprehensive plan to enhance cooperation with certain African countries, which are often geographically contiguous to other African countries that have a significant narcotics-trafficking challenges, to increase the effectiveness of the counter-narcotics activities of the Department of Defense and its international and regional partners.

SEC. 1026. COMPREHENSIVE DEPARTMENT OF DEFENSE STRATEGY FOR COUNTER-NARCOTICS EFFORTS IN SOUTH AND CENTRAL ASIAN REGIONS.

(a) REPORT REQUIRED.—Not later than June 30, 2009, the Secretary of Defense shall submit to the congressional defense committees a comprehensive strategy of the Department of the Defense with regard to counter-narcotics efforts in the South and Central Asian regions, including the countries of Afghanistan, Turkmenistan, Tajikistan, Kyrgyzstan, Kazakhstan, Pakistan, and India, as well as the countries of Armenia, Azerbaijan, and China.

(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 countries of the South and Central Asian regions and the other countries specified in subsection (a).

(2) The priorities for the Department of Defense to meet programmatic objectives for fiscal year 2010, including a description of the expected allocation of resources of the Department of Defense to accomplish these priorities.

(3) The ongoing and planned counter-narcotics activities funded by the Department of Defense for such regions and countries.

(4) The efforts to coordinate the counter-narcotics activities of the Department of Defense with the counter-narcotics activities of such regions and countries and the counter-narcotics activities of other international partners in such regions and countries.

(5) The specific metrics used by the Department of Defense to evaluate progress of activities to reduce the production and trafficking of illicit narcotics in such regions and countries.

Subtitle D—Miscellaneous Authorities and Limitations

SEC. 1031. ENHANCEMENT OF THE CAPACITY OF THE UNITED STATES GOVERNMENT TO CONDUCT COMPLEX OPERATIONS.

(a) IN GENERAL.—Chapter 20 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 409. Center for Complex Operations

''(a) CENTER AUTHORIZED.—The Secretary of Defense may establish a center to be known as the 'Center for Complex Operations' (in this section referred to as the 'Center').

''(b) PURPOSES.—The purposes of the Center established under subsection (a) shall be the following:

''(1) To provide for effective coordination in the preparation of Department of Defense personnel and other United States Government personnel for complex operations.

''(2) To foster unity of effort during complex operations among—

''(A) the departments and agencies of the United States Government;

''(B) foreign governments and militaries;

''(C) international organizations and international nongovernmental organizations; and

''(D) domestic nongovernmental organizations.

''(3) To conduct research; collect, analyze, and distribute lessons learned; and compile best practices in matters relating to complex operations.

''(4) To identify gaps in the education and training of Department of Defense personnel, and other relevant United States Government personnel, relating to complex operations, and to facilitate efforts to fill such gaps.

''(c) CONCURRENCE OF THE SECRETARY OF STATE.—The Secretary of Defense shall seek the concurrence of the Secretary of State to the extent the efforts and activities of the Center involve the entities referred to in subparagraphs (B) and (C) of subsection (b)(2).

''(d) SUPPORT FROM OTHER UNITED STATES GOVERNMENT DEPARTMENTS OR AGENCIES.—The head of any non-Department of Defense department or agency of the United States Government may—

''(1) provide to the Secretary of Defense services, including personnel support, to support the operations of the Center; and

''(2) transfer funds to the Secretary of Defense to support the operations of the Center.

''(e) ACCEPTANCE OF GIFTS AND DONATIONS.—(1) Subject to paragraph (3), the Secretary of Defense may accept from any source specified in paragraph (2) any gift or donation for purposes of defraying the costs or enhancing the operations of the Center.

''(2) The sources specified in this paragraph are the following:

''(A) The government of a State or a political subdivision of a State.

''(B) The government of a foreign country.

''(C) A foundation or other charitable organization, including a foundation or charitable organization that is organized or operates under the laws of a foreign country.

''(D) Any source in the private sector of the United States or a foreign country.

''(3) The Secretary may not accept a gift or donation under this subsection if acceptance of the gift or donation would compromise or appear to compromise—

''(A) the ability of the Department of Defense, any employee of the Department, or any member of the armed forces to carry out the responsibility or duty of the Department in a fair and objective manner; or

''(B) the integrity of any program of the Department or of any person involved in such a program.

''(4) The Secretary shall provide written guidance setting forth the criteria to be used in determining the applicability of paragraph (3) to any proposed gift or donation under this subsection.

''(f) CREDITING OF FUNDS TRANSFERRED OR ACCEPTED.—Funds transferred to or accepted by the Secretary of Defense under this section shall be credited to appropriations available to the Department of Defense for the Center, and shall be available for the

same purposes, and subject to the same conditions and limitations, as the appropriations with which merged. Any funds so transferred or accepted shall remain available until expended.

''(g) DEFINITIONS.—In this section:

''(1) The term 'complex operation' means an operation as follows:

''(A) A stability operation.

''(B) A security operation.

''(C) A transition and reconstruction operation.

''(D) A counterinsurgency operation.

''(E) An operation consisting of irregular warfare.

''(2) The term 'gift or donation' means any gift or donation of funds, materials (including research materials), real or personal property, or services (including lecture services and faculty services).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 20 of such title is amended by adding at the end the following new item:

''409. Center for Complex Operations.''.

SEC. 1032. CREDITING OF ADMIRALTY CLAIM RECEIPTS FOR DAMAGE TO PROPERTY FUNDED FROM A DEPARTMENT OF DEFENSE WORKING CAPITAL FUND.

Section 7623(b) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' after ''(b)'';

(2) in paragraph (1), as so designated, by striking the last sentence; and

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

''(2)(A) Except as provided in subparagraph (B), amounts received under this section shall be covered into the Treasury as miscellaneous receipts.

''(B) Amounts received under this section for damage or loss to property operated and maintained with funds from a Department of Defense working capital fund or account shall be credited to that fund or account.''.

SEC. 1033. MINIMUM ANNUAL PURCHASE REQUIREMENTS FOR CHARTER AIR TRANSPORTATION SERVICES FROM CARRIERS PARTICIPATING IN THE CIVIL RESERVE AIR FLEET.

(a) IN GENERAL.—Chapter 931 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 9515. Charter air transportation services: minimum annual purchase amount for carriers participating in Civil Reserve Air Fleet

''(a) IN GENERAL.—The Secretary of Defense shall take steps to—

''(1) improve the predictability in Department of Defense charter requirements;

''(2) strengthen Civil Reserve Airlift Fleet participation to assure adequate capacity is available to meet steady-state, surge and mobilization requirements; and

''(3) provide incentives for commercial air passenger carriers to provide newer, more efficient and reliable aircraft for Department of Defense service rather than older, fully depreciated aircraft.

''(b) CONSIDERATION OF RECOMMENDATIONS.—In carrying out subsection (a), the Secretary of Defense shall consider the recommendations on courses of action for the Civil Reserve Air Fleet as outlined in the report required by Section 356 of the National Defense Authorization Act for 2008 (Public Law 110–181).

''(c) CONTRACTS FOR CHARTER AIR TRANSPORTATION SERVICES.—The Secretary of Defense may award to an air carrier or an air carrier contractor team arrangement participating in the Civil Reserve Air Fleet on a fiscal year basis a one-year contract for charter air transportation services with a minimum purchase amount under such contract determined in accordance with this section.

''(d) ELIGIBLE CHARTER AIR TRANSPORTATION CARRIERS.—In order to be eligible for payments under the minimum purchase amount provided by this section, an air carrier (or any air carrier participating in an air carrier contractor team arrangement)—

''(1) if under contract with the Department of Defense in the prior fiscal year, shall have an average on-time pick up rate, based on factors within such air carrier's control, of at least 90 percent;

''(2) shall offer such amount of commitment to the Civil Reserve Air Fleet in excess of the minimum required for participation in the Civil Reserve Air Fleet as the Secretary of Defense shall specify for purposes of this section; and

''(3) may not have refused a Department of Defense request to act as a host for other Civil Reserve Air Fleet carriers at intermediate staging bases during the prior fiscal year.

''(e) AGGREGATE MINIMUM PURCHASE AMOUNT.—(1) The aggregate amount of the minimum purchase amount for all contracts awarded under subsection (c) for a fiscal year shall be based on forecast needs, but may not exceed the amount equal to 80 percent of the average annual expenditure of the Department of Defense for charter air transportation services during the five-fiscal year period ending in the fiscal year before the fiscal year for which such contracts are awarded.

''(2) In calculating the average annual expenditure of the Department of Defense for charter air transportation services for purposes of paragraph (1), the Secretary of Defense shall omit from the calculation any fiscal year exhibiting unusually high demand for charter air transportation services if the Secretary determines that the omission of such fiscal year from the calculation will result in a more accurate forecast of anticipated charter air transportation services for purposes of that paragraph.

''(f) ALLOCATION OF MINIMUM PURCHASE AMONG CHARTER AIR TRANSPORTATION CONTRACTS.—(1) The aggregate amount of the minimum purchase amount for all contracts awarded under subsection (c) for a fiscal year, as determined under subsection (e), shall be allocated among all air carriers and air carrier contractor team arrangements awarded contracts under subsection (c) for such fiscal year in proportion to the commitments of such carriers to the Civil Reserve Air Fleet for such fiscal year.

''(2) In determining the minimum purchase amount payable under paragraph (1) under a contract under subsection (c) for charter air transportation services provided by an air carrier or air carrier contractor team arrangement during the fiscal year covered by such contract, the Secretary of Defense may adjust the amount allocated to such carrier or arrangement under paragraph (2) to take into account periods during such fiscal year when charter air transportation services of such carrier or a carrier in such arrangement are unavailable for usage by the Department of Defense, including during periods of refused business or suspended operations or when such carrier is placed in nonuse status pursuant to section 2640 of this title for safety reasons.

''(g) DISTRIBUTION OF AMOUNTS.—If any amount available under this section for the minimum purchase of charter air transportation services from a carrier or air carrier contractor team arrangement for a fiscal year under a contract under subsection (c) is not utilized to purchase charter air transportation services from the carrier or arrangement in such fiscal year, such amount shall be provided to the carrier or arrangement before the first day of the following fiscal year.

''(h) COMMITMENT OF FUNDS.—(1) The Secretary of each military department shall transfer to the transportation working capital fund a percentage of the total amount anticipated to be required in such fiscal year for the payment of minimum purchase amounts under all contracts awarded under subsection (c) for such fiscal year equivalent to the percentage of the anticipated use of charter air transportation services by such military department during such fiscal year from all carriers under contracts awarded under subsection (c) for such fiscal year.

''(2) Any amounts required to be transferred under paragraph (1) shall be transferred by the last day of the fiscal year concerned to meet the requirements of subsection (g) unless minimum purchase amounts have already been distributed by the Secretary of Defense under subsection (g) as of that date.

''(i) AVAILABILITY OF AIRLIFT SERVICES.—(1) From the total amount of charter air transportation services available for a fiscal year under all contracts awarded under subsection (c) for such fiscal year, a military department shall be entitled to obtain a percentage of such services equal to the percentage of the contribution of the military department to the transportation working capital fund for such fiscal year under subsection (h).

''(2) A military department may transfer any entitlement to charter air transportation services under paragraph (1) to any other military department or to any other agency, element, or component of the Department of Defense.

''(j) DEFINITION.—In this section, the term 'charter air transportation' has the meaning given such term in section 40102(14) of title 49, United States Code, except that it only means such transportation for which the Secretary of Defense has entered into a contract for the purpose of passenger travel.

''(k) SUNSET.—The authorities in this section shall expire on December 31, 2015.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 941 of such title is amended by adding at the end the following new item:

''9515. Charter air transportation services: minimum annual purchase amount for carriers participating in Civil Reserve Air Fleet.''.

(c) REPORT TO CONGRESS; LIMITATION ON EXERCISE OF AUTHORITY.—

(1) REPORT.—The Secretary of Defense shall submit to the congressional defense committees a written report on the actions taken under subsections (a) and (b) of section 9515 of title 10, United States Code, as added by subsection (a), along with the anticipated risks and benefits of such actions.

(2) LIMITATION.—No authority under subsections (c) through (I) of such section may be implemented until 30 days after the date on which the Secretary submits the report required under paragraph (1).

SEC. 1034. SEMI-ANNUAL REPORTS ON STATUS OF NAVY NEXT GENERATION ENTERPRISE NETWORKS PROGRAM.

(a) SEMI-ANNUAL REPORTS REQUIRED.—The Secretary of Defense shall submit to the congressional defense committees semi-annual reports on the status of the development, testing, and deployment of the Navy Next Generation Enterprise Networks program and the transition of the capabilities provided by the Navy Marine Corps Intranet program to the Next Generation Enterprise Networks program. Each such report shall cover such status during the two fiscal quarters preceding the fiscal quarter in which the report is submitted.

(b) COORDINATION.—The Secretary of Defense shall develop each of the semi-annual reports required under subsection (a) in coordination with the Secretary of the Navy,

the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Assistant Secretary of Defense for Networks and Information Integration, and the Director of Operational Test and Evaluation.

(c) CONTENTS OF REPORTS.—Each of the reports required under subsection (a) shall address the following matters for the period covered by the report:

(1) For each Next Generation Enterprise Networks contract entered into by the Secretary of Defense—

(A) the metrics used for quantitatively measuring the performance of the entity with which the Secretary has entered into the contract and, based on such metrics, an assessment of the performance of such entity during such period;

(B) the qualitative measures used to assess the performance of such entity and, based on such qualitative measures, an assessment of the performance of such entity during such period;

(C) the mechanisms for providing incentives to improve the performance of such entity, the processes for determining incentive payments, and the use of incentive payments made during such period; and

(D) the mechanisms for penalizing such entity for poor performance, the processes for determining penalties, and the use of such penalties during such period.

(2) Any progress made during such period to transition information technology services from the Navy Marine Corps Intranet program to the Next Generation Enterprise Networks program, including the transfer of intellectual property and infrastructure, and a description of contracting mechanisms used to facilitate such transition and the provision of services related to such transition.

(3) An assessment of any issues arising during such period that relate to the valuation and ownership of intellectual property and infrastructure in the Navy Marine Corps Intranet program.

(4) Any activities carried out by the Next Generation Enterprise Networks Governance Board to resolve issues related to the Next Generation Enterprise Network program.

(5) An assessment of the operational effectiveness and suitability of the Next Generation Enterprise Networks program during such period based on testing activities and other assessments.

(6) A description of the information security and information assurance posture and performance of the Next Generation Enterprise Networks program during such period.

(7) The schedule, status, and goals of the early transition activities between the Navy Marine Corps Intranet program and the Next Generation Enterprise Networks program carried out during such period.

(8) A description of the role of the Next Generation Enterprise Networks program with the Navy's network environment.

(9) An updated acquisition milestone schedule, including any changes from previous planned schedules, the status of achieving milestones, and mitigation strategies for maintaining program schedule performance.

(d) DEADLINE FOR SUBMITTAL OF REPORTS.—The Secretary of Defense shall submit the semi-annual reports required under this section by not later than April 1 and October 1 of each year, and shall submit the first report required under this section by not later than April 1, 2009.

(e) TERMINATION.—The requirement to submit semi-annual reports under this section shall terminate on the date that is one year after the date on which the Secretary of Defense completes the full transition of the provision of services from the Navy Marine Corps Intranet program and other transition programs to the Next Generation Enterprise Networks program.

SEC. 1035. SENSE OF CONGRESS ON NUCLEAR WEAPONS MANAGEMENT.

(a) FINDINGS.—Congress makes the following findings:

(1) The unauthorized transfer of nuclear weapons from Minot Air Force Base, North Dakota, to Barksdale Air Force Base, Louisiana, in August 2007 was an extraordinary breach of the command and control and security of nuclear weapons.

(2) The reviews conducted following that unauthorized transfer found that the ability of the Department of Defense to provide oversight of nuclear weapons matters had degenerated and that senior level attention to nuclear weapons management is minimal at best.

(3) The lack of attention to nuclear weapons and related equipment by the Department of Defense was demonstrated again when it was discovered in March 2008 that classified equipment from Minuteman III intercontinental ballistic missiles was inadvertently shipped to Taiwan in 2006.

(4) The Department of Defense has insufficient capability and staffing in the Office of the Under Secretary of Defense for Policy to provide the necessary oversight of the nuclear weapons functions of the Department.

(5) The key senior position responsible for nuclear weapons matters in the Department of Defense, the Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs, a position filled by appointment by and with the advice and consent of the Senate, was vacant for more than 18 months before being filled in July 2008.

(6) The inability to provide consistent senior level emphasis on nuclear weapons policy has contributed to an erosion in the level of attention paid to nuclear weapons matters across the Department of Defense.

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

(1) the United States should maintain clear and unambiguous command and control of its nuclear weapons;

(2) the safety and security of nuclear weapons and related equipment should be a high priority as long as the United States maintains a stockpile of nuclear weapons;

(3) these objectives will be more successfully attained if greater attention is paid to nuclear weapons matters within the Office of the Secretary of Defense, the Office of the Under Secretary of Defense for Policy, and the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics;

(4) the Secretary of Defense should consider establishing and filling a senior position, at the level of Assistant Secretary of Defense or Deputy Under Secretary of Defense, within the Office of the Under Secretary of Defense for Policy to hold primary responsibility for the strategic and nuclear weapons policy of the Department of Defense; and

(5) the Secretary of Defense should clarify the lines of responsibility and accountability for nuclear weapons matters within the Office of the Secretary of Defense to place greater emphasis on strategic and nuclear weapons policy and management.

SEC. 1036. SENSE OF CONGRESS ON JOINT DEPARTMENT OF DEFENSE-FEDERAL AVIATION ADMINISTRATION EXECUTIVE COMMITTEE ON CONFLICT AND DISPUTE RESOLUTION.

(a) FINDINGS.—Congress makes the following findings:

(1) Unmanned aerial systems (UAS) of the Department of Defense, like the Predator and the Global Hawk, have become a critical component of military operations. Unmanned aerial systems are indispensable in the conflict against terrorism and the campaigns in Afghanistan and Iraq.

(2) Unmanned aerial systems of the Department of Defense must operate in the National Airspace System (NAS) for training, operational support to the combatant commands, and support to domestic authorities in emergencies and national disasters.

(3) The Department of Defense has been lax in developing certifications of airworthiness for unmanned aerial systems, qualifications for operators of unmanned aerial systems, databases on safety matters relating to unmanned aerial systems, and standards, technology, and procedures that are necessary for routine access of unmanned aerial systems to the National Airspace System.

(4) As recognized in a Memorandum of Agreement for Operation of Unmanned Aircraft Systems in the National Airspace System signed by the Deputy Secretary of Defense and the Administrator of the Federal Aviation Administration in September 2007, it is vital for the Department of Defense and the Federal Aviation Administration to collaborate closely to achieve progress in gaining access for unmanned aerial systems to the National Airspace System to support military requirements.

(5) The Department of Defense and the Federal Aviation Administration have jointly and separately taken significant actions to improve the access of unmanned aerial systems of the Department of Defense to the National Airspace System, but overall, the pace of progress in access of such systems to the National Airspace System has been insufficient and poses a threat to national security.

(6) Techniques and procedures can be rapidly acquired or developed to temporarily permit safe operations of unmanned aerial systems in the National Airspace System until permanent safe operations of such systems in the National Airspace System can be achieved.

(7) Identifying, developing, approving, implementing, and monitoring the adequacy of these techniques and procedures may require the establishment of a joint Department of Defense-Federal Aviation Administration executive committee reporting to the highest levels of the Department of Defense and the Federal Aviation Administration on matters relating to the access of unmanned aerial systems of the Department of Defense to the National Airspace System.

(8) Joint management attention at the highest levels of the Department of Defense and the Federal Aviation Administration may also be required on other important issues, such as type ratings for aerial refueling aircraft.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should seek an agreement with the Administrator of the Federal Aviation Administration to jointly establish within the Department of Defense and the Federal Aviation Administration a joint Department of Defense–Federal Aviation Administration executive committee on conflict and dispute resolution which would—

(1) act as a focal point for the resolution of disputes on matters of policy and procedures between the Department of Defense and the Federal Aviation Administration with respect to—

(A) airspace, aircraft certifications, and aircrew training; and

(B) other issues brought before the joint executive committee by the Department of Defense or the Department of Transportation;

(2) identify solutions to the range of technical, procedural, and policy concerns arising in the disputes described in paragraph (1); and

(3) identify solutions to the range of technical, procedural, and policy concerns arising in the integration of Department of Defense unmanned aerial systems into the National Airspace System in order to achieve the increasing, and ultimately routine, access of such systems into the National Airspace System.

SEC. 1037. SENSE OF CONGRESS ON SALE OF NEW OUTSIZE CARGO, STRATEGIC AIRLIFT AIRCRAFT FOR CIVILIAN USE.

(a) FINDINGS.—Congress makes the following findings:

(1) The 2006 Quadrennial Defense Review and the 2005 Mobility Capability Study determined that the United States Transportation Command requires a force of 292 to 383 organic strategic airlift aircraft, augmented by procurement of airlift service from commercial air carriers participating in the Civil Reserve Air Fleet, to meet the demands of the National Military Strategy. Congress has authorized and appropriated funds for 316 strategic airlift aircraft.

(2) The commander of the United States Transportation Command has testified to Congress that it is essential to safeguard the capabilities and capacity of the Civil Reserve Air Fleet to meet wartime surge demands in connection with major combat operations and that procurement by the Air Force of excess organic strategic airlift aircraft could be harmful to the health of the Civil Reserve Air Fleet.

(3) The C–17 aircraft is used extensively by the Air Mobility Command in the Global War on Terror. Production of the C–17 aircraft is scheduled to cease in August, 2010.

(4) The Federal Aviation Administration has informed Congress that no fewer than six commercial operators have expressed interest in operating a commercial variant of the C–17 aircraft. Commercial sale of the new C–17 aircraft would require that the Department of Defense determine that it is in the national interest for the Federal Aviation Administration to proceed with the issuance of a type certificate for C-17 aircraft in accordance with section 21.27 of title 14, Code of Federal Regulations.

(5) New C–17 aircraft sold for commercial use could be made available to the Civil Reserve Air Fleet, thus strengthening the capabilities and capacity of the Civil Reserve Air Fleet.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense, in consultation with the Secretary of Transportation, should—

(1) review the benefits and feasibility of pursuing a new production commercial cargo capability with new C–17 commercial variant aircraft and determine whether such capability is in the national interest; and

(2) if the Secretary of Defense determines that such a capability is in the national interest, take appropriate actions to coordinate with the Federal Aviation Administration to achieve the type certification for a commercial variant of the C–17 required by section 21.27 of title 14, Code of Federal Regulations.

Subtitle E—Studies and Reports

SEC. 1041. REPORT ON CORROSION CONTROL AND PREVENTION.

(a) REPORT REQUIRED.—The Secretary of Defense, acting through the Director of Corrosion Policy and Oversight, shall prepare and submit to the Committees on Armed Services of the Senate and the House of Representatives a report on corrosion control and prevention in weapons systems and equipment.

(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 analysis of options for improving corrosion control and prevention in the requirements and acquisition processes of the Department of Defense for weapons systems and equipment. The evaluation shall include an analysis of the impact of such potential improvements on system acquisition costs and life cycle sustainment. 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.

(c) DEADLINE.—The report shall be submitted not later than 120 days after the date of the enactment of this Act.

(d) REVIEW BY COMPTROLLER GENERAL.—The Comptroller General shall review the report required under subsection (a), including the methodology used in the Department's analysis, and shall provide the results of the review to the Committees on Armed Services of the Senate and the House of Representatives not later than 60 days after the Department submits the report.

SEC. 1042. STUDY ON USING MODULAR AIRBORNE FIRE FIGHTING SYSTEMS (MAFFS) IN A FEDERAL RESPONSE TO WILDFIRES.

(a) IN GENERAL.—The Secretary of Defense shall carry out a study to determine—

(1) how to utilize the Department's Modular Airborne Fire Fighting Systems (MAFFS) in all contingencies where there is a Federal response to wildfires; and

(2) how to decrease the costs of using the Department's MAFFS when supporting National Interagency Fire Center (NIFC) fire fighting operations.

(b) 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.

SEC. 1043. STUDY ON ROTORCRAFT SURVIVABILITY.

(a) STUDY REQUIRED.—The Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall carry out a study on Department of Defense rotorcraft survivability. The study shall—

(1) with respect to actual losses of rotorcraft in combat—

(A) identify the rates of such losses from 1965 through 2008, measured in total annual losses by type of aircraft and by cause, with rates for loss per flight hour and loss per sortie provided;

(B) identify by category of hostile action (such as small arms, Man-Portable Air Defense Systems, and so on), the causal factors for the losses; and

(C) propose candidate solutions for survivability (such as training, tactics, speed, countermeasures, maneuverability, lethality, technology, and so on), in a prioritized list with explanations, to mitigate each such causal factor, along with recommended funding adequate to achieve rates at least equal to the experience in the Vietnam conflict;

(2) with respect to actual losses of rotorcraft in combat theater not related to hostile action—

(A) identify the causal factors of loss in a ranked list; and

(B) propose candidate solutions for survivability (such as training, tactics, speed, countermeasures, maneuverability, lethality, technology, and so on), in a prioritized list, to mitigate each such causal factor, along with recommended funding adequate to achieve the Secretary's Mishap Reduction Initiative goal of not more than 0.5 mishaps per 100,000 flight hours;

(3) with respect to losses of rotorcraft in training or other non-combat operations during peacetime or interwar years—

(A) identify by category (such as inadvertent instrument meteorological conditions, wire strike, and so on) the causal factors of loss in a ranked list; and

(B) identify candidate solutions for survivability and performance (such as candidate solutions referred to in paragraph (2)(B) as well as maintenance, logistics, systems development, and so on) in a prioritized list, to mitigate each such causal factor, along with recommended funding adequate to achieve the goal of rotorcraft loss rates to non-combat causes being reduced to 1.0;

(4) identify the key technical factors (causes of mishaps that are not related to human factors) negatively impacting the rotorcraft mishap rates and survivability trends, to include reliability, availability, maintainability, and other logistical considerations; and

(5) identify what TACAIR is and has done differently to have such a decrease in losses per sortie when compared to rotorcraft, to include—

(A) examination of aircraft, aircraft maintenance, logistics, operations, and pilot and operator training;

(B) an emphasis on the development of common service requirements that TACAIR has implemented already which are minimizing losses within TACAIR; and

(C) candidate solutions, in a prioritized list, to mitigate each causal factor with recommended funding adequate to achieve the goal of rotorcraft loss rates stated above.

(b) REPORT.—Not later than August 1, 2009, the Secretary and the Chairman shall submit to the congressional defense committees a report on the results of the study.

SEC. 1044. REPORT ON NUCLEAR WEAPONS.

(a) FINDINGS.—Congress finds that—

(1) numerous nuclear weapons are held in the arsenals of various countries around the world;

(2) some of these weapons make attractive targets for theft and for use by terrorist organizations;

(3) the United States should identify, track, and monitor these weapons as a matter of national security;

(4) the United States should assess the security risks associated with existing stockpiles of nuclear weapons and should assess the risks of nuclear weapons being developed, acquired, or utilized by other countries, particularly rogue states, and by terrorists and other non-state actors; and

(5) the United States should work cooperatively with other countries to improve the security of nuclear weapons and to promote multilateral reductions in the numbers of nuclear weapons.

(b) REVIEW.—The President, in consultation with the Secretary of Defense, the Secretary of State, the Secretary of Energy, and the Director of National Intelligence, shall conduct a review of nuclear weapons worldwide that includes—

(1) an inventory of the nuclear arsenals of all countries that possess, or are believed to possess, nuclear weapons, which indicates, as accurately as possible, the nuclear weapons that are known, or are believed, to exist according to nationality, type, yield, and form

of delivery, and an assessment of the methods that are currently employed to identify, track, and monitor nuclear weapons and their component materials;

(2) an assessment of the risks associated with the deployment, transfer, and storage of nuclear weapons deemed to be attractive to terrorists, rogue states, and other state or non-state actors on account of their size or portability, or on account of their accessibility due to the manner of their deployment or storage; and

(3) recommendations for—

(A) mechanisms and procedures to improve security and safeguards for the nuclear weapons deemed to be attractive to terrorists, rogue states, and other state or non-state actors;

(B) mechanisms and procedures to improve the ability of the United States to identify, track, and monitor the nuclear weapons deemed to be attractive to terrorists, rogue states, and other state or non-state actors;

(C) mechanisms and procedures for implementing transparent multilateral reductions in nuclear weapons arsenals; and

(D) methods for consolidating, dismantling, and disposing of the nuclear weapons in each country that possesses, or is believed to possess, nuclear weapons, including methods of monitoring and verifying consolidation, dismantlement, and disposal.

(c) REPORT.—

(1) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the President shall submit to Congress a report on the findings and recommendations of the review required under subsection (b).

(2) CLASSIFICATION OF REPORT.—The report required under paragraph (1) shall be submitted in unclassified form, but it may be accompanied by a classified annex.

SEC. 1045. REPORT ON COMPLIANCE BY DEPARTMENT OF DEFENSE 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 of Defense is taking to ensure that contractors of the Department performing work on Guam comply with local tax and licensing requirements.

SEC. 1046. REPORT ON DETENTION OPERATIONS IN IRAQ.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on detention operations at theater internment facilities in Iraq.

(b) ELEMENTS.—The report required by subsection (a) shall include each of the following:

(1) A detailed description of how counterinsurgency doctrine has been incorporated at theater internment facilities in Iraq.

(2) A detailed description of the policies and programs instituted to prepare detainees for reintegration following their release from detention in theater internment facilities in Iraq.

(3) A description and assessment of the effects of changes in detention operations and reintegration programs at theater internment facilities in Iraq during the period beginning on January 1, 2007, and ending on the date of the completion of the report, including changes in levels of violence within internment facilities and in rates of recapture of detainees released from detention in internment facilities.

(4) A description of—

(A) the lessons learned regarding detention operations in a counterinsurgency operation, an assessment of how such lessons could be applied to detention operations elsewhere (including in Afghanistan and at Guantanamo Bay, Cuba); and

(B) any efforts to integrate such lessons into Department of Defense directives, joint doctrine, mission rehearsal exercises for deploying forces, and training for units involved in detention and interrogation operations.

(c) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 1047. REVIEW OF BANDWIDTH CAPACITY REQUIREMENTS OF THE DEPARTMENT OF DEFENSE AND THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—The Secretary of Defense and the Director of National Intelligence shall conduct a joint review of the bandwidth capacity requirements of the Department of Defense and the intelligence community in the near term, mid term, and long term.

(b) ELEMENTS.—The review required by subsection (a) shall include an assessment of the following:

(1) The current bandwidth capacities and capabilities of the Department of Defense and the intelligence community to transport data, including Government and commercial ground networks, airborne relays, and satellite systems.

(2) The bandwidth capacities and capabilities anticipated to be available to the Department of Defense and the intelligence community to transport data in the near term, mid term, and long term.

(3) Innovative technologies available to the Department of Defense and the intelligence community to increase data transport capacity of existing bandwidth (such as compression techniques or intelligent software agents) that can be applied in the near term, mid term, and long term.

(4) The bandwidth and data requirements of current major operational systems of the Department of Defense and the intelligence community, including an assessment of—

(A) whether such requirements are being appropriately met by the bandwidth capacities and capabilities described in paragraph (1); and

(B) the degree to which any such requirements are not being met by such bandwidth capacities and capabilities.

(5) The anticipated bandwidth and data requirements of major operational systems of the Department of Defense and the intelligence community planned for each of the near term, mid term, and long term, including an assessment of—

(A) whether such anticipated requirements will be appropriately met by the bandwidth capacities and capabilities described in paragraph (2); and

(B) the degree to which any such requirements are not anticipated to be met by such bandwidth capacities and capabilities.

(6) Any mitigation concepts that could be used to satisfy any unmet bandwidth and data requirements.

(7) The costs of meeting the bandwidth and data requirements described in paragraphs (4) and (5).

(8) Any actions necessary to integrate or consolidate the information networks of the Department of Defense and the intelligence community.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense and the Director of National Intelligence shall jointly submit to the congressional defense committees, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives a report setting forth the results of the review required by subsection (a).

(d) FORMAL REVIEW PROCESS FOR BANDWIDTH REQUIREMENTS.—The Secretary of Defense and the Director of National Intelligence shall, as part of the Milestone B or Key Decision Point B approval process for any major defense acquisition program or major system acquisition program, establish a formal review process to ensure that—

(1) the bandwidth requirements needed to support such program are or will be met; and

(2) a determination will be made with respect to how to meet the bandwidth requirements for such program.

(e) DEFINITIONS.—In this section:

(1) INTELLIGENCE COMMUNITY.—The term ''intelligence community'' has the meaning given the term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(2) LONG TERM.—The term ''long term'' means the five-year period beginning on the date that is 10 years after the date of the enactment of this Act.

(3) MID TERM.—The term ''mid term'' means the five-year period beginning on the date that is five years after the date of the enactment of this Act.

(4) NEAR TERM.—The term ''near term'' means the five-year period beginning on the date of the enactment of this Act.

SEC. 1048. REVIEW OF FINDINGS AND RECOMMENDATIONS APPLICABLE TO THE DEPARTMENT OF DEFENSE REGARDING ELECTROMAGNETIC PULSE ATTACK.

(a) REVIEW.—The Secretary of Defense shall conduct a review of the findings and recommendations applicable to the Department of Defense made in the reports of the Commission to Assess the Threat to the United States from Electromagnetic Pulse Attack established under title XIV of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 165A–345).

(b) REPORTS.—

(1) IN GENERAL.—The Secretary shall submit to the congressional defense committees a report on the review required by subsection (a) that shall include the following:

(A) A description of the findings and recommendations described in that subsection that are applicable to the Department of Defense.

(B) A plan for addressing the applicable findings and implementing the applicable recommendations to the extent practicable and feasible.

(C) If the Secretary determines that it is not practicable or feasible to address an applicable finding or implement an applicable recommendation, an explanation clearly explaining each such determination.

(D) A description of the capabilities of the Department of Defense needed to protect and recover from an electromagnetic pulse attack.

(E) Any research and development needed to address any applicable finding or recommendation to enable the Department of Defense to implement such recommendations in the future.

(F) A description of the plans and programs that the Department of Defense has in place or plans to put in place to address the threat from electromagnetic pulse attack.

(G) A description of the organizational and management structure that the Department of Defense has in place or plans to have in place to address the threat from an electromagnetic pulse attack.

(H) A description of any impediments to implementing any applicable recommendations.

(2) SUBMITTAL DATES.—The report required by paragraph (1) shall be submitted not later

than September 1 of each odd numbered year beginning in 2009 and ending in 2015.

(3) FORM OF REPORT.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

Subtitle F—Other Matters

SEC. 1051. ADDITIONAL INFORMATION UNDER ANNUAL SUBMISSIONS OF INFORMATION REGARDING INFORMATION TECHNOLOGY CAPITAL ASSETS.

Section 351 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2516; 10 U.S.C. 221 note) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1);

(B) by redesignating paragraph (2) as paragraph (1);

(C) in paragraph (1), as so redesignated, by striking ''and an estimated total life cycle cost'' and inserting ''or an estimated total cost''; and

(D) by adding at the end the following new paragraph (2):

''(2) Information technology capital assets not covered by paragraph (1) that have been determined by the Chief Information Officer of the Department of Defense to be significant investments.'';

(2) by striking subsection (b);

(3) by redesignating subsection (c) as subsection (b);

(4) in subsection (b), as so redesignated, by striking ''subsection (a)(2)'' and inserting ''subsection (a)(1)'';

(5) by inserting after subsection (b) the following new subsection (c):

''(c) REQUIRED INFORMATION FOR SIGNIFICANT INVESTMENTS.—With respect to each information technology capital asset not covered by paragraph (1) of subsection (a), but covered by paragraph (2) of that subsection, the Secretary of Defense shall include such information in a format that is appropriate to the current status of such asset.''; and

(6) in subsection (d), by striking ''life cycle''.

SEC. 1052. SUBMISSION TO CONGRESS OF REVISION TO REGULATION ON ENEMY PRISONERS OF WAR, RETAINED PERSONNEL, CIVILIAN INTERNEES, AND OTHER DETAINEES.

(a) SUBMISSION TO CONGRESS.—A successor regulation to Army Regulation 190–8 Enemy Prisoners of War, Retained Personnel, Civilian Internees and Other Detainees (dated October 1, 1997) may not be carried out or implemented 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).

SEC. 1053. BARNEGAT 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 101(a)(1) 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 measures as the Secretary determines to be necessary and appropriate in the public interest to address the handling of munitions placed on the beach during construction of the project before the date of enactment of this section.

(b) TREATMENT OF COSTS.—Costs incurred in carrying out subsection (a) shall not be considered to be a cost of constructing the project.

(c) CREDIT.—The Secretary shall credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the cost of the project the costs incurred by the non-Federal interest with respect to the removal and handling of the munitions referred to in subsection (a).

(d) ELIGIBLE ACTIVITIES.—Measures authorized by subsection (a) include monitoring, removal, and disposal of the munitions referred to in subsection (a).

SEC. 1054. STANDING ADVISORY PANEL ON IMPROVING COORDINATION AMONG THE DEPARTMENT OF DEFENSE, THE DEPARTMENT OF STATE, AND THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT ON MATTERS OF NATIONAL SECURITY.

(a) ESTABLISHMENT OF ADVISORY PANEL.—The Secretary of Defense, the Secretary of State, and the Administrator of the United States Agency for International Development (USAID) may jointly establish an advisory panel to advise, review, and make recommendations on ways to improve coordination among the Department of Defense, the Department of State, and the United States Agency for International Development on matters relating to national security, including reviewing their respective roles and responsibilities.

(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, with the advice of the Chairman of the Joint Chiefs of Staff, and in consultation with 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 who appointed the member under such paragraph who is designated as the chairman under paragraph (2).

(4) EXPERTISE.—Members of the advisory panel shall be private 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 should 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 staff of the advisory panel 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 panel 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 30 days after the date that all appointments 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).

(d) SUPPORT OF FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTER.—If the advisory panel is established under subsection (a), the Secretary of Defense, in consultation with the Secretary of State and the Administrator, shall, not later than 60 days after the date of the final appointment of the members of the advisory panel pursuant to subsection (b)(5), enter into a contract with a federally funded research and development center for the provision of administrative and logistical support and assistance to the advisory panel in carrying out its duties under this section. Such support and assistance shall include the establishment of the procedures of the advisory panel.

(e) DUTIES OF PANEL.—The advisory panel shall—

(1) analyze the roles and responsibilities of the Department of Defense, the Department of State, and the USAID regarding—

(A) stability operations;

(B) foreign assistance (including security assistance); and

(C) other areas the Secretary of Defense, the Secretary of State, and the Administrator jointly agree are appropriate;

(2) review—

(A) the structures and systems that coordinate policy-making;

(B) the national security-related roles and responsibilities of the Department of Defense, the Department of State, USAID, and, as appropriate, other relevant agencies to ensure effective coordination;

(C) the efforts of the Department of Defense, the Department of State, USAID, and such other relevant agencies to ensure that lessons learned and expertise that is developed in carrying out programs related to national security are shared among the departments and agencies of the Federal Government, as appropriate; and

(D) the coordination of activities conducted abroad and carried out by personnel of the Department of Defense, Department of State, USAID, and such other relevant agencies; and

(3) provide advice and make recommendations for otherwise improving coordination between and among the Department of Defense, the Department of State and USAID on matters of national security.

(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.—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—

(A) aspects of the interagency structure and processes relating to matters of national security that should take priority in any effort to improve the coordination among the Department of Defense, the Department of State, and USAID; and

(B) methods to better coordinate the interagency structure and processes relating to matters of national security.

(2) ANNUAL REPORTS.—Not later than December 31 of the year in which the interim report is submitted under paragraph (1), the advisory panel shall submit to the Secretary of Defense, the Secretary of State, and the Administrator a report on—

(A) the activities of the advisory panel;

(B) any deficiencies relating to coordination among the Department of Defense, Department of States and USAID and other relevant agencies on matters of national security;

(C) any improvements made during the period covered by the report to the coordination among the Department of Defense, the Department of State, USAID, and other relevant agencies on matters of national security;

(D) methods to better coordinate the interagency structure and processes among the Department of Defense, the Department of State, USAID, and other relevant agencies on matters relating to national security; and

(E) such findings, conclusions, and recommendations as the advisory panel considers appropriate.

(3) SUBMISSION OF REPORT TO CONGRESS.—The Secretary of Defense, the Secretary of State, and the Administrator shall submit to the appropriate congressional committees the reports required under this subsection and any additional information considered appropriate.

(4) CONGRESSIONAL BRIEFINGS.—Not later than 30 days after the submission of each report required under this subsection, the members of the advisory panel shall make themselves available to meet with the appropriate congressional committees to brief such committees on the matters contained in the report.

(5) APPROPRIATE COMMITTEES.—For the purposes of this subsection, the appropriate congressional committees are the following:

(A) The Committees on Foreign Affairs, Armed Services, and Appropriations of the House of Representatives.

(B) The Committees on Foreign Relations, Armed Services, and Appropriations of the Senate.

(h) TERMINATION OF ADVISORY PANEL.—The advisory panel shall terminate on December 31, 2012.

(i) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the United States Agency for International Development.

(2) STABILITY OPERATIONS.—The term ''stability operations'' means stability and reconstruction operations conducted by departments or agencies of the Federal Government described by Department of Defense Directive 3000.05, National Security Presidential Directive 1, or National Security Presidential Directive 44.

(3) FEDERAL AGENCY.—The term ''Federal agency'' means any entity included in chapter 1 of title 5, United States code.

SEC. 1055. REPORTS ON STRATEGIC COMMUNICATION AND PUBLIC DIPLOMACY ACTIVITIES OF THE FEDERAL GOVERNMENT.

(a) REPORT BY PRESIDENT.—

(1) INITIAL REPORT.—Not later than December 31, 2009, the President shall submit to the appropriate committees of Congress a report on a comprehensive interagency strategy for public diplomacy and strategic communication of the Federal Government, including benchmarks and a timetable for achieving such benchmarks.

(2) ELEMENTS OF REPORT.—The report required under paragraph (1) shall include the following elements:

(A) STRATEGY.—A comprehensive interagency strategy, which shall include the following:

(i) Prioritizing the mission of supporting specific foreign policy objectives, such as counterterrorism and efforts to combat extremist ideology, in parallel and in complement with, as appropriate, the broad mission of communicating the policies and values of the United States to foreign audiences.

(ii) Consolidating and elevating, as appropriate, Federal Government leadership to prioritize, manage, and implement the strategy required by this subsection, including consideration of whether to establish strategic communication and public diplomacy positions at the National Security Council and to establish a single office to coordinate strategic communication and public diplomacy efforts.

(iii) Improving coordination across departments and agencies of the Federal Government on strategic communications and public diplomacy.

(iv) Consideration of whether resources devoted to strategic communication and public diplomacy efforts should be increased.

(B) STUDY.—A study of whether to establish an independent, not-for-profit organization responsible for providing independent assessment and strategic guidance to the Federal Government on strategic communication and public diplomacy, as recommended by the Task Force on Strategic Communication of the Defense Science Board.

(C) ROLES OF DEPARTMENTS OR AGENCIES OF THE FEDERAL GOVERNMENT.—A description of the respective roles of the National Security Council, the Department of Defense, and the Department of State regarding strategic communication and public diplomacy, including—

(i) a description of the roles of the offices within the National Security Council, the Department of Defense, and the Department of State engaged in message outreach to audiences abroad; and

(ii) an explanation of how the National Security Council, the Department of Defense, and the Department of State coordinate strategic communication and public diplomacy activities.

(3) SUBSEQUENT REPORT.—Two years after the submission of the initial report under paragraph (1), the President shall submit to the appropriate committees of Congress a report on—

(A) the status of the implementation of the strategy;

(B) progress toward achievement of benchmarks; and

(C) any changes to the strategy since the submission of the initial report.

(b) REPORT BY SECRETARY OF DEFENSE.—Not later than December 31, 2009, the Secretary of Defense shall review, and submit to the congressional defense committees a report on, the organizational structure within the Department of Defense for advising the Secretary on the direction and priorities for strategic communication activities, including an assessment of the option of establishing a board, composed of representatives from among the organizations within the Department responsible for strategic communications, public diplomacy, and public affairs, and including advisory members from the broader interagency community as appropriate, for purposes of—

(1) providing strategic direction for Department of Defense efforts related to strategic communications and public diplomacy; and

(2) setting priorities for the Department of Defense in the areas of strategic communications and public diplomacy.

(c) FORM AND AVAILABILITY OF REPORTS.—

(1) FORM.—The reports required by this section may be submitted in a classified form.

(2) AVAILABILITY.—Any unclassified portions of the reports required by this section shall be made available to the public.

(d) APPROPRIATE COMMITTEES.—For the purposes of this section, the appropriate committees of Congress are the following:

(1) The Committees on Foreign Relations, Armed Services, and Appropriations of the Senate.

(2) The Committees on Foreign Affairs, Armed Services, and Appropriations of the House of Representatives.

SEC. 1056. PROHIBITIONS RELATING TO PROPAGANDA.

(a) PROHIBITION.—No part of any funds authorized to be appropriated in this or any other Act shall be used by the Department of Defense for publicity or propaganda purposes within the United States not otherwise specifically authorized by law.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Inspector General of the Department of Defense shall submit to Congress a report on the findings of their project number D2008–DIPOEF–0209.000, entitled ''Examination of Allegations Involving DoD Office of Public Affairs Outreach Program''.

(c) LEGAL OPINION.—Not later than 120 days after the date of the enactment of this Act, the Comptroller General of the United States shall issue a legal opinion to Congress on whether the Department of Defense violated appropriations prohibitions on publicity or propaganda activities established in Public Laws 107–117, 107–248, 108–87, 108–287, 109–148, 109–289, and 110–116, the Department of Defense Appropriations Acts for fiscal years 2002 through 2008, respectively, by offering special access to prominent persons in the private sector who serve as media analysts, including briefings and information on war efforts, meetings with high level government officials, and trips to Iraq and Guantanamo Bay, Cuba.

(d) RULE OF CONSTRUCTION RELATED TO INTELLIGENCE ACTIVITIES.—Nothing in this section shall be construed to apply to any lawful and authorized intelligence activity of the United States Government.

SEC. 1057. SENSE OF CONGRESS ON INTERROGATION OF DETAINEES BY CONTRACTOR PERSONNEL.

It is the sense of Congress that—

(1) the interrogation of enemy prisoners of war, civilian internees, retained persons, other detainees, terrorists, and criminals when captured, transferred, confined, or detained during or in the aftermath of hostilities is an inherently governmental function and cannot appropriately be transferred to private sector contractors;

(2) not later than one year after the date of the enactment of this Act, the Secretary of Defense should develop the resources needed

to ensure that interrogations described in paragraph (1) can be conducted by government personnel and not by private sector contractors; and

(3) properly trained and cleared contractors may appropriately be used as linguists, interpreters, report writers, information technology technicians, and other employees filling ancillary positions, if the private sector contractors are subject to the same rules, procedures, policies, and laws pertaining to detainee operations and interrogations that govern the execution of these positions by government personnel.

SEC. 1058. SENSE OF CONGRESS WITH RESPECT TO VIDEOTAPING OR OTHERWISE ELECTRONICALLY RECORDING STRATEGIC INTELLIGENCE INTERROGATIONS OF PERSONS IN THE CUSTODY OF OR UNDER THE EFFECTIVE CONTROL OF THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—It is the sense of Congress that the Secretary of Defense should take such actions as are necessary to ensure that each strategic intelligence interrogation of any person who is in the custody or under the effective control of the Department of Defense or under detention in a Department of Defense facility is videotaped or otherwise electronically recorded.

(b) STRATEGIC INTELLIGENCE INTERROGATION DEFINED.—For purposes of this section, the term ''strategic intelligence interrogation'' means an interrogation of a person described in subsection (a) conducted at a theater-level detention facility.

SEC. 1059. MODIFICATION OF DEADLINES FOR STANDARDS REQUIRED FOR ENTRY TO MILITARY INSTALLATIONS IN THE UNITED STATES.

Section 1069(c) of the National Defense Authorization Act of Fiscal Year 2008 (Public Law 110–181; 122 Stat. 327) is amended—

(1) in paragraph (1)—

(A) by striking ''July 1, 2008'' and inserting ''February 1, 2009''; and

(B) by striking ''January 1, 2009'' and inserting ''October 1, 2010''; and

(2) in paragraph (2), by striking ''implemented'' and inserting ''developed''.

SEC. 1060. 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 2008 (Public Law 110–181) is amended—

(1) in subsection (e), by striking ''December 1, 2008'' and inserting ''April 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 interim report shall address the matters required to be included in the report under subsection (e) of such section 1062.

SEC. 1061. 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 chapter 2 is amended by inserting after the item relating to 118a the following new item:

''118b. Quadrennial roles and missions review.''.

(2) The table of sections at the beginning of chapter 5 is amended in the item relating to section 156 by inserting a period at the end.

(3) The table of sections at the beginning of chapter 7 is amended in the item relating to section 183 by inserting a period at the end.

(4) Section 1477(e) is amended by inserting a period at the end.

(5) Section 2192a is amended—

(A) in subsection (e)(4), by striking ''title 11, United States Code,'' and inserting ''title 11''; and

(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, 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) (122 Stat. 80) is amended by striking '''operational 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) (122 Stat. 103) is amended by striking ''as amended by'' and inserting ''as inserted by''.

(4) Section 805(a) (122 Stat. 212) is amended by striking ''Act ,'' and inserting ''Act,''.

(5) Section 883(b) (122 Stat. 264) is amended by striking ''Section 832(c)(1) of such Act, as redesignated by subsection (a), is amend by'' and inserting ''Section 832(b)(1) of such Act is amended by''.

(6) Section 890(d)(2) (122 Stat. 270) is amended by striking ''sections'' and inserting ''parts''.

(7) Section 904(a)(4) (122 Stat. 274) is amended by striking ''131(b)(2)'' and inserting ''131(b)''.

(8) Section 954(a)(3)(B) (122 Stat. 294) is amended by inserting '', as redesignated by section 524(a)(1)(A),'' after ''of such title''.

(9) Section 954(b)(2) (122 Stat. 294) is amended—

(A) by striking ''2114(e) of such title'' and inserting ''2114(f) of such title, as redesignated by section 524(a)(1)(A),''; and

(B) by striking the period at the end and inserting ''and inserting 'President'.''.

(10) Section 1063(d)(1) (122 Stat. 323) is amended by striking ''a semicolon after 'subsection'" and inserting ''a comma after 'subsection'''.

(11) Section 1229(i)(3) (122 Stat. 383) is amended by striking ''publically'' and inserting ''publicly''.

(12) Section 1422(e)(2) (122 Stat. 422) is amended by striking ''subsection (c)'' and inserting ''subsection (c)(1)''.

(13) Section 1602(4) (122 Stat. 432) is amended by striking ''section 411 h(b)'' and inserting ''section 411h(b)(1)''.

(14) Section 1617(b) (122 Stat. 449) is amended by striking ''by adding at the end'' and inserting ''by inserting after the item relating to section 1074k''.

(15) Section 2106 (122 Stat. 508) is amended by striking ''for 2007'' both places it appears and inserting ''for Fiscal Year 2007''.

(16) Section 2826(a)(2)(A) (122 Stat. 546) is amended by striking '''Secretary of the Army''' and inserting '''Secretary of Army'''.

(c) TITLE 31, UNITED STATES CODE.—Title 31, United States Code, is amended as follows:

(1) Chapter 35 is amended by striking the first section 3557.

(2) The second section 3557 is amended in the section heading by striking ''**Public-Private**'' and inserting ''**public-private**''.

(3) The table of sections at the beginning of chapter 35 is amended by striking the second item relating to section 3557.

(d) TITLE 28, UNITED STATES CODE.—Section 1491(b) of title 28, United States Code, is amended by striking the first paragraph (5).

(e) RONALD W. REAGAN NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005.—Section 721(e) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1988; 10 U.S.C. 1092 note) is amended by striking ''fiscal years 2005'' and all that follows through ''2010'' and inserting ''fiscal years 2005 through 2010''.

SEC. 1062. NOTIFICATION OF COMMITTEES ON ARMED SERVICES WITH RESPECT TO CERTAIN NONPROLIFERATION AND PROLIFERATION ACTIVITIES.

(a) NOTIFICATION WITH RESPECT TO NONPROLIFERATION ACTIVITIES.—The Secretary of Defense, the Secretary of Energy, the Secretary of Commerce, the Secretary of State, and the Nuclear Regulatory Commission shall keep the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives informed with respect to—

(1) any activities undertaken by any such Secretary or the Commission to carry out the purposes and policies of the Secretaries and the Commission with respect to nonproliferation programs; and

(2) any other activities undertaken by any such Secretary or the Commission to prevent the proliferation of nuclear, chemical, or biological weapons or the means of delivery of such weapons.

(b) NOTIFICATION WITH RESPECT TO PROLIFERATION ACTIVITIES IN FOREIGN NATIONS.—

(1) IN GENERAL.—The Director of National Intelligence shall keep the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives fully and currently informed with respect to any activities of foreign nations that are significant with respect to the proliferation of nuclear, chemical, or biological weapons or the means of delivery of such weapons.

(2) FULLY AND CURRENTLY INFORMED DEFINED.—For purposes of paragraph (1), the term ''fully and currently informed'' means the transmittal of credible information with respect to an activity described in such paragraph not later than 60 days after becoming aware of the activity.

SEC. 1063. ASSESSMENT OF SECURITY MEASURES AT CONSOLIDATED CENTER FOR NORTH AMERICAN AEROSPACE DEFENSE COMMAND AND UNITED STATES NORTHERN COMMAND.

(a) ASSESSMENT REQUIRED.—The Secretary of Defense shall conduct an assessment of the adequacy of security measures for the consolidated command center for North American Aerospace Defense Command and United States Northern Command at Peterson Air Force Base, Colorado.

(b) ELEMENTS.—The assessment required in paragraph (a) shall include the following:

(1) A description of the security measures taken and planned for the consolidated command center as of October 1, 2008.

(2) An assessment of whether existing and planned security measures for the consolidated command center are adequate to provide the necessary level of protection.

(3) An estimate of the total costs associated with such security measures adequate to provide the necessary level of protection.

(c) REPORT REQUIRED.—Not later than March 1, 2009, the Secretary of Defense shall submit to the congressional defense committees a report containing the results of the assessment required in subsection (a).

(d) ADDITIONAL REQUIREMENT.—The Secretary of Defense shall ensure that redundant facilities and equipment, along with the appropriate manning necessary to ensure the continuity of operations, are maintained at Cheyenne Mountain Air Force Station until the Secretary certifies that security measures have been instituted that bring the consolidated command center for North American Aerospace Defense Command and United States Northern Command into full compliance with Protection Level One requirements, as defined by Air Force Instruction 31-101, dated March 1, 2007.

TITLE XI—CIVILIAN PERSONNEL MATTERS

Sec. 1101. Authority to waive annual limitation on premium pay and aggregate limitation on pay for Federal civilian employees working overseas.
Sec. 1102. Temporary discretionary authority to grant allowances, benefits, and gratuities to personnel on official duty in a combat zone.
Sec. 1103. Election of insurance coverage by Federal civilian employees deployed in support of a contingency operation.
Sec. 1104. Extension of authority to make lump-sum severance payments.
Sec. 1105. Extension of voluntary reduction-in-force authority of Department of Defense.
Sec. 1106. Enhancement of authorities relating to additional positions under the national security personnel system.
Sec. 1107. Expedited hiring authority for health care professionals.
Sec. 1108. Direct hire authority at personnel demonstration laboratories for certain candidates.
Sec. 1109. Status reports relating to laboratory personnel demonstration projects.
Sec. 1110. Technical amendment relating to definition of professional accounting position for purposes of certification and credentialing standards.
Sec. 1111. Exceptions and adjustments to limitations on personnel and reports on such exceptions and adjustments.

SEC. 1101. AUTHORITY TO WAIVE ANNUAL LIMITATION ON PREMIUM PAY AND AGGREGATE LIMITATION ON PAY FOR FEDERAL CIVILIAN EMPLOYEES WORKING OVERSEAS.

(a) WAIVER AUTHORITY.—During calendar year 2009, and notwithstanding section 5547 of title 5, United States Code, the head of an Executive agency may waive the premium pay limitations established in that section up to the annual rate of salary payable to the Vice President under section 104 of title 3, United States Code, for an employee who performs work while in an overseas location that is in the area of responsibility of the Commander of the United States Central Command, or an overseas location that was formerly in the area of responsibility of the Commander of the United States Central Command but has been moved to the area of responsibility of the Commander of the United States Africa Command, in direct support of, or directly related to—

(1) a military operation, including a contingency operation; or

(2) an operation in response to a national emergency declared by the President.

(b) APPLICABILITY OF AGGREGATE LIMITATION ON PAY.—Section 5307 of title 5, United States Code, shall not apply to any employee in any calendar year in which that employee is granted a waiver under subsection (a).

(c) ADDITIONAL PAY NOT CONSIDERED BASIC PAY.—To the extent that a waiver under subsection (a) results in payment of additional premium pay of a type that is normally creditable as basic pay for retirement or any other purpose, such additional pay shall not be considered to be basic pay for any purpose, nor shall it be used in computing a lump-sum payment for accumulated and accrued annual leave under section 5551 of title 5, United States Code.

(d) REGULATIONS.—The Director of the Office of Personnel Management may issue regulations to ensure appropriate consistency among heads of executive agencies in the exercise of authority granted by this section.

SEC. 1102. TEMPORARY DISCRETIONARY AUTHORITY TO GRANT ALLOWANCES, BENEFITS, AND GRATUITIES TO PERSONNEL ON OFFICIAL DUTY IN A COMBAT ZONE.

(a) IN GENERAL.—Section 1603(a) of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 443) is amended—

(1) by striking ''During fiscal years 2006, 2007, and 2008'' and inserting ''(1) During fiscal years 2006 (including the period beginning on October 1, 2005, and ending on June 15, 2006), 2007, and 2008''; and

(2) by adding at the end the following:

''(2) During fiscal years 2009, 2010, and 2011, the head of an agency may, in the agency head's discretion, provide to an individual employed by, or assigned or detailed to, such agency allowances, benefits, and gratuities comparable to those provided by the Secretary of State to members of the Foreign Service under section 413 and chapter 9 of title I of the Foreign Service Act of 1980, if such individual is on official duty in a combat zone (as defined by section 112(c) of the Internal Revenue Code of 1986).''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234).

SEC. 1103. ELECTION OF INSURANCE COVERAGE BY FEDERAL CIVILIAN EMPLOYEES DEPLOYED IN SUPPORT OF A CONTINGENCY OPERATION.

(a) AUTOMATIC COVERAGE.—Section 8702(c) of title 5, United States Code, is amended—

(1) by inserting ''an employee who is deployed in support of a contingency operation (as that term is defined in section 101(a)(13) of title 10) or'' after ''subsection (b),''; and

(2) by striking ''the date of the'' and inserting ''the date of notification of deployment or''.

(b) OPTIONAL INSURANCE.—Section 8714a(b) of such title is amended—

(1) by designating the text as paragraph (2); and

(2) by inserting before paragraph (2), as so designated, the following new paragraph (1):

''(1) An employee who is deployed in support of a contingency operation (as that term is defined in section 101(a)(13) of title 10) or an employee of the Department of Defense who is designated as emergency essential under section 1580 of title 10 shall be insured under the policy of insurance under this section if the employee, within 60 days after the date of notification of deployment or designation, elects to be insured under the policy of insurance. An election under this paragraph shall be effective when provided to the Office in writing, in the form prescribed by the Office, within such 60-day period.''.

(c) ADDITIONAL OPTIONAL LIFE INSURANCE.—Section 8714b(b) of such title is amended—

(1) by designating the text as paragraph (2); and

(2) by inserting before paragraph (2), as so designated, the following new paragraph (1):

''(1) An employee who is deployed in support of a contingency operation (as that term is defined in section 101(a)(13) of title 10) or an employee of the Department of Defense who is designated as emergency essential under section 1580 of title 10 shall be insured under the policy of insurance under this section if the employee, within 60 days after the date of notification of deployment or designation, elects to be insured under the policy of insurance. An election under this paragraph shall be effective when provided to the Office in writing, in the form prescribed by the Office, within such 60-day period.''.

SEC. 1104. EXTENSION OF AUTHORITY TO MAKE LUMP-SUM SEVERANCE PAYMENTS.

Section 5595(i)(4) of title 5, United States Code, is amended by striking ''October 1, 2010'' and inserting ''October 1, 2014''.

SEC. 1105. EXTENSION OF VOLUNTARY REDUCTION-IN-FORCE AUTHORITY OF DEPARTMENT OF DEFENSE.

Section 3502(f)(5) of title 5, United States Code, is amended by striking ''September 30, 2010'' and inserting ''September 30, 2014''.

SEC. 1106. ENHANCEMENT OF AUTHORITIES RELATING TO ADDITIONAL POSITIONS UNDER THE NATIONAL SECURITY PERSONNEL SYSTEM.

Section 9902(i) of title 5, United States Code, is amended—

(1) in paragraph (1), by striking ''the requirements of chapter 71 and the limitations in subsection (b)(3)'' and inserting ''the requirements and limitations in paragraph (3)''; and

(2) by striking the period at the end of paragraph (2) and inserting '', in a manner comparable to that in which such provisions are applied under chapter 33.

''(3) Any action taken by the Secretary pursuant to the authority of this subsection shall be subject to—

''(A) the requirements of chapter 71; and

''(B) the limitations in subsection (b)(3), except that the requirements of chapter 33 may be waived to the extent necessary to achieve the purposes of this subsection.''.

SEC. 1107. EXPEDITED HIRING AUTHORITY FOR HEALTH CARE PROFESSIONALS.

(a) EXPEDITED HIRING AUTHORITY.—Section 1599c(a) 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:

''(2)(A) For purposes of sections 3304, 5333, and 5753 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 and other persons established in subchapter 1 of chapter 33 of title 5.''.

(b) TERMINATION OF AUTHORITY.—Section 1599c(c) of such title is amended—

(1) by inserting ''(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. 1108. DIRECT HIRE AUTHORITY AT PERSONNEL DEMONSTRATION LABORATORIES FOR CERTAIN CANDIDATES.

(a) AUTHORITY.—The Secretary of Defense may appoint qualified candidates possessing an advanced degree to positions described in subsection (b) without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code, other than sections 3303 and 3328 of such title.

(b) APPLICABILITY.—This section applies with respect to candidates for scientific and engineering positions within any laboratory identified in section 9902(c)(2) of title 5, United States Code.

(c) LIMITATION.—(1) Authority under this section may not, in any calendar year and with respect to any laboratory, be exercised with respect to a number of candidates greater than the number equal to 2 percent of the total number of scientific and engineering positions within such laboratory that are filled as of the close of the fiscal year last ending before the start of such calendar year.

(2) For purposes of this subsection, positions and candidates shall be counted on a full-time equivalent basis.

(d) EMPLOYEE DEFINED.—As used in this section, the term ''employee'' has the meaning given such term by section 2105 of title 5, United States Code.

(e) TERMINATION.—The authority to make appointments under this section shall not be available after December 31, 2013.

SEC. 1109. STATUS REPORTS RELATING TO LABORATORY PERSONNEL DEMONSTRATION PROJECTS.

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 the 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 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 and description of any issues relating to the development or implementation of such plan.

''(C) With respect to any applications by any Department of Defense 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 rendered, the laboratory involved, what the laboratory had requested, the decision reached, and the reasons for the decision; and

''(iii) in the case of any applications under clause (i) 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 342(b) of the National Defense Authorization Act for Fiscal Year 1995 (as cited in subsection (a)).''.

SEC. 1110. TECHNICAL AMENDMENT RELATING TO DEFINITION OF PROFESSIONAL ACCOUNTING POSITION FOR PURPOSES OF CERTIFICATION AND CREDENTIALING STANDARDS.

Section 1599d(e) of title 10, United States Code, is amended by striking ''GS–510, GS–511, and GS–505'' and inserting ''0505, 0510, 0511, or equivalent''.

SEC. 1111. EXCEPTIONS AND ADJUSTMENTS TO LIMITATIONS ON PERSONNEL AND REPORTS ON SUCH EXCEPTIONS AND ADJUSTMENTS.

(a) EXCEPTION TO LIMITATIONS ON PERSONNEL.—For fiscal year 2009 and fiscal years thereafter, the baseline personnel limitations in sections 143, 194, 3014, 5014, and 8014 of title 10, United States Code (as adjusted pursuant to subsection (b)), shall not apply to—

(1) acquisition personnel hired pursuant to the expedited hiring authority provided in section 1705(h) of title 10, United States Code, as amended by section 821 of this Act, or otherwise hired with funds in the Department of Defense Acquisition Workforce Development Fund established in accordance with section 1705(a) of such title; or

(2) personnel hired pursuant to a shortage category designation by the Secretary of Defense or the Director of the Office of Personnel Management.

(b) AUTHORITY TO ADJUST LIMITATIONS ON PERSONNEL.—For fiscal year 2009 and for four fiscal years thereafter, the Secretary of Defense or a secretary of a military department may adjust the baseline personnel limitations in sections 143, 194, 3014, 5014 and 8014 of title 10, United States Code, to—

(1) fill a gap in the civilian workforce of the Department of Defense identified by the Secretary of Defense in a strategic human capital plan submitted to Congress in accordance with the requirements of—

(A) section 1122 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 10 U.S.C. prec. 1580 note);

(B) section 1102 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2407); or

(C) section 851 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. note prec. 1580); or

(2) accommodate increases in workload or modify the type of personnel required to accomplish work, for any purpose described in paragraphs (1) through (4) of subsection (c).

(c) LIMITATION ON AUTHORITY TO ADJUST LIMITATIONS ON PERSONNEL.—The Secretary of Defense or the secretary of a military department may not increase a baseline personnel limitation under paragraph (2) of subsection (b) by more than 5 percent in a fiscal year. An increase in a baseline personnel limitation under such paragraph may be made for any of the following purposes:

(1) Performance of inherently governmental functions.

(2) Performance of work pursuant to section 2463 of title 10 United States Code.

(3) Ability to maintain sufficient organic expertise and technical capability.

(4) Performance of work that, while the position may not exercise an inherently governmental function, nevertheless should be performed only by officers or employees of the Federal Government or members of the Armed Forces because of the critical nature of the work.

(d) REPORT REQUIRED.—The Secretary of Defense shall submit a report to the congressional defense committees on the implementation of this section at the same time that the defense budget materials for each of the four fiscal years after fiscal year 2009 are presented to Congress. The report shall include the following information regarding the implementation of this section during the preceding fiscal year:

(1) The average number of military personnel, civilian employees of the Department of Defense, and contractor employees assigned to or detailed to permanent duty in—

(A) the Office of the Secretary of Defense;

(B) the management headquarters activities and management headquarters support activities in the Defense Agencies and Department of Defense Field Activities;

(C) the Office of the Secretary of the Army and the Army Staff;

(D) the Office of the Secretary of the Navy, the Office of Chief of Naval Operations, and the Headquarters, Marine Corps; and

(E) the Office of the Secretary of the Air Force and the Air Staff.

(2) An estimate of the number of personnel hired pursuant to an exception in subsection (a) in each office described in subparagraphs (A) through (E) of paragraph (1).

(3) The amount of any adjustment in the limitation on personnel made by the Secretary of Defense or the secretary of a military department, and, for each adjustment made pursuant to subsection (b)(2), the purpose of the adjustment.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

Sec. 1201. Extension of authority to build the capacity of the Pakistan Frontier Corps.
Sec. 1202. Availability across fiscal years of funds for military-to-military contacts and comparable activities.
Sec. 1203. Availability across fiscal years of funds to pay incremental expenses for participation of developing countries in combined exercises.
Sec. 1204. Extension of temporary authority to use acquisition and cross-servicing agreements to lend military equipment for personnel protection and survivability.
Sec. 1205. Authority for distribution to certain foreign personnel of education and training materials and information technology to enhance military interoperability with the Armed Forces.
Sec. 1206. Modification and extension of authorities relating to program to build the capacity of foreign military forces.
Sec. 1207. Extension of authority and increased funding for security and stabilization assistance.
Sec. 1208. Extension and expansion of authority for support of special operations to combat terrorism.
Sec. 1209. Increase in amount available for costs of education and training of foreign military forces under Regional Defense Combating Terrorism Fellowship Program.

Subtitle B—Matters Relating to Iraq and Afghanistan

Sec. 1211. Limitation on availability of funds for certain purposes relating to Iraq.
Sec. 1212. Report on status of forces agreements between the United States and Iraq.
Sec. 1213. Strategy for United States-led Provincial Reconstruction Teams in Iraq.

Sec. 1214. Commanders' Emergency Response Program.
Sec. 1215. Performance monitoring system for United States-led Provincial Reconstruction Teams in Afghanistan.
Sec. 1216. Report on command and control structure for military forces operating in Afghanistan.
Sec. 1217. Reports on enhancing security and stability in the region along the border of Afghanistan and Pakistan.
Sec. 1218. Study and report on Police Transition Teams to train, assist, and advise units of the Iraqi Police Service.

Subtitle C—Other Matters

Sec. 1231. Payment of personnel expenses for multilateral cooperation programs.
Sec. 1232. Participation of the Department of Defense in multinational military centers of excellence.
Sec. 1233. Review of security risks of participation by defense contractors in certain space activities of the People's Republic of China.
Sec. 1234. Report on Iran's capability to produce nuclear weapons.
Sec. 1235. Employment for resettled Iraqis.
Sec. 1236. Extension and modification of updates on report on claims relating to the bombing of the Labelle Discotheque.
Sec. 1237. Report on utilization of certain global partnership authorities.
Sec. 1238. Modification and repeal of requirement to submit certain annual reports to Congress regarding allied contributions to the common defense.

Subtitle A—Assistance and Training

SEC. 1201. EXTENSION OF AUTHORITY TO BUILD THE CAPACITY OF THE PAKISTAN FRONTIER CORPS.

(a) AUTHORITY.—Subsection (a) of section 1206 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 366) is amended by striking ''during fiscal year 2008'' and inserting ''during fiscal years 2008 and 2009''.

(b) FUNDING LIMITATION.—Subsection (c)(1) of such section is amended by inserting after ''fiscal year 2008'' the following: ''and up to $25,000,000 of funds available to the Department of Defense for operation and maintenance for fiscal year 2009''.

SEC. 1202. AVAILABILITY ACROSS FISCAL YEARS OF FUNDS FOR MILITARY-TO-MILITARY CONTACTS AND COMPARABLE ACTIVITIES.

(a) IN GENERAL.—Section 168(e) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(5) Funds available to carry out this section shall be available, to the extent provided in appropriations Acts, for programs or activities under this section that begin in a fiscal year and end in the following fiscal year.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2008, and shall apply with respect to programs and activities under section 168 of title 10, United States Code, as so amended, that begin on or after that date.

SEC. 1203. AVAILABILITY ACROSS FISCAL YEARS OF FUNDS TO PAY INCREMENTAL EXPENSES FOR PARTICIPATION OF DEVELOPING COUNTRIES IN COMBINED EXERCISES.

(a) IN GENERAL.— Section 2010 of title 10, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

''(d) Funds available to carry out this section shall be available, to the extent provided in appropriations Acts, for bilateral or multilateral military exercises that begin in a fiscal year and end in the following fiscal year.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2008, and shall apply with respect to bilateral and multilateral military exercises described in section 2010 of title 10, United States Code, as so amended, that begin on or after that date.

SEC. 1204. EXTENSION OF TEMPORARY AUTHORITY TO USE ACQUISITION AND CROSS-SERVICING AGREEMENTS TO LEND MILITARY EQUIPMENT FOR PERSONNEL PROTECTION AND SURVIVABILITY.

(a) SEMIANNUAL REPORTS TO CONGRESSIONAL COMMITTEES.—Subsection (b)(3) of section 1202 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2412) is amended by adding at the end the following new subparagraph:

''(E) With respect to equipment provided to each foreign force that is not returned to the United States, a description of the terms of disposition of the equipment to the foreign force.

''(F) The percentage of equipment provided to foreign forces under the authority of this section that is not returned to the United States.''.

(b) EXPIRATION.—Subsection (e) of such section, as amended by section 1252(b) of National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 402), is further amended by striking ''September 30, 2009'' and inserting ''September 30, 2011''.

SEC. 1205. AUTHORITY FOR DISTRIBUTION TO CERTAIN FOREIGN PERSONNEL OF EDUCATION AND TRAINING MATERIALS AND INFORMATION TECHNOLOGY TO ENHANCE MILITARY INTEROPERABILITY WITH THE ARMED FORCES.

(a) AUTHORITY FOR DISTRIBUTION.—

(1) IN GENERAL.—Subchapter I of chapter 134 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2249d. Distribution to certain foreign personnel of education and training materials and information technology to enhance military interoperability with the armed forces

''(a) DISTRIBUTION AUTHORIZED.—To enhance interoperability between the armed forces and military forces of friendly foreign nations, the Secretary of Defense, with the concurrence of the Secretary of State, may—

''(1) provide to personnel referred to in subsection (b) electronically-distributed learning content for the education and training of such personnel for the development or enhancement of allied and friendly military and civilian capabilities for multinational operations, including joint exercises and coalition operations; and

''(2) provide information technology, including computer software developed for such purpose, but only to the extent necessary to support the use of such learning content for the education and training of such personnel.

''(b) AUTHORIZED RECIPIENTS.—The personnel to whom learning content and information technology may be provided under subsection (a) are military and civilian personnel of a friendly foreign government, with the permission of that government.

''(c) EDUCATION AND TRAINING.—Any education and training provided under subsection (a) shall include the following:

''(1) Internet-based education and training.

''(2) Advanced distributed learning and similar Internet learning tools, as well as distributed training and computer-assisted exercises.

''(d) APPLICABILITY OF EXPORT CONTROL REGIMES.—The provision of learning content and information technology under this section shall be subject to the provisions of the Arms Export Control Act (22 U.S.C. 2751 et seq.) and any other export control regime under law relating to the transfer of military technology to foreign nations.

''(e) GUIDANCE ON UTILIZATION OF AUTHORITY.—

''(1) GUIDANCE REQUIRED.—The Secretary of Defense shall develop and issue guidance on the procedures for the use of the authority in this section.

''(2) MODIFICATION.—If the Secretary modifies the guidance issued under paragraph (1), the Secretary shall submit to the appropriate committees of Congress a report setting forth the modified guidance not later than 30 days after the date of such modification.

''(f) ANNUAL REPORT.—

''(1) REPORT REQUIRED.—Not later than October 31 following each fiscal year in which the authority in this section is used, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the exercise of the authority during such fiscal year.

''(2) ELEMENTS.—Each report under paragraph (1) shall include, for the fiscal year covered by such report, the following:

''(A) A statement of the recipients of learning content and information technology provided under this section.

''(B) A description of the type, quantity, and value of the learning content and information technology provided under this section.

''(g) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term 'appropriate committees of Congress' means—

''(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

''(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 134 of such title is amended by adding at the end the following new item:

''2249d. Distribution to certain foreign personnel of education and training materials and information technology to enhance military interoperability with the armed forces.''.

(b) GUIDANCE ON UTILIZATION OF AUTHORITY.—

(1) SUBMITTAL TO CONGRESS.—Not later than 30 days after issuing the guidance required by section 2249d(e) of title 10, United States Code, as added by subsection (a), the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth such guidance.

(2) UTILIZATION OF SIMILAR GUIDANCE.—In developing the guidance required by section 2249d(e) of title 10, United States Code, as so added, the Secretary may utilize applicable portions of the current guidance developed by the Secretary under subsection (f) of section 1207 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2419) for purposes of the exercise of the authority in such section 1207.

(c) REPEAL OF SUPERSEDED AUTHORITY.—

(1) IN GENERAL.—Section 1207 of the John Warner National Defense Authorization Act for Fiscal Year 2007 is repealed.

(2) SUBMITTAL OF FINAL REPORT ON EXERCISE OF AUTHORITY.—If the Secretary of Defense exercised the authority in section 1207 of the John Warner National Defense Authorization Act for Fiscal Year 2007 during fiscal year 2008, the Secretary shall submit the report required by subsection (g) of such section for such fiscal year in accordance with the provisions of such subsection (g) without regard to the repeal of such section under paragraph (1).

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on October 1, 2008.

SEC. 1206. MODIFICATION AND EXTENSION OF AUTHORITIES RELATING TO PROGRAM TO BUILD THE CAPACITY OF FOREIGN MILITARY FORCES.

(a) BUILDING OF CAPACITY OF ADDITIONAL FOREIGN FORCES.—Subsection (a) of section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456), as amended by section 1206 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2418), is further amended by striking ''a program'' and all that follows and inserting ''a program or programs as follows:

''(1) To build the capacity of a foreign country's national military forces in order for that country to—

''(A) conduct counterterrorism operations; or

''(B) participate in or support military and stability operations in which the United States Armed Forces are participating.

''(2) To build the capacity of a foreign country's maritime security forces to conduct counterterrorism operations.''.

(b) FUNDING.—Subsection (c) of such section, as so amended, is further amended—

(1) in paragraph (1), by striking ''$300,000,000'' and inserting ''$350,000,000''; and

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

''(4) AVAILABILITY OF FUNDS FOR ACTIVITIES ACROSS FISCAL YEARS.—Amounts available under this subsection for the authority in subsection (a) for a fiscal year may be used for programs under that authority that begin in such fiscal year but end in the next fiscal year.''.

(c) THREE-YEAR EXTENSION OF AUTHORITY.—Subsection (g) of such section, as so amended, is further amended—

(1) by striking ''September 30, 2008'' and inserting ''September 30, 2011''; and

(2) by striking ''fiscal year 2006, 2007, or 2008'' and inserting ''fiscal years 2006 through 2011''.

(d) EFFECTIVE DATE.—The amendment made by subsection (b)(2) shall take effect on October 1, 2008, and shall apply with respect to programs under the authority in subsection (a) of section 1206 of the National Defense Authorization Act for Fiscal Year 2006, as so amended, that begin on or after that date.

SEC. 1207. EXTENSION OF AUTHORITY AND INCREASED FUNDING FOR SECURITY AND STABILIZATION ASSISTANCE.

(a) PROHIBITION ON BUDGET SUPPORT.—Subsection (a) of section 1207 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3458) is amended—

(1) by striking ''The Secretary of Defense'' and inserting the following:

''(1) IN GENERAL.—The Secretary of Defense''; and

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

''(2) PROHIBITION ON BUDGET SUPPORT.—Nothing in this section shall be construed to authorize the provision of budget support to any foreign country.''.

(b) ASSISTANCE TO GEORGIA DURING FISCAL YEAR 2009.—Subsection (b) of such section is amended—

(1) by striking ''The aggregate value'' and inserting the following:

''(1) IN GENERAL.—Except as provided in paragraph (2), the aggregate value''; and

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

''(2) ASSISTANCE TO GEORGIA DURING FISCAL YEAR 2009.—

''(A) IN GENERAL.—The Secretary of Defense is authorized during fiscal year 2009 to exercise the authority of subsection (a) to provide services to, and transfer defense articles and funds to, the Secretary of State for the purposes of facilitating the provision by the Secretary of State of reconstruction, security, or stabilization assistance to the country of Georgia.

''(B) LIMITATION.—The aggregate value of all services, defense articles, and funds provided or transferred to the Secretary of State under this section for Georgia in fiscal year 2009—

''(i) may not exceed $50,000,000; and

''(ii) shall not count against the dollar amount limitation specified in paragraph (1) for such fiscal year.''.

(c) EXTENSION OF AUTHORITY.—Subsection (g) of such section, as amended by section 1210(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 369), is further amended by striking ''September 30, 2008'' and inserting ''September 30, 2009''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008.

SEC. 1208. EXTENSION AND EXPANSION OF AUTHORITY FOR SUPPORT OF SPECIAL OPERATIONS TO COMBAT TERRORISM.

(a) IN GENERAL.—Subsection (a) of section 1208 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2086) is amended—

(1) by inserting '', with the concurrence of the relevant Chief of Mission,'' after ''may''; and

(2) by striking ''$25,000,000'' and inserting ''$35,000,000''.

(b) TIMING OF NOTICE ON PROVISION OF SUPPORT.—Subsection (c) of such section is amended by striking ''in not less than 48 hours'' and inserting ''within 48 hours''.

(c) EXTENSION.—Subsection (h) of such section, as amended by section 1202(c) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 364), is further amended by striking ''2010'' and inserting ''2013''.

(d) TECHNICAL AMENDMENT.—The heading of such section is amended by striking ''**MILITARY OPERATIONS**'' and inserting ''**SPECIAL OPERATIONS**''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008.

SEC. 1209. INCREASE IN AMOUNT AVAILABLE FOR COSTS OF EDUCATION AND TRAINING OF FOREIGN MILITARY FORCES UNDER REGIONAL DEFENSE COMBATING TERRORISM FELLOWSHIP PROGRAM.

(a) INCREASE IN AMOUNT.—Section 2249c(b) of title 10, United States Code, is amended by striking ''$25,000,000'' and inserting ''$35,000,000''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2008, and shall apply with respect to fiscal years beginning on or after that date.

Subtitle B—Matters Relating to Iraq and Afghanistan

SEC. 1211. LIMITATION ON AVAILABILITY OF FUNDS FOR CERTAIN PURPOSES RELATING TO IRAQ.

No funds appropriated pursuant to an authorization of appropriations in this Act may be obligated or expended for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

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

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 any agreement that has been completed 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, the President shall notify the appropriate congressional committees that no such agreement has been completed, and shall transmit to the appropriate congressional committees the report required under subparagraph (A) as soon as practicable after such an agreement or agreements are completed.

(2) 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 relating to the matters described in the report is substantially revised.

(b) 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 description of any conditions placed on United States combat operations by the Government of Iraq, including required coordination, if any, before such operations can be undertaken.

(2) A description of any constraints placed on United States military personnel, civilian personnel, and contractor personnel of contracts awarded by any department or agency of the United States Government as a result of such conditions.

(3) A description 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 by an Iraqi court for alleged crimes occurring both during the performance of official duties and during other such times, and the protections that such personnel would be extended in an Iraqi court, if applicable.

(4) 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.

(5) A description of any security commitment, arrangement, or assurance that obligates 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.

(6) 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 and facilities.

(7) An assessment of any payments required under the agreement for any claims for deaths and damages caused by United States military personnel, civilian personnel, and contractor personnel of contracts awarded by any department or agency of the United States Government in the performance of their official duties.

(8) 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.

(9) A discussion of the extent to which the agreement applies to other Coalition partners.

(10) A description of how the agreement can be terminated by the United States or Iraq.

(c) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—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.

(e) TERMINATION OF REQUIREMENT.—

(1) IN GENERAL.—Except as provided in paragraph (2), the requirement to transmit the report and updates of the report under subsection (a) terminates on December 31, 2009.

(2) EXCEPTION.—The requirement to transmit the report and updates of the report under subsection (a) terminates before December 31, 2009, if the following conditions are met:

(A) The President transmits to the appropriate congressional committees the text of any agreement between the United States and Iraq described in subsection (a)(1)(A) and any amendment or update thereto.

(B) Within 30 days of transmission of the agreement, the President makes available appropriate senior officials to brief the appropriate congressional committees on the matters covered by the agreement or any amendment or update thereto.

SEC. 1213. STRATEGY FOR UNITED STATES-LED PROVINCIAL RECONSTRUCTION TEAMS IN IRAQ.

(a) IN GENERAL.—The President shall establish and implement a strategy for United States-led Provincial Reconstruction Teams (PRTs), including embedded PRTs and Provincial Support Teams, in Iraq that ensures that such United States-led PRTs are—

(1) supporting the operational and strategic goals of the Multi-National Force–Iraq; and

(2) developing the capacity of national, provincial, and local government and other civil institutions in Iraq to assume increasing responsibility for the formulation, implementation, and oversight of reconstruction and development activities.

(b) ELEMENTS OF STRATEGY.—At a minimum, the strategy required under subsection (a) shall include—

(1) a mission statement and clearly defined objectives for United States-led PRTs as a whole;

(2) a mission statement and clearly defined objectives for each United States-led PRT; and

(3) measures of effectiveness and performance indicators for meeting the objectives of each United States-led PRT as described in paragraph (2).

(c) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter through the end of fiscal year 2010, the President shall transmit to the appropriate congressional committees a report on the implementation of the strategy required under subsection (a), including an assessment of the specific contributions United States-led PRTs are making to implement the strategy. The initial report required under this subsection should include a general description of the strategy required under subsection (a) and a general discussion of the elements of the strategy required under subsection (b).

(2) INCLUSION IN OTHER REPORT.—The report required under this subsection may be included in the report required by section 1227 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3465).

(d) 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. 1214. COMMANDERS' EMERGENCY RESPONSE PROGRAM.

(a) AUTHORITY FOR FISCAL YEARS 2008 AND 2009.—Subsection (a) of section 1202 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3455), as amended by section 1205 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 366), is further amended in the matter preceding paragraph (1)—

(1) by striking ''$977,441,000'' and inserting ''$1,700,000,000 in fiscal year 2008 and $1,500,000,000 in fiscal year 2009,''; and

(2) by striking ''in such fiscal year''.

(b) QUARTERLY REPORTS.—Subsection (b) of such section, as so amended, is further amended—

(1) in the heading, by inserting ''AND BRIEFINGS'' after ''REPORTS'';

(2) by striking ''Not later than'' and inserting the following:

''(1) IN GENERAL.—Not later than''; and

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

''(2) ADDITIONAL MATTERS TO BE INCLUDED.—In addition to the information described in paragraph (1), each report required under paragraph (1) that contains information on projects carried out using funds authorized under the Commanders' Emergency Response Program in Iraq shall include the following:

''(A) A listing of each project for which amounts in excess of $500,000 provided through the Commanders' Emergency Response Program in Iraq were expended.

''(B) A written statement by the Secretary of Defense, or the Deputy Secretary of Defense if the authority under subsection (f) is delegated to the Deputy Secretary of Defense, affirming that the certification required under subsection (f) was issued for each project in Iraq for which amounts in excess of $1,000,000 provided through the Commanders' Emergency Response Program in Iraq were expended.

''(C) For each project listed in subparagraph (A), the following information:

''(i) A description and justification for carrying out the project

''(ii) A description of the extent of involvement by the Government of Iraq in the project, including—

''(I) the amount of funds provided by the Government of Iraq for the project; and

''(II) a description of the plan for the transition of such project upon completion to the people of Iraq and for the sustainment of any completed facilities, including any commitments by the Government of Iraq to sustain projects requiring the support of the Government of Iraq for sustainment.

''(iii) A description of the current status of the project, including, where appropriate, the projected completion date.

''(D) A description of the status of transitioning activities carried out under the Commanders' Emergency Response Program in Iraq to the Government of Iraq, including—

''(i) the level of funding provided by the Government of Iraq for the Government of Iraq Commanders' Emergency Response Program (commonly known as 'I-CERP');

''(ii) the level of funding provided and expended by the Government of Iraq in other programs designed to meet urgent humanitarian relief and reconstruction requirements that immediately assist the Iraqi people; and

''(iii) a description of the progress made in transitioning the responsibility for the Sons of Iraq Program to the Government of Iraq.

''(3) BRIEFINGS.—Not later than 15 days after the submission of each report under paragraph (1), appropriate officials of the Department of Defense shall meet with the congressional defense committees to brief such committees on the matters contained in the report.''.

(c) PROHIBITION ON CERTAIN PROJECTS UNDER THE COMMANDERS' EMERGENCY RESPONSE PROGRAM IN IRAQ.—Such section, as so amended, is further amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection:

''(e) PROHIBITION ON CERTAIN PROJECTS UNDER THE COMMANDERS' EMERGENCY RESPONSE PROGRAM IN IRAQ.—

''(1) PROHIBITION.—Except as provided in paragraph (2), funds made available under this section for the Commanders' Emergency Response Program in Iraq may not be obligated or expended to carry out any project commenced after the date of the enactment of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 if the total amount of such funds made available for the purpose of carrying out the project exceeds $2,000,000.

''(2) EXCEPTION.—The prohibition contained in paragraph (1) shall not apply with respect to funds managed or controlled by the Department of Defense that were otherwise provided by another department or agency of the United States Government, the Government of Iraq, the government of a foreign country, a foundation or other charitable organization (including a foundation or charitable organization that is organized or operates under the laws of a foreign country), or any source in the private sector of the United States or a foreign country.

''(3) WAIVER.—The Secretary of Defense may waive the prohibition contained in paragraph (1) if the Secretary of Defense—

''(A) determines that such a waiver is required to meet urgent humanitarian relief and reconstruction requirements that will immediately assist the Iraqi people; and

''(B) submits in writing, within 15 days of issuing such waiver, to the congressional defense committees a notification of the waiver, together with a discussion of—

''(i) the unmet and urgent needs to be addressed by the project; and

''(ii) any arrangements between the Government of the United States and the Government of Iraq regarding the provision of Iraqi funds for carrying out and sustaining the project .''.

(d) CERTIFICATION ON CERTAIN PROJECTS UNDER THE COMMANDERS' EMERGENCY RESPONSE PROGRAM IN IRAQ.—Such section, as so amended, is further amended—

(1) by redesignating subsection (f), as redesignated by subsection (c) of this section, as subsection (g); and

(2) by inserting after subsection (e), as added by subsection (c) of this section, the following new subsection:

''(f) CERTIFICATION ON CERTAIN PROJECTS UNDER THE COMMANDERS' EMERGENCY RESPONSE PROGRAM IN IRAQ.—

''(1) CERTIFICATION.—Funds made available under this section for the Commanders' Emergency Response Program in Iraq may not be obligated or expended to carry out any project commenced after the date of the enactment of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 if the total amount of such funds made available for the purpose of carrying out the project exceeds $1,000,000 unless the Secretary of Defense certifies that the project addresses urgent humanitarian relief and reconstruction requirements that will immediately assist the Iraqi people.

''(2) DELEGATION.—The Secretary may delegate the authority under paragraph (1) to the Deputy Secretary of Defense.''.

(e) SENSE OF CONGRESS.—It is the sense of Congress that the Government of Iraq should assume increasing responsibility for funding and carrying out projects currently funded by the United States through the Commanders' Emergency Response Program, and should assume all costs associated with the Sons of Iraq program as expeditiously as possible.

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 the performance of United States-led Provincial Reconstruction Teams (PRTs) in Afghanistan.

(b) ELEMENTS OF PERFORMANCE MONITORING SYSTEM.—The performance monitoring system required under subsection (a) shall include—

(1) 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 include plans for developing the capacity of national, provincial, and local government and other civil institutions in Afghanistan to assume increasing responsibility for the formulation, implementation, and oversight of reconstruction and development activities; and

(2) comprehensive performance indicators and measures of progress toward sustainable long-term security and stability in Afghanistan, and include performance standards and progress goals together with a notional 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. 388).

(c) 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).

(d) 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. 1216. REPORT ON COMMAND AND CONTROL STRUCTURE FOR MILITARY FORCES OPERATING IN AFGHANISTAN.

(a) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, or December 1, 2008, whichever occurs later, 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.

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include the following:

(1) A detailed description of efforts by the Secretary of Defense, in coordination with senior leaders of NATO ISAF forces, including the commander of NATO ISAF forces, to modify the chain of command structure for military forces operating in Afghanistan to better coordinate and de-conflict military operations and achieve unity of command whenever possible in Afghanistan, and the results of such efforts, including—

(A) any United States or NATO ISAF plan for improving the command and control structure for military forces operating in Afghanistan; and

(B) any efforts to establish a headquarters in Afghanistan that is led by a commander—

(i) with command authority over NATO ISAF forces and separate United States forces operating under Operation Enduring Freedom and charged with closely coordinating the efforts of such forces; and

(ii) responsible for coordinating other United States and international security efforts in Afghanistan.

(2) 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 between rules of engagement for NATO ISAF forces and separate United States forces operating under Operation Enduring Freedom.

(3) An assessment of how any modifications to the command and control structure for military forces operating in Afghanistan would impact coordination of military and civilian efforts in Afghanistan.

(c) UPDATE OF REPORT.—The Secretary of Defense shall submit to the appropriate congressional committees an update of the report required under subsection (a) as warranted by any modifications to the command and control structure for military forces operating in Afghanistan as described in the report.

(d) FORM.—The report required under subsection (a) and any update of the report required under subsection (c) shall be submitted in an unclassified form, but may include a classified annex, if necessary.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—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.

SEC. 1217. REPORTS ON ENHANCING SECURITY AND STABILITY IN THE REGION ALONG THE BORDER OF AFGHANISTAN AND PAKISTAN.

(a) ADDITIONAL REPORTS 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—

(1) in the heading of paragraph (1), by striking ''IN GENERAL'' and inserting ''INITIAL REPORT'';

(2) by striking paragraph (4);

(3) by redesignating paragraph (3) as paragraph (4); and

(4) by inserting after paragraph (2) the following new paragraph:

''(3) SUBSEQUENT REPORTS.—Concurrent with the submission of each report submitted under section 1230 after the date of the enactment of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009, the Secretary of Defense, in consultation with the Secretary of State, shall submit to the appropriate congressional committees, a report on enhancing security and stability in the region along the border of Afghanistan and Pakistan. Each such report shall include the following:

''(A) A description of the matters required to be included in the initial report required under paragraph (1).

''(B) A description of any peace agreements between the Government of Pakistan and tribal leaders from regions along the Afghanistan-Pakistan border that contain commitments to prevent cross-border incursions into Afghanistan and any mechanisms in such agreements to enforce such commitments.

''(C) An assessment of the effectiveness of such peace agreements in preventing cross-border incursions and of the Government of Pakistan in enforcing those agreements.''.

(b) COPY OF NOTIFICATION RELATING TO DEPARTMENT OF DEFENSE COALITION SUPPORT FUNDS FOR PAKISTAN.—Subsection (b)(1) of such section is amended by adding at the end the following new subparagraph:

''(C) COPY OF NOTIFICATION.—The Secretary of Defense shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a copy of each notification required under subparagraph (A).''.

(c) ADDITIONAL INFORMATION ON DEPARTMENT OF DEFENSE COALITION SUPPORT FUNDS FOR PAKISTAN.—Subsection (b) of such section is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following new paragraph:

''(5) REQUIREMENT TO SUBMIT INFORMATION RELATING TO CLAIMS DISALLOWED OR DEFERRED BY THE UNITED STATES.—

''(A) IN GENERAL.—The Secretary of Defense shall submit, in the manner specified in subparagraph (B), an itemized description of the costs claimed by the Government of Pakistan for logistical, military, or other support provided by Pakistan to the United States for which the United States will disallow or defer reimbursement to the Government of Pakistan under the authority of any provision of law described in paragraph (1)(B).

''(B) MANNER OF SUBMISSION.—

''(i) IN GENERAL.—To the maximum extent practicable, the Secretary shall submit each itemized description of costs required under subparagraph (A) as part of the notification required under paragraph (1).

''(ii) ALTERNATIVE SUBMISSION.—To the extent that an itemized description of costs required under subparagraph (A) is not submitted in accordance with clause (i), the Secretary shall submit such description not

later than 180 days after the date on which a decision to disallow or defer reimbursement for the costs claimed is made.

''(C) FORM.—Each itemized description of costs required under subparagraph (B) shall be submitted in an unclassified form, but may include a classified annex, if necessary.''.

(d) EXTENSION OF NOTIFICATION REQUIREMENT RELATING TO DEPARTMENT OF DEFENSE COALITION SUPPORT FUNDS FOR PAKISTAN.—Subsection (b)(6) of such section, as redesignated by subsection (c) of this section, is amended by striking ''September 30, 2009'' and inserting ''September 30, 2010''.

(e) REPORT RELATING TO DEPARTMENT OF DEFENSE COALITION SUPPORT FUNDS FOR PAKISTAN.—Such section is further amended by adding at the end the following new subsection:

''(c) REPORT RELATING TO DEPARTMENT OF DEFENSE COALITION SUPPORT FUNDS FOR PAKISTAN.—

''(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009, the Secretary of Defense shall submit to the appropriate congressional committees a report that contains a detailed description of efforts by the Secretary of Defense to address the findings and implement the recommendations made by the Government Accountability Office in its report entitled 'Combating Terrorism: Increased Oversight and Accountability Needed Over Pakistan Reimbursement Claims for Coalition Support Funds' (GAO-08-806; June 24, 2008).

''(2) APPROPRIATE CONGRESSIONAL COMMITTEE DEFINED.—In this subsection, the term 'appropriate congressional committees' has the meaning given the term in subsection (a)(5).''.

SEC. 1218. STUDY AND REPORT ON POLICE TRANSITION TEAMS TO TRAIN, ASSIST, AND ADVISE UNITS OF THE IRAQI POLICE SERVICE.

(a) STUDY AND REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State and the Government of Iraq, shall conduct a study and submit to the appropriate congressional committees a report containing the recommendations of the Secretary of Defense on—

(1) the number of personnel required for Police Transition Teams to train, assist, and advise units of the Iraqi Police Service in fiscal year 2009 and in fiscal year 2010;

(2) the funding required to support the level of personnel described in paragraph (1) in fiscal year 2009 and in fiscal year 2010; and

(3) the feasibility of transferring responsibility for the provision of the personnel described in paragraph (1) and the support described in paragraph (2) from the Department of Defense to the Department of State.

(b) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex if required.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—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. 1231. PAYMENT OF PERSONNEL EXPENSES FOR MULTILATERAL COOPERATION PROGRAMS.

(a) EXPANSION OF AUTHORITY FOR BILATERAL AND REGIONAL PROGRAMS TO COVER MULTILATERAL PROGRAMS.—Section 1051 of title 10, United States Code, is amended—

(1) in subsection (a), by striking ''a bilateral'' and inserting ''a multilateral, bilateral,''; and

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking ''to and'' and inserting ''to, from, and''; and

(ii) by striking ''bilateral'' and inserting ''multilateral, bilateral,''; and

(B) in paragraph (2), by striking ''bilateral'' and inserting ''multilateral, bilateral,''.

(b) AVAILABILITY OF FUNDS FOR PROGRAMS AND ACTIVITIES ACROSS FISCAL YEARS.—

(1) IN GENERAL.—Such section is further amended by adding at the end the following new subsection:

''(e) Funds available to carry out this section shall be available, to the extent provided in appropriations Acts, for programs and activities under this section that begin in a fiscal year and end in the following fiscal year.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on October 1, 2008, and shall apply with respect to programs and activities under section 1051 of title 10, United States Code, as so amended, that begin on or after that date.

(c) CONFORMING AND CLERICAL AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

''§ 1051. Multilateral, bilateral, or regional cooperation programs: payment of personnel expenses''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 53 of such title is amended by striking the item relating to section 1051 and inserting the following new item:

''1051. Multilateral, bilateral, or regional cooperation programs: payment of personnel expenses.''.

SEC. 1232. PARTICIPATION OF THE DEPARTMENT OF DEFENSE IN MULTINATIONAL MILITARY CENTERS OF EXCELLENCE.

(a) PARTICIPATION AUTHORIZED.—

(1) IN GENERAL.—Subchapter II of chapter 138 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2350m. Participation in multinational military centers of excellence

''(a) PARTICIPATION AUTHORIZED.—The Secretary of Defense may, with the concurrence of the Secretary of State, authorize the participation of members of the armed forces and Department of Defense civilian personnel in any multinational military center of excellence for purposes of—

''(1) enhancing the ability of military forces and civilian personnel of the nations participating in such center to engage in joint exercises or coalition or international military operations; or

''(2) improving interoperability between the armed forces and the military forces of friendly foreign nations.

''(b) MEMORANDUM OF UNDERSTANDING.—(1) The participation of members of the armed forces or Department of Defense civilian personnel in a multinational military center of excellence under subsection (a) shall be in accordance with the terms of one or more memoranda of understanding entered into by the Secretary of Defense, with the concurrence of the Secretary of State, and the foreign nation or nations concerned.

''(2) If Department of Defense facilities, equipment, or funds are used to support a multinational military center of excellence under subsection (a), the memoranda of understanding under paragraph (1) with respect to that center shall provide details of any cost-sharing arrangement or other funding arrangement.

''(c) AVAILABILITY OF APPROPRIATED FUNDS.—(1) Funds appropriated to the Department of Defense for operation and maintenance are available as follows:

''(A) To pay the United States share of the operating expenses of any multinational military center of excellence in which the United States participates under this section.

''(B) To pay the costs of the participation of members of the armed forces and Department of Defense civilian personnel in multinational military centers of excellence under this section, including the costs of expenses of such participants.

''(2) No funds may be used under this section to fund the pay or salaries of members of the armed forces and Department of Defense civilian personnel who participate in multinational military centers of excellence under this section.

''(d) USE OF DEPARTMENT OF DEFENSE FACILITIES AND EQUIPMENT.—Facilities and equipment of the Department of Defense may be used for purposes of the support of multinational military centers of excellence under this section that are hosted by the Department.

''(e) ANNUAL REPORTS ON USE OF AUTHORITY.—(1) Not later than October 31, 2009, and annually thereafter, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the use of the authority in this section during the preceding fiscal year.

''(2) Each report required by paragraph (1) shall include, for the fiscal year covered by such report, the following:

''(A) A detailed description of the participation of the Department of Defense, and of members of the armed forces and civilian personnel of the Department, in multinational military centers of excellence under the authority of this section.

''(B) For each multinational military center of excellence in which the Department of Defense, or members of the armed forces or civilian personnel of the Department, so participated—

''(i) a description of such multinational military center of excellence;

''(ii) a description of the activities participated in by the Department, or by members of the armed forces or civilian personnel of the Department; and

''(iii) a statement of the costs of the Department for such participation, including—

''(I) a statement of the United States share of the expenses of such center and a statement of the percentage of the United States share of the expenses of such center to the total expenses of such center; and

''(II) a statement of the amount of such costs (including a separate statement of the amount of costs paid for under the authority of this section by category of costs).

''(f) MULTINATIONAL MILITARY CENTER OF EXCELLENCE DEFINED.—In this section, the term 'multinational military center of excellence' means an entity sponsored by one or more nations that is accredited and approved by the Military Committee of the North Atlantic Treaty Organization (NATO) as offering recognized expertise and experience to personnel participating in the activities of such entity for the benefit of NATO by providing such personnel opportunities to—

''(1) enhance education and training;

''(2) improve interoperability and capabilities;

''(3) assist in the development of doctrine; and

''(4) validate concepts through experimentation.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of chapter 138 of such title is amended by adding at the end the following new item:

''2350m. Participation in multinational military centers of excellence.''.

(b) REPEAL OF SUPERSEDED AUTHORITY.—Section 1205 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2416) is repealed.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008.

SEC. 1233. REVIEW OF SECURITY RISKS OF PARTICIPATION BY DEFENSE CONTRACTORS IN CERTAIN SPACE ACTIVITIES OF THE PEOPLE'S REPUBLIC OF CHINA.

(a) REVIEW REQUIRED.—The Secretary of Defense shall conduct a review to determine whether there are any security risks associated with participation by covered contractors in certain space activities of the People's Republic of China.

(b) MATTERS TO BE INCLUDED.—The review required under subsection (a) shall include, at a minimum, a review of the following:

(1) Whether there have been any incidents with respect to which a determination has been made that an improper disclosure of covered information by a covered contractor has occurred during the five-year period ending on the date of the enactment of this Act.

(2) The increase, if any, in the number of covered contractors expected to occur during the 5-year period beginning on the date of the enactment of this Act.

(3) The extent to which the policies and procedures of the Department of Defense are sufficient to protect against the improper disclosure of covered information by a covered contractor during the 5-year period beginning on the date of the enactment of this Act.

(4) The Secretary's conclusions regarding awards of contracts by the Department of Defense to covered contractors after the date of the enactment of this Act.

(5) Any other matters that the Secretary determines to be appropriate to include in the review.

(c) COOPERATION FROM OTHER DEPARTMENTS AND AGENCIES.—The Secretary of State, the Director of National Intelligence, and the head of any other United States Government department or agency shall cooperate in a complete and timely manner to provide the Secretary of Defense with data and other information necessary for the Secretary of Defense to carry out the review required under subsection (a).

(d) REPORT.—

(1) IN GENERAL.—Not later than March 1, 2009, the Secretary of Defense shall submit to the congressional defense committees a report on the review required under subsection (a).

(2) FORM.—The report required under this subsection shall include a summary in unclassified form to the maximum extent practicable.

(e) DEFINITIONS.—In this section:

(1) CERTAIN SPACE ACTIVITIES OF THE PEOPLE'S REPUBLIC OF CHINA.—The term ''certain space activities of the People's Republic of China'' means—

(A) the development or manufacture of satellites for launch from the People's Republic of China; and

(B) the launch of satellites from the People's Republic of China.

(2) COVERED CONTRACTOR.—The term ''covered contractor'' means a contractor of the Department of Defense, and any subcontractor (at any tier) of the contractor, that—

(A) has access to covered information; and

(B) participates, or is part of a joint venture that participates, or whose parent, sister, subsidiary, or affiliate company participates, in certain space activities in the People's Republic of China.

(3) COVERED INFORMATION.—The term ''covered information'' means classified information and sensitive controlled unclassified information obtained under contracts (or subcontracts of such contracts) of the Department of Defense.

SEC. 1234. REPORT ON IRAN'S CAPABILITY TO PRODUCE NUCLEAR WEAPONS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Director of National Intelligence shall submit to Congress a report on Iran's capability to produce nuclear weapons. The report required under this subsection may be submitted in classified form.

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include the following:

(1) The locations, types, and number of centrifuges and other specialized equipment necessary for the enrichment of uranium and any plans to acquire, manufacture, and operate such equipment in the future.

(2) An estimate of the amount, if any, of highly enriched uranium and weapons grade plutonium acquired or produced to date, an estimate of the amount of weapons grade plutonium that is likely to be produced or acquired in the near- and midterms and the amount of highly enriched uranium that is likely to be produced or acquired in the near- and midterms, and the number of nuclear weapons that could be produced with such materials.

(3) A evaluation of the extent to which security and safeguards at any nuclear site prevent, slow, verify, or help monitor the enrichment of uranium or the reprocessing of plutonium into weapons-grade materials.

(4) A description of any weaponization activities, such as the research, design, development, or testing of nuclear weapons or weapons-related components.

(5) A description of any programs to construct, acquire, test, or improve methods to deliver nuclear weapons, including an assessment of the likely progress of such programs in the near- and mid-terms.

(6) A summary of assessments made by allies of the United States of Iran's nuclear weapons program and nuclear-capable delivery systems programs.

(c) NOTIFICATION.—The President shall notify Congress, in writing, within 15 days of determining that—

(1) Iran has resumed a nuclear weapons program;

(2) Iran has met or surpassed any major milestone in its nuclear weapons program; or

(3) Iran has undertaken to accelerate, decelerate, or cease the development of any significant element within its nuclear weapons program.

SEC. 1235. EMPLOYMENT FOR RESETTLED IRAQIS.

(a) IN GENERAL.—The Secretary of Defense and the Secretary of State are authorized to jointly establish and operate a temporary program to offer employment as translators, interpreters, or cultural awareness instructors to individuals described in subsection (b). Individuals described in such subsection may be appointed to temporary positions of one year or less outside Iraq with either the Department of Defense or the Department of State, without competition and without regard for the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code. Such individuals may also be hired as personal services contractors by either of such Departments to provide translation, interpreting, or cultural awareness instruction, except that such individuals so hired shall not by virtue of such employment be considered employees of the United States Government, except for purposes of chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.

(b) ELIGIBILITY.—Individuals referred to in subsection (a) are Iraqi nationals who—

(1) have received a special immigrant visa issued pursuant to section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163) or section 1244 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181); and

(2) are lawfully present in the United States.

(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) EXCEPTION.—The Secretary of State shall reimburse the Department of Defense for any costs associated with individuals described in subsection (b) whose work is for or on behalf of the Department of State.

(d) RULE OF CONSTRUCTION REGARDING ACCESS TO CLASSIFIED INFORMATION.—Nothing in this section may be construed as affecting in any manner practices and procedures regarding the handling of or access to classified information.

(e) INFORMATION SHARING.—The Secretary of Defense and the Secretary of State shall work with the Secretary of Homeland Security and the Office of Refugee Resettlement of the Department of Health and Human Services to ensure that individuals described in subsection (b) are informed of the program established under subsection (a).

(f) REGULATION.—The Secretary of Defense, jointly with the Secretary of State and with the concurrence of the Director of the Office of Personnel Management, shall prescribe such regulations as are necessary to carry out the program established under subsection (a), including ensuring the suitability for employment described in subsection (a) of individuals described in subsection (b), determining the number of positions, and establishing pay scales and hiring procedures.

(g) TERMINATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the program established under subsection (a) shall terminate on December 31, 2014.

(2) EARLIER TERMINATION.—If the Secretary of Defense, jointly with the Secretary of State, determines that the program established under subsection (a) should terminate before the date specified in paragraph (1), the Secretaries may terminate the program if the Secretaries notify Congress in writing of such termination at least 180 days before such termination.

SEC. 1236. EXTENSION AND MODIFICATION OF UPDATES ON REPORT ON CLAIMS RELATING TO THE BOMBING OF THE LABELLE DISCOTHEQUE.

Section 1225(b) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3465), as amended by section 1261(1)(B) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 405), is further amended—

(1) in paragraph (2)—

(A) by striking ''Not later than one year after enactment of this Act, and not later than two years after enactment of this Act'' and inserting ''Not later than 90 days after the date of the enactment of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009, and every 180 days thereafter''; and

(B) by adding at the end the following new sentence: ''Each update under this paragraph

after the date of the enactment of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 shall be submitted in unclassified form, but may include a classified annex.''; and

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

''(3) TERMINATION.—The requirement to submit updates under paragraph (2) shall terminate upon submission by the Secretary of State to Congress of the certification described in section 5(a)(2) of the Libya Claims Resolution Act (Public Law 110–301; 122 Stat. 3000).''.

SEC. 1237. REPORT ON UTILIZATION OF CERTAIN GLOBAL PARTNERSHIP AUTHORITIES.

(a) IN GENERAL.—Not later than December 31, 2010, the Secretary of Defense and the Secretary of State shall jointly submit to the appropriate committees of Congress a report on the implementation of the Building Global Partnership authorities during the period beginning on the date of the enactment of this Act and ending on September 30, 2010.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A detailed summary of the programs conducted under the Building Global Partnership authorities during the period covered by the report, including, for each country receiving assistance under such a program, a description of the assistance provided and its cost.

(2) An assessment of the impact of the assistance provided under the Building Global Partnership authorities with respect to each country receiving assistance under such authorities.

(3) A description of—

(A) the processes used by the Department of Defense and the Department of State to jointly formulate, prioritize, and select projects to be funded under the Building Global Partnership authorities; and

(B) the processes, if any, used by the Department of Defense and the Department of State to evaluate the success of each project so funded after its completion.

(4) A statement of the projects initiated under the Building Global Partnership authorities that were subsequently transitioned to and sustained under the authorities of the Foreign Assistance Act of 1961 or other authorities.

(5) An assessment of the utility of the Building Global Partnership authorities, and of any gaps in such authorities, including an assessment of the feasability and advisability of continuing such authorities beyond their current dates of expiration (whether in their current form or with such modifications as the Secretary of Defense and the Secretary of State jointly consider appropriate).

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives.

(2) BUILDING GLOBAL PARTNERSHIP AUTHORITIES.—The term ''Building Global Partnership authorities'' means the following:

(A) AUTHORITY FOR BUILDING CAPACITY OF FOREIGN MILITARY FORCES.—The authorities provided in section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456), as amended by section 1206 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2418) and section 1206 of this Act.

(B) AUTHORITY FOR SECURITY AND STABILIZATION ASSISTANCE.—The authorities provided in section 1207 of the National Defense Authorization Act for Fiscal Year 2006 (119 Stat. 3458), as amended by section 1210 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 369) and section 1207 of this Act.

(C) CIVIC ASSISTANCE AUTHORITIES UNDER COMBATANT COMMANDER INITIATIVE FUND.—The authority to engage in urgent and unanticipated civic assistance under the Combatant Commander Initiative Fund under section 166a(b)(6) of title 10, United States Code, as a result of the amendments made by section 902 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (120 Stat. 2351).

SEC. 1238. MODIFICATION AND REPEAL OF REQUIREMENT TO SUBMIT CERTAIN ANNUAL REPORTS TO CONGRESS REGARDING ALLIED CONTRIBUTIONS TO THE COMMON DEFENSE.

(a) MODIFICATION OF CERTAIN REPORTS ON ALLIED CONTRIBUTIONS TO THE COMMON DEFENSE.—Section 1003 of the Department of Defense Authorization Act, 1985 (Public Law 98–525; 98 Stat. 2576) is amended—

(1) by striking subsections (c) and (d); and

(2) adding at the end the following new subsections:

''(c) The Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives each year, not later than March 1, a report containing a description of—

''(1) annual defense spending by each member nation of NATO, by each member nation of the Euro-Atlantic Partnership Council (EAPC), and by Japan, including available nominal budget figures and defense spending as a percentage of the respective nation's gross domestic product for the fiscal year immediately preceding the fiscal year in which the report is submitted;

''(2) activities of each NATO member nation, each EAPC member nation, and Japan to contribute to military or stability operations in which the United States Armed Forces are a participant;

''(3) any limitations that such nations place on the use of their national contributions described in paragraph (2); and

''(4) any actions undertaken by the United States Government to minimize those limitations described in paragraph (3).

''(d) The report required under subsection (c) shall be submitted in unclassified form, but may include a classified annex.''

(b) REPEAL OF REPORT ON COST-SHARING.—Section 1313 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2894) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsections (c).

TITLE XIII—COOPERATIVE THREAT REDUCTION

Sec. 1301. Specification of Cooperative Threat Reduction programs and funds.
Sec. 1302. Funding allocations.

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

(a) SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1501 of the National Defense Authorization Act for Fiscal Year 1997 (50 U.S.C. 2362 note).

(b) FISCAL YEAR 2009 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title, the term ''fiscal year 2009 Cooperative Threat Reduction funds'' means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.

(c) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs shall be available for obligation for fiscal years 2009, 2010, and 2011.

SEC. 1302. FUNDING ALLOCATIONS.

(a) FUNDING FOR SPECIFIC PURPOSES.—Of the $434,135,000 authorized to be appropriated to the Department of Defense for fiscal year 2009 in section 301(19) for Cooperative Threat Reduction programs, the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination in Russia, $79,985,000.

(2) For strategic nuclear arms elimination in Ukraine, $6,400,000.

(3) For nuclear weapons storage security in Russia, $24,101,000.

(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, $59,286,000.

(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 new Cooperative Threat Reduction initiatives, $10,000,000.

(10) For activities designated as Other Assessments/Administrative Costs, $20,100,000.

(b) REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.—No fiscal year 2009 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (10) of subsection (a) until 15 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2009 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title or any other provision of law.

(c) LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.—

(1) IN GENERAL.—Subject to paragraph (2), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2009 for a purpose listed in paragraphs (1) through (10) of subsection (a) in excess of the specific amount authorized for that purpose.

(2) NOTICE-AND-WAIT REQUIRED.—An obligation of funds for a purpose stated in paragraphs (1) through (10) of subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

Sec. 1401. Working capital funds.
Sec. 1402. National Defense Sealift Fund.
Sec. 1403. Defense Health Program.
Sec. 1404. Chemical agents and munitions destruction, defense.

Sec. 1405. Drug Interdiction and Counter-Drug Activities, Defense-wide.
Sec. 1406. Defense Inspector General.
Sec. 1407. National Defense Sealift Fund amendments.

Subtitle B—National Defense Stockpile

Sec. 1411. Authorized uses of National Defense Stockpile funds.
Sec. 1412. Revisions to previously authorized disposals from the National Defense Stockpile.

Subtitle C—Armed Forces Retirement Home

Sec. 1421. Authorization of appropriations for Armed Forces Retirement Home.

Subtitle A—Military Programs

SEC. 1401. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Working Capital Funds, $198,150,000.

(2) For the Defense Working Capital Fund, Defense Commissary, $1,291,084,000.

SEC. 1402. NATIONAL DEFENSE SEALIFT FUND.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the National Defense Sealift Fund in the amount of $1,608,572,000.

SEC. 1403. DEFENSE HEALTH PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2009 for expenses, not otherwise provided for, for the Defense Health Program, in the amount of $24,966,917,000, of which—

(1) $24,467,074,000 is for Operation and Maintenance;

(2) $195,938,000 is for Research, Development, Test, and Evaluation; and

(3) $303,905,000 is for Procurement.

(b) SOURCE OF CERTAIN FUNDS.—Of the amount available under subsection (a), $1,300,000,000 shall, to the extent provided in advance in an Act making appropriations for fiscal year 2009, be available by transfer from the National Defense Stockpile Transaction Fund established under subsection (a) of section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h).

SEC. 1404. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2009 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, in the amount of $1,485,634,000, of which—

(1) $1,152,668,000 is for Operation and Maintenance;

(2) $268,881,000 is for Research, Development, Test, and Evaluation; and

(3) $64,085,000 is for Procurement.

(b) USE.—Amounts authorized to be appropriated under subsection (a) are authorized for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SEC. 1405. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2009 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, in the amount of $1,060,463,000.

SEC. 1406. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2009 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, in the amount of $273,845,000, of which—

(1) $270,445,000 is for Operation and Maintenance; and

(2) $3,400,000 is for Procurement.

SEC. 1407. 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 subparagraph (B):

''(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.''.

Subtitle B—National Defense Stockpile

SEC. 1411. AUTHORIZED USES OF NATIONAL DEFENSE STOCKPILE FUNDS.

(a) OBLIGATION OF STOCKPILE FUNDS.—During fiscal year 2009, the National Defense Stockpile Manager may obligate up to $41,153,000 of the funds in the National Defense Stockpile Transaction Fund established under subsection (a) of section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h) for the authorized uses of such funds under subsection (b)(2) of such section, including the disposal of hazardous materials that are environmentally sensitive.

(b) ADDITIONAL OBLIGATIONS.—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in 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.

(c) LIMITATIONS.—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

SEC. 1412. REVISIONS TO PREVIOUSLY AUTHORIZED DISPOSALS FROM THE NATIONAL DEFENSE STOCKPILE.

(a) FISCAL YEAR 1999 DISPOSAL AUTHORITY.—Section 3303(a)(7) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 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 ''$1,386,000,000 by the end of fiscal year 2016''.

(b) FISCAL YEAR 1998 DISPOSAL AUTHORITY.—Section 3305(a)(5) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 50 U.S.C. 98d note), as most recently amended by section 3302(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2513), is further amended by striking ''2008'' and inserting ''2009''.

Subtitle C—Armed Forces Retirement Home

SEC. 1421. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES RETIREMENT HOME.

There is authorized to be appropriated for fiscal year 2009 from the Armed Forces Retirement Home Trust Fund the sum of $63,010,000 for the operation of the Armed Forces Retirement Home.

TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM

Sec. 1501. Authorization of additional appropriations for operations in Afghanistan and Iraq for fiscal year 2009.
Sec. 1502. Requirement for separate display of budgets for Afghanistan and Iraq.
Sec. 1503. Joint Improvised Explosive Device Defeat Fund.
Sec. 1504. Science and technology investment strategy to defeat or counter improvised explosive devices.
Sec. 1505. Limitations on Iraq Security Forces Fund.
Sec. 1506. Limitations on Afghanistan Security Forces Fund.
Sec. 1507. Special transfer authority.
Sec. 1508. Prohibition on use of United States funds for certain facilities projects in Iraq and contributions by the Government of Iraq to combined operations and other activities in Iraq.

SEC. 1501. AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OPERATIONS IN AFGHANISTAN AND IRAQ FOR FISCAL YEAR 2009.

(a) AUTHORIZATION OF PREVIOUSLY APPROPRIATED AMOUNTS.—In addition to the amounts otherwise authorized to be appropriated by division A of this Act, the amounts appropriated for fiscal year 2009 in chapter 2 of title IX of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 122 Stat. 2405–2414) are hereby authorized to be appropriated.

(b) ADDITIONAL AUTHORIZATION.—In addition to the amounts otherwise authorized to be appropriated by division A of this Act and subsection (a), funds in the amount of $2,076,000,000 are hereby authorized to be appropriated for aircraft procurement, Air Force, for the purpose of acquiring six C–17 aircraft.

SEC. 1502. REQUIREMENT FOR SEPARATE DISPLAY OF BUDGETS FOR AFGHANISTAN AND IRAQ.

(a) OPERATIONS IN IRAQ AND AFGHANISTAN.—In any annual or supplemental budget request for the Department of Defense that is submitted to Congress after the date of the enactment of this Act, the Secretary of Defense shall set forth separately any funding requested in such budget request for—

(1) operations of the Department of Defense in Afghanistan; and

(2) operations of the Department of Defense in Iraq.

(b) SPECIFICITY OF DISPLAY.—Each budget request covered by subsection (a) shall, for any funding requested for operations in Iraq or Afghanistan—

(1) clearly display the amount of such funding at the appropriation account level and at the program, project, or activity level; and

(2) include a detailed description of the assumptions underlying the funding for the period covered by the budget request, including the anticipated troop levels, the operations intended to be carried out, and the equipment reset requirements necessary to support such operations.

SEC. 1503. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.

(a) USE AND TRANSFER OF FUNDS.—Subsections (b) and (c) of section 1514 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2439), as amended by subsection (b),

shall apply to the funds appropriated pursuant to the authorization of appropriations in section 1501 of this Act and made available to the Department of Defense for the Joint Improvised Explosive Device Defeat Fund.

(b) MODIFICATION OF FUNDS TRANSFER AUTHORITY.—Section 1514(c)(1) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2439) is amended—

(1) by striking subparagraph (A); and

(2) by redesignating subparagraphs (B) through (E) as subparagraphs (A) through (D), respectively.

(c) PRIOR NOTICE OF TRANSFER OF FUNDS.—Section 1514(c)(4) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2439) is amended by inserting after ''five days'' the following: ''(in the case of the obligation of funds) or 15 days (in the case of a transfer of funds)''.

(d) MONTHLY OBLIGATIONS AND EXPENDITURE REPORTS.—Not later than 15 days after the end of each month of fiscal year 2009, the Secretary of Defense shall provide to the congressional defense committees a report on the Joint Improvised Explosive Device Defeat Fund explaining monthly commitments, obligations, and expenditures by line of action.

(e) MODIFICATION OF SUBMITTAL DATE OF OTHER REPORTS.—Section 1514(e) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2440) is amended by striking ''30 days'' and inserting ''60 days''.

SEC. 1504. SCIENCE AND TECHNOLOGY INVESTMENT STRATEGY TO DEFEAT OR COUNTER IMPROVISED EXPLOSIVE DEVICES.

(a) STRATEGY REQUIRED.—The Director of the Joint Improvised Explosive Device Defeat Organization (JIEDDO), jointly with the Director of Defense Research and Engineering, shall develop a comprehensive science and technology investment strategy for countering the threat of improvised explosive devices (IEDs).

(b) ELEMENTS.—The strategy developed under subsection (a) shall include the following:

(1) Identification of counter-IED capability gaps.

(2) A taxonomy describing the major technical areas for the Department of Defense to address the counter-IED capability gaps and in which science and technology funding investments should be made.

(3) Identification of funded programs to develop or mature technologies from or to the level of system or subsystem model or prototype demonstration in a relevant environment, and investment levels for those initiatives.

(4) Identification of JIEDDO's mechanisms for coordinating Department of Defense and Federal Government science and technology activities in areas covered by the strategy.

(5) Identification of technology transition mechanisms developed or utilized to efficiently transition technologies to acquisition programs of the Department of Defense or into operational use, including a summary of counter-IED technologies transitioned from JIEDDO, the military departments, and other Defense Agencies to the acquisition programs or into operational use.

(6) Identification of high priority basic research efforts that should be addressed through JIEDDO or other Department of Defense activities to support development of next generation IED defeat capabilities.

(7) Identification of barriers or issues, such as industrial base, workforce, or statutory or regulatory barriers, that could hinder the efficient and effective development and operational use of advanced IED defeat capabilities, and discussion of activities undertaken to address them.

(8) Identification of the measures of effectiveness for the overall Department of Defense science and technology counter-IED effort.

(9) Such other matters as the Director of the JIEDDO and the Director of Defense Research and Engineering consider appropriate.

(c) REPORT.—Not later than March 1, 2009, and each March 1 thereafter through March 1, 2013, the Director of the JIEDDO and the Director of Defense Research and Engineering shall jointly submit to the congressional defense committees a report describing the implementation of the strategy developed under subsection (a). The report may be in unclassified and classified format, as necessary.

SEC. 1505. LIMITATIONS ON IRAQ SECURITY FORCES FUND.

Funds appropriated pursuant to the authorization of appropriations in section 1501 of this Act or in the Supplemental Appropriations Act, 2008 (Public Law 110–252; 122 Stat. 2407) and made available to the Department of Defense for the Iraq Security Forces Fund shall be subject to the conditions contained in subsections (b) through (g) of section 1512 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 426).

SEC. 1506. LIMITATIONS ON AFGHANISTAN SECURITY FORCES FUND.

Funds appropriated pursuant to the authorization of appropriations in section 1501 of this Act or in the Supplemental Appropriations Act, 2008 (Public Law 110–252; 122 Stat. 2407) and made available to the Department of Defense for the Afghanistan Security Forces Fund shall be subject to the conditions contained in subsections (b) through (g) of section 1513 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 428).

SEC. 1507. SPECIAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this title for fiscal year 2009 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $4,000,000,000.

(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. 1508. PROHIBITION ON USE OF UNITED STATES FUNDS FOR CERTAIN FACILITIES PROJECTS IN IRAQ AND CONTRIBUTIONS BY THE GOVERNMENT OF IRAQ TO COMBINED OPERATIONS AND OTHER ACTIVITIES IN IRAQ.

(a) PROHIBITION RELATED TO FACILITIES FOR GOVERNMENT OF IRAQ.—

(1) PROHIBITION ON AVAILABILITY OF UNITED STATES FUNDS FOR PROJECTS.—Except as provided in paragraph (2), amounts authorized to be appropriated by this title may not be obligated or expended for the acquisition, conversion, rehabilitation, or installation of facilities in Iraq for the use of the Government of Iraq, political subdivisions of Iraq, or agencies, departments, or forces of the Government of Iraq or such political subdivisions.

(2) EXCEPTIONS.—

(A) EXCEPTION FOR CERP.—The prohibition in paragraph (1) does not apply to amounts authorized to be appropriated by this title for the Commanders' Emergency Response Program (CERP).

(B) EXCEPTION FOR MILITARY CONSTRUCTION.—The prohibition in paragraph (1) does not apply to military construction (as defined in section 2801 of title 10, United States Code), carried out in Iraq.

(C) EXCEPTION FOR TECHNICAL ASSISTANCE.—The prohibition in paragraph (1) does not apply to the provision of technical assistance necessary to assist the Government of Iraq to carry out facilities projects on its own behalf.

(b) COMBINED OPERATIONS.—

(1) COST SHARING.—The United States Government shall initiate negotiations with the Government of Iraq on an agreement under which the Government of Iraq shall share with the United States Government the costs of combined operations of the Government of Iraq and the Multi-National Forces Iraq undertaken as part of Operation Iraqi Freedom.

(2) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall, in conjunction with the Secretary of Defense, submit to Congress a report describing the status of negotiations under paragraph (1).

(c) IRAQI SECURITY FORCES.—

(1) USE OF IRAQ FUNDS.—The United States Government shall take actions to ensure that Iraq funds are used to pay the costs of the salaries, training, equipping, and sustainment of Iraqi Security Forces.

(2) REPORTS.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall submit to Congress a report setting forth an assessment of the progress made in meeting the requirements of paragraph (1).

TITLE XVI—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 crises.
Sec. 1605. Reconstruction and stabilization.
Sec. 1606. Authorities related to personnel.
Sec. 1607. Reconstruction and stabilization strategy.
Sec. 1608. Annual reports to Congress.

SEC. 1601. SHORT TITLE.

This title may be cited as the ''Reconstruction and Stabilization Civilian Management Act of 2008''.

SEC. 1602. 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 is 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 coordinate and lead 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 countries at risk of instability, provide 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 Defense issued Directive 3000.05, which establishes that stability operations are a core United States military mission that the Department of Defense must be prepared to conduct and support, provides guidance on stability operations that will evolve over time, and assigns responsibilities within the Department of Defense for planning, training, and preparing to conduct and support stability operations.

(5) The President's Fiscal Year 2009 Budget Request to Congress includes $248.6 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 250 persons, a Standby Response Corps of 2,000 persons, and a Civilian Response Corps of 2,000 persons.

SEC. 1603. DEFINITIONS.

In this title:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the United States Agency for International Development.

(2) AGENCY.—The term ''agency'' means any entity included in chapter 1 of title 5, United States Code.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

(4) DEPARTMENT.—Except as otherwise provided in this title, the term ''Department'' means the Department of State.

(5) PERSONNEL.—The term ''personnel'' means individuals serving in any service described in section 2101 of title 5, United States Code, other than in the legislative or judicial branch.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of State.

SEC. 1604. AUTHORITY TO PROVIDE ASSISTANCE FOR RECONSTRUCTION AND STABILIZATION CRISES.

Chapter 1 of part III 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 for United States civilian agencies or non-Federal employees to assist in reconstructing and stabilizing a country or region that is at risk of, in, or is in transition from, conflict or civil strife, the President may, in accordance with the provisions set forth in section 614(a)(3), 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 described in paragraph (2).

''(2) FUNDS DESCRIBED.—The funds referred to in paragraph (1) are funds made available under any other provision 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.

''(3) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to provide authority to transfer funds between accounts or between Federal departments or agencies.

''(b) LIMITATION.—The authority contained in this section may be exercised only during fiscal years 2009, 2010, and 2011.''.

SEC. 1605. RECONSTRUCTION AND STABILIZATION.

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) ESTABLISHMENT.—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.

''(3) FUNCTIONS.—The functions of the Office of the Coordinator for Reconstruction and Stabilization shall include the following:

''(A) Monitoring, in coordination with relevant bureaus and offices of the Department of State and 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 the reconstruction and stabilization of a country or region that is at risk of, in, or are in transition from, conflict or civil strife.

''(B) 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 Reconstruction and Stabilization Civilian Management Act of 2008) that are available to address such crises.

''(C) Planning, in conjunction 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.

''(D) Coordinating with relevant agencies to develop interagency contingency plans and procedures to mobilize and deploy civilian personnel and conduct reconstruction and stabilization operations to address the various types of such crises.

''(E) Entering into appropriate arrangements with agencies to carry out activities under this section and the Reconstruction and Stabilization Civilian Management Act of 2008.

''(F) Identifying personnel in State and local governments and in the private sector who are available to participate in the Civilian Reserve Corps established under subsection (b) or to otherwise participate in or contribute to reconstruction and stabilization activities.

''(G) 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.

''(H) 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 nongovernmental organizations, to improve effectiveness and avoid duplication.

''(I) Maintaining the capacity to field on short notice an evaluation team consisting of personnel from all relevant agencies to undertake on-site needs assessment.

''(b) 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 and maintain a Response Readiness 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 the active component) 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 employ 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.

''(3) MITIGATION OF DOMESTIC IMPACT.—The establishment and deployment of any Civilian Reserve Corps shall be undertaken in a manner that will avoid substantively impairing the capacity and readiness of any State and local governments from which Civilian Reserve Corps personnel may be drawn.

''(c) EXISTING TRAINING AND EDUCATION PROGRAMS.—The Secretary shall ensure that personnel of the Department, and, in coordination with the Administrator of USAID, that personnel of USAID, make use of the relevant existing training and education programs offered within the Government, such as those at 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. 1606. AUTHORITIES RELATED TO PERSONNEL.

(a) EXTENSION OF CERTAIN FOREIGN SERVICE BENEFITS.—The Secretary, or the head of any 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 section 62 of the State Department Basic Authorities Act of 1956 (as added by section 1605 of this title), the benefits or privileges set forth in sections 413, 704, and 901 of the Foreign Service Act of 1980 (22 U.S.C. 3973, 22 U.S.C. 4024, and 22 U.S.C. 4081) 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 nonreimbursable 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 nonreimbursable basis to the Department of State for purposes of section 62 of the State Department Basic Authorities Act of 1956, as added by section 1605 of this title.

SEC. 1607. RECONSTRUCTION AND STABILIZATION STRATEGY.

(a) IN GENERAL.—The Secretary of State, 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) A plan to coordinate the activities of agencies involved in reconstruction and stabilization operations.

SEC. 1608. 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) How the Response Readiness Corps and the Civilian Reserve Corps coordinate, interact, and work with other United States foreign assistance programs.

(4) An assessment of the impact that deployment of the Civilian Reserve Corps, if any, has 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 1956, 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. 2001. SHORT TITLE.

This division may be cited as the ''Military Construction Authorization Act for Fiscal Year 2009''.

SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVII and title XXIX for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2011; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2012.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2011; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2012 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment Program.

SEC. 2003. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, XXVI, XXVII, and XXIX shall take effect on the later of—

(1) October 1, 2008; or

(2) the date of the enactment of this Act.

TITLE XXI—ARMY

Sec. 2101. Authorized Army construction and land acquisition projects.
Sec. 2102. Family housing.
Sec. 2103. Improvements to military family housing units.
Sec. 2104. Authorization of appropriations, Army.
Sec. 2105. Modification of authority to carry out certain fiscal year 2008 projects.
Sec. 2106. Modification of authority to carry out certain fiscal year 2007 projects.
Sec. 2107. Extension of authorizations of certain fiscal year 2006 projects.
Sec. 2108. Extension of authorization of certain fiscal year 2005 project.

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or Location	Amount
Alabama	Anniston Army Depot	$46,400,000
	Fort Rucker	$6,800,000
	Redstone Arsenal	$16,500,000
Alaska	Fort Richardson	$18,100,000
	Fort Wainwright	$110,400,000
Arizona	Fort Huachuca	$13,200,000
	Yuma Proving Ground	$3,800,000
California	Fort Irwin	$39,600,000
	Presidio, Monterey	$15,000,000
	Sierra Army Depot	$12,400,000
Colorado	Fort Carson	$534,000,000
Georgia	Fort Benning	$267,800,000
	Fort Stewart/Hunter Army Air Field	$432,300,000
Hawaii	Pohakuloa Training Area	$30,000,000
	Schofield Barracks	$279,000,000
	Wahiawa	$40,000,000
Indiana	Crane Army Ammunition Activity	$8,300,000
Kansas	Fort Leavenworth	$4,200,000
	Fort Riley	$158,000,000
Kentucky	Fort Campbell	$118,113,000
Louisiana	Fort Polk	$29,000,000
Michigan	Detroit Arsenal	$6,100,000
Missouri	Fort Leonard Wood	$42,550,000
New Jersey	Picatinny Arsenal	$9,900,000
New York	Fort Drum	$96,900,000
	United States Military Academy	$67,000,000
North Carolina	Fort Bragg	$58,400,000
Oklahoma	Fort Sill	$63,000,000
	McAlester Army Ammunition Plant	$5,800,000

Army: Inside the United States—Continued

State	Installation or Location	Amount
Pennsylvania	Carlisle Barracks	$13,400,000
	Letterkenny Army Depot	$7,500,000
	Tobyhanna Army Depot	$15,000,000
South Carolina	Fort Jackson	$30,000,000
Texas	Camp Bullis	$4,200,000
	Corpus Christi Army Depot	$39,000,000
	Fort Bliss	$1,044,300,000
	Fort Hood	$49,500,000
	Fort Sam Houston	$96,000,000
	Red River Army Depot	$6,900,000
Virginia	Fort Belvoir	$7,200,000
	Fort Eustis	$31,900,000
	Fort Lee	$100,600,000
	Fort Myer	$14,000,000
Washington	Fort Lewis	$158,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or Location	Amount
Afghanistan	Bagram Air Base	$67,000,000
Germany	Katterbach	$19,000,000
	Wiesbaden Air Base	$119,000,000
Japan	Camp Zama	$2,350,000
	Sagamihara	$17,500,000
Korea	Camp Humphreys	$20,000,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

Army: Family Housing

Country	Installation or Location	Units	Amount
Germany	Wiesbaden Air Base	326	$133,000,000
Korea	Camp Humphreys	216	$125,000,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $579,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed $420,001,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $5,973,388,000, as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $4,010,063,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $185,350,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $23,000,000.

(4) For host nation support and architectural and engineering services and construction design under section 2807 of title 10, United States Code, $178,685,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $646,580,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $716,110,000.

(6) For the construction of increment 3 of a barracks complex at Fort Lewis, Washington, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2445), as amended by section 20814 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289), as added by section 2 of the Revised Continuing Resolution, 2007 (Public Law 110–5; 121 Stat 41), $102,000,000.

(7) For the construction of increment 2 of the United States Southern Command Headquarters at Miami Doral, Florida, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 504), $81,600,000.

(8) For the construction of increment 2 of the 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. 505), $15,000,000.

(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), $15,000,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 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) $60,000,000 (the balance of the amount authorized under section 2101(a) for barracks and a dining facility at Fort Carson, Colorado).

(3) $80,000,000 (the balance of the amount authorized under section 2101(a) for barracks and a dining facility at Fort Stewart, Georgia).

(4) $59,500,000 (the balance of the amount authorized under section 2101(b) for the construction of a headquarters element in Wiesbaden, Germany).

(5) $101,000,000 (the balance of the amount authorized under section 2102(a) for family housing at Wiesbaden, Germany).

SEC. 2105. 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 Hawthorne Army Ammunition Plant, Nevada, by striking ''$11,800,000'' in the amount column and inserting ''$7,300,000'';

(2) in the item relating to Fort Drum, New York, by striking ''$311,200,000'' in the amount column and inserting ''$304,600,000''; and

(3) in the item relating to Fort Bliss, Texas, by striking ''$118,400,000'' in the amount column and inserting ''$111,900,000''.

(b) CONFORMING AMENDMENTS.—Section 2104(a) of that Act (122 Stat. 506) is amended—

(1) in the matter preceding paragraph (1), by striking ''$5,106,703,000'' and inserting ''$5,089,103,000''; and

(2) in paragraph (1), by striking ''$3,198,150,000'' and inserting ''$3,180,550,000''.

SEC. 2106. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2007 PROJECTS.

(a) INSIDE THE UNITED STATES PROJECTS.—The table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2445), as amended by section 20814 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289) and section 2105(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 507), is further amended in the item relating to Fort Bragg, North Carolina, by striking ''$96,900,000'' in the amount column and inserting ''$75,900,000''.

(b) OUTSIDE THE UNITED STATES PROJECTS.—The table in section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2446), as amended by section 2106(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 508), is further amended in the item relating to Vicenza, Italy, by striking ''$223,000,000'' in the amount column and inserting ''$208,280,000''.

(c) CONFORMING AMENDMENTS.—Section 2104(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2447), as amended by section 2105(b) 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 ''$3,275,700,000'' and inserting ''$3,239,980,000'';

(2) in paragraph (1), by striking ''$1,119,450,000'' and inserting ''$1,098,450,000''; and

(3) in paragraph (2), by striking ''$510,582,00'' and inserting ''$495,862,000''.

SEC. 2107. 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 2101 of that Act (119 Stat. 3485), shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 2006 Project Authorizations

State	Installation or Location	Project	Amount
Hawaii	Pohakuloa	Tactical Vehicle Wash Facility	$9,207,000
		Battle Area Complex	$33,660,000
Virginia	Fort Belvoir	Defense Access Road	$18,000,000

SEC. 2108. 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 2101 of that Act (118 Stat. 2101) and extended by section 2108 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 508), shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 2005 Project Authorization

State	Installation or Location	Project	Amount
Hawaii	Schofield Barracks	Training Facility	$35,542,000

TITLE XXII—NAVY

Sec. 2201. Authorized Navy construction and land acquisition projects.
Sec. 2202. Family housing.
Sec. 2203. Improvements to military family housing units.
Sec. 2204. Authorization of appropriations, Navy.
Sec. 2205. Modification of authority to carry out certain fiscal year 2005 project.
Sec. 2206. Modification of authority to carry out certain fiscal year 2007 projects.

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Inside the United States

State	Installation or Location	Amount
Arizona	Marine Corps Air Station, Yuma	$19,490,000
California	Marine Corps Logistics Base, Barstow	$7,830,000
	Marine Corps Base, Camp Pendleton	$799,870,000
	Naval Air Facility, El Centro	$8,900,000
	Marine Corps Air Station, Miramar	$48,770,000
	Naval Post Graduate School, Monterey	$9,900,000
	Naval Air Station, North Island	$60,152,000
	Naval Facility, San Clemente Island	$34,020,000
	Marine Corps Recruit Depot, San Diego	$51,220,000
	Marine Corps Base, Twentynine Palms	$155,310,000
Connecticut	Naval Submarine Base, Groton	$46,060,000
	Naval Submarine Base, New London	$11,000,000
District of Columbia	Naval Support Activity, Washington	$24,220,000
Florida	Naval Air Station, Jacksonville	$12,890,000
	Naval Station, Mayport	$18,280,000
	Naval Support Activity, Tampa	$29,000,000
Georgia	Marine Corps Logistics Base, Albany	$15,320,000
	Naval Submarine Base, Kings Bay	$6,130,000
Hawaii	Pacific Missile Range, Barking Sands	$28,900,000
	Marine Corps Base, Kaneohe	$28,200,000
	Naval Station, Pearl Harbor	$80,290,000
Illinois	Recruit Training Command, Great Lakes	$62,940,000
Maine	Portsmouth Naval Shipyard	$30,640,000

Inside the United States—Continued

State	Installation or Location	Amount
Maryland	Naval Surface Warfare Center, Carderock	$6,980,000
	Naval Surface Warfare Center, Indian Head	$25,980,000
Mississippi	Naval Construction Battalion Center, Gulfport	$12,770,000
	Naval Air Station, Meridian	$6,340,000
New Jersey	Naval Air Warfare Center, Lakehurst	$15,440,000
	Naval Weapons Station, Earle	$8,160,000
North Carolina	Marine Corps Base, Camp Lejeune	$353,090,000
	Marine Corps Air Station, Cherry Point	$77,420,000
	Marine Corps Air Station, New River	$86,280,000
Pennsylvania	Naval Support Activity, Philadelphia	$22,020,000
Rhode Island	Naval Station, Newport	$39,800,000
South Carolina	Marine Corps Air Station, Beaufort	$5,940,000
	Marine Corps Recruit Depot, Parris Island	$64,750,000
Texas	Naval Air Station, Corpus Christi	$3,500,000
	Naval Air Station, Kingsville	$11,580,000
Virginia	Naval Station, Norfolk	$73,280,000
	Marine Corps Base, Quantico	$150,290,000
Washington	Naval Base, Kitsap	$5,110,000
	Naval Air Station Whidbey Island	$6,160,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installation or location outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or Location	Amount
Cuba	Naval Air Station, Guantanamo Bay	$20,600,000
Diego Garcia	Diego Garcia	$35,060,000
Djibouti	Camp Lemonier	$31,410,000
Guam	Naval Activities, Guam	$88,430,000

(c) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the authorization of appropriations in section 2204(3), the Secretary of the Navy may acquire real property and carry out military construction projects for unspecified installations or locations in the amounts set forth in the following table:

Navy: Unspecified Worldwide

Location	Installation or Location	Amount
Worldwide Unspecified	Unspecified Worldwide	$101,020,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(6)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amount set forth in the following table:

Navy: Family Housing

Location	Installation or Location	Units	Amount
Guantanamo Bay	Naval Air Station, Guantanamo Bay	146	$59,943,000

(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 family housing units in an amount not to exceed $2,169,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(6)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $318,011,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $4,046,354,000, as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $2,564,312,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $175,500,000.

(3) For military construction projects at unspecified worldwide locations authorized by section 2201(c), $101,020,000.

(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, $246,528,000.

(6) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $380,123,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $376,062,000.

(7) For the construction of increment 2 of the wharf extension at Naval Forces Marianas Islands, Guam, authorized by section 2201(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 510), $50,912,000.

(8) For the construction of increment 2 of the submarine drive-in magnetic silencing facility at Naval Submarine Base, Pearl Harbor, Hawaii, authorized in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 510), $41,088,000.

(9) For the construction of increment 3 of the National Maritime Intelligence Center, Suitland, Maryland, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2448), $12,439,000.

(10) For the construction of increment 2 of hangar 5 recapitalizations at Naval Air Station, Whidbey Island, Washington, authorized by section 2201(a) of the Military Construction Authorization Act of Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2448), $34,000,000.

(11) For the construction of increment 5 of the limited area production and storage complex at Naval Submarine Base, Kitsap, Bangor, Washington (formerly referred to as a project at the Strategic Weapons Facility Pacific, Bangor), authorized by section

2201(a) of the Military Construction Authorization Act of Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2106), as amended by section 2206 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public law 109–163; 119 Stat. 3493) and section 2206 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 514) $50,700,000.

SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2005 PROJECT.

The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2105), as amended by section 2206 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3493) and section 2206 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 514), is further amended—

(1) in the item relating to Strategic Weapons Facility Pacific, Bangor, Washington, by striking ''$295,000,000'' in the amount column and inserting ''$311,670,000''; and

(2) by striking the amount identified as the total in the amount column and inserting ''$1,084,497,000''.

SEC. 2206. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2007 PROJECTS.

(a) MODIFICATIONS.—The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2448), as amended by section 2205(a)(17) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 513), is further amended—

(1) in the item relating to NMIC/Naval Support Activity, Suitland, Maryland, by striking ''$67,939,000'' in the amount column and inserting ''$76,288,000''; and

(2) in the item relating to Naval Air Station, Whidbey Island, Washington, by striking ''$57,653,000'' in the amount column and inserting ''$60,500,000''.

(b) CONFORMING AMENDMENTS.—Section 2204(b) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2452) is amended—

(1) in paragraph (2), by striking ''$56,159,000'' and inserting ''$64,508,000''; and

(2) in paragraph (3), by striking ''$31,153,000'' and inserting ''$34,000,000''.

TITLE XXIII—AIR FORCE

Sec. 2301. Authorized Air Force construction and land acquisition projects.
Sec. 2302. Family housing.
Sec. 2303. Improvements to military family housing units.
Sec. 2304. Authorization of appropriations, Air Force.
Sec. 2305. Extension of authorizations of certain fiscal year 2006 projects.
Sec. 2306. Extension of authorizations of certain fiscal year 2005 projects.

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or Location	Amount
Alabama	Maxwell Air Force Base	$15,556,000
Alaska	Elmendorf Air Force Base	$138,300,000
Arizona	Davis Monthan Air Force Base	$15,000,000
California	Edwards Air Force Base	$9,100,000
	Travis Air Force Base	$12,100,000
Colorado	Peterson Air Force Base	$4,900,000
	United States Air Force Academy	$18,000,000
Delaware	Dover Air Force Base	$19,000,000
Florida	Cape Canaveral Air Station	$8,000,000
	Eglin Air Force Base	$19,000,000
	MacDill Air Force Base	$26,000,000
	Tyndall Air Force Base	$11,600,000
Georgia	Robins Air Force Base	$29,350,000
Kansas	McConnell Air Force Base	$6,800,000
Louisiana	Barksdale Air Force Base	$14,600,000
Maryland	Andrews Air Force Base	$77,648,000
Mississippi	Columbus Air Force Base	$8,100,000
	Keesler Air Force Base	$6,600,000
Missouri	Whiteman Air Force Base	$4,200,000
Montana	Malmstrom Air Force Base	$10,000,000
Nevada	Creech Air Force Base	$48,500,000
	Nellis Air Force Base	$63,100,000
New Jersey	McGuire Air Force Base	$7,200,000
New Mexico	Holloman Air Force Base	$25,450,000
North Carolina	Seymour Johnson Air Force Base	$12,200,000
North Dakota	Grand Forks Air Force Base	$13,000,000
Ohio	Wright Patterson Air Force Base	$14,000,000
Oklahoma	Altus Air Force Base	$10,200,000
	Tinker Air Force Base	$54,000,000
South Carolina	Charleston Air Force Base	$4,500,000
	Shaw Air Force Base	$9,900,000
South Dakota	Ellsworth Air Force Base	$11,000,000
Texas	Dyess Air Force Base	$21,000,000
	Fort Hood	$10,800,000
	Lackland Air Force Base	$75,515,000
Utah	Hill Air Force Base	$41,400,000
Washington	McChord Air Force Base	$5,500,000
Wyoming	Francis E. Warren Air Force Base	$8,600,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Afghanistan	Bagram Airfield	$57,200,000
Guam	Andersen Air Force Base	$10,600,000
Kyrgyzstan	Manas Air Base	$6,000,000
United Kingdom	Royal Air Force Lakenheath	$7,400,000

(c) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the authorization of appropriations in section 2304(3), the Secretary of the Air Force may acquire real property and carry out military construction projects for unspecified installations or locations in the amounts set forth in the following table:

Air Force: Unspecified Worldwide

Location	Installation or Location	Amount
Worldwide Unspecified	Unspecified Worldwide Locations	$38,391,000

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(6)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

Air Force: Family Housing

Country	Installation or Location	Purpose	Amount
United Kingdom	Royal Air Force Lakenheath	182 Units	$71,828,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(6)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $7,708,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(6)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $316,343,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $2,108,090,000, as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $889,719,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $81,200,000.

(3) For the military construction projects at unspecified worldwide locations authorized by section 2301(c), $38,391,000.

(4) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $15,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $93,436,000.

(6) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $395,879,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $594,465,000.

SEC. 2305. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2006 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3501), authorizations set forth in the tables in subsection (b), as provided in section 2302 of that Act, shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Air Force: Extension of 2006 Project Authorizations

State	Installation or Location	Project	Amount
Alaska	Eielson Air Force Base	Replace Family Housing (92 units)	$37,650,000
		Purchase Build/Lease Housing (300 units)	$18,144,000
California	Edwards Air Force Base	Replace Family Housing (226 units)	$59,699,000
Florida	MacDill Air Force Base	Replace Family Housing (109 units)	$40,982,000
Missouri	Whiteman Air Force Base	Replace Family Housing (111 units)	$26,917,000
North Carolina	Seymour Johnson Air Force Base	Replace Family Housing (255 units)	$48,868,000
North Dakota	Grand Forks Air Force Base	Replace Family Housing (150 units)	$43,353,000

SEC. 2306. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2005 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2116), authorizations set forth in the table in subsection (b), as provided in sections 2301 and 2302 of that Act and extended by section 2307 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 519), shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Air Force: Extension of 2005 Project Authorizations

State/Country	Installation or Location	Project	Amount
Arizona	Davis-Monthan Air Force Base	Replace Family Housing (250 units)	$48,500,000
California	Vandenberg Air Force Base	Replace Family Housing (120 units)	$30,906,000
Florida	MacDill Air Force Base	Construct Housing Maintenance Facility	$1,250,000
Missouri	Whiteman Air Force Base	Replace Family Housing (160 units)	$37,087,000
North Carolina	Seymour Johnson Air Force Base	Replace Family Housing (167 units)	$32,693,000
Germany	Ramstein Air Base	USAFE Theater Aerospace Operations Support Center	$24,204,000

TITLE XXIV—DEFENSE AGENCIES

Subtitle A—Defense Agency Authorizations

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.

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Sec. 2412. Authorization of appropriations, chemical demilitarization construction, defense-wide.

Sec. 2413. Modification of authority to carry out certain fiscal year 1997 project.

Sec. 2414. Modification of authority to carry out certain fiscal year 2000 project.

Subtitle A—Defense Agency Authorizations

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following tables:

Defense Education Activity

State	Installation or Location	Amount
Kentucky	Fort Campbell	$21,400,000
North Carolina	Fort Bragg	$78,471,000

Defense Intelligence Agency

State	Installation or Location	Amount
Illinois	Scott Air Force Base	$13,977,000

Defense Logistics Agency

State	Installation or Location	Amount
California	Defense Distribution Depot, Tracy	$50,300,000
Delaware	Defense Fuel Supply Center, Dover Air Force Base	$3,373,000
Florida	Defense Fuel Support Point, Jacksonville	$34,000,000
Georgia	Hunter Army Air Field	$3,500,000
Hawaii	Pearl Harbor	$27,700,000
New Mexico	Kirtland Air Force Base	$14,400,000
Oklahoma	Altus Air Force Base	$2,850,000
Pennsylvania	Philadelphia	$1,200,000
Utah	Hill Air Force Base	$20,400,000
Virginia	Craney Island	$39,900,000

National Security Agency

State	Installation or Location	Amount
Maryland	Fort Meade	$31,000,000

Special Operations Command

State	Installation or Location	Amount
California	Naval Amphibious Base, Coronado	$9,800,000
Florida	Eglin Air Force Base	$40,000,00
	Hurlburt Field	$8,900,000
	MacDill Air Force Base	$10,500,000
Kentucky	Fort Campbell	$15,000,000
New Mexico	Cannon Air Force Base	$26,400,000
North Carolina	Fort Bragg	$38,250,000
Virginia	Fort Story	$11,600,000
Washington	Fort Lewis	$38,000,000

TRICARE Management Activity

State	Installation or Location	Amount
Alaska	Fort Richardson	$6,300,000
Colorado	Buckley Air Force Base	$3,000,000
Georgia	Fort Benning	$3,900,000
Kentucky	Fort Campbell	$24,000,000
Maryland	Aberdeen Proving Ground	$430,000,000
Missouri	Fort Leonard Wood	$22,000,000
Oklahoma	Tinker Air Force Base	$65,000,000
Texas	Fort Sam Houston	$13,000,000

Washington Headquarters Services

State	Installation or Location	Amount
Virginia	Pentagon Reservation	$38,940,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following tables:

Defense Logistics Agency

Country	Installation or Location	Amount
Germany	Germersheim	$48,000,000
Greece	Souda Bay	$8,000,000

Missile Defense Command

Country	Installation or Location	Amount
Czech Republic	Various Locations	$176,100,000
Poland	Various Locations	$661,380,000

Special Operations Command

Country	Installation or Location	Amount
Qatar	Al Udeid	$9,200,000

TRICARE Management Activity

Country	Installation or Location	Amount
Guam	Naval Activities	$30,000,000

SEC. 2402. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(6), the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code, in the amount of $90,000,000.

SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) in the total amount of $1,639,050,000, as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $740,811,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $246,360,000.

(3) For unspecified minor military construction projects under section 2805 of title 10, United States Code, $28,853,000.

(4) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $5,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $133,225,000.

(6) For energy conservation projects authorized by section 2402 of this Act, $90,000,000.

(7) For support of military family housing, including functions described in section 2833 of title 10, United States Code, and credits to the Department of Defense Family Housing Improvement Fund under section 2883 of title 10, United States Code, and the Homeowners Assistance Fund established under section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374), $54,581,000.

(8) For the construction of increment 4 of the regional security operations center at Augusta, Georgia, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3497), as amended by section 7016 of the Emergency Supplemental Appropriation Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 485), $100,220,000.

(9) For the construction of increment 2 of the Army Medical Research Institute of Infectious Diseases Stage 1 at Fort Detrick, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2457), $209,000,000.

(10) For the construction of increment 2 of the special operations forces operational facility at Dam Neck, Virginia, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 521), $31,000,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(2) $402,000,000 (the balance of the amount authorized for the TRICARE Management Activity under section 2401(a) for the construction of the United States Army Medical Research Institute of Infectious Diseases at Aberdeen Proving Ground, Maryland).

(3) $618,780,000 (the balance of the amount authorized for the Missile Defense Command under section 2401(b) for the construction of the Ballistic Missile Defense, European Interceptor Site).

(4) $67,540,000 (the balance of the amount authorized for the Missile Defense Command under section 2401(b) for the construction of the Ballistic Missile Defense, European Mid-Course Radar Site).

SEC. 2404. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2007 PROJECT.

(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 item relating to Fort Detrick, Maryland, by striking ''$550,000,000'' in the amount column and inserting ''$683,000,000''.

(b) CONFORMING AMENDMENT.—Section 2405(b)(3) of that Act (120 Stat. 2461) is amended by striking ''$521,000,000'' and inserting ''$654,000,000''.

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 108–375; 118 Stat. 2112) is amended—

(1) by striking the item relating to Defense Fuel Support Point, Naval Air Station, Oceana, Virginia; and

(2) by striking the amount identified as the total in the amount column and inserting ''$485,193,000''.

(b) CONFORMING AMENDMENTS.—Section 2404(a) of that Act (118 Stat. 2113) is amended—

(1) in the matter preceding paragraph (1), by striking ''$1,055,663,000'' and inserting ''$1,052,074,000''; and

(2) in paragraph (1), by striking ''$411,782,000'' and inserting ''$408,193,000''.

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. 3501), authorizations set forth in the tables in subsection (b), as provided in section 2401 of that Act, shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Defense Logistics Agency: Extension of 2006 Project Authorization

Installation or Location	Project	Amount
Defense Logistics Agency	Defense Distribution Depot Susquehanna, New Cumberland, Pennsylvania	$6,500,000

Subtitle B—Chemical Demilitarization Authorizations

SEC. 2411. AUTHORIZED CHEMICAL DEMILITARIZATION PROGRAM CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2412(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Chemical Demilitarization Program: Inside the United States

Army	Installation or Location	Amount
Army	Blue Grass Army Depot, Kentucky	$12,000,000

SEC. 2412. AUTHORIZATION OF APPROPRIATIONS, CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for military construction and land acquisition for chemical demilitarization in the total amount of $144,278,000, as follows:

(1) For military construction projects inside the United States authorized by section 2411(a), $12,000,000.

(2) For the construction of phase 10 of a munitions demilitarization facility at Pueblo Chemical Activity, Colorado, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839) and section 2407 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), $65,060,000.

(3) For the construction of phase 9 of a munitions demilitarization facility at Blue Grass Army Depot, Kentucky, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1298) and section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), $67,218,000.

SEC. 2413. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 1997 PROJECT.

(a) MODIFICATIONS.—The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839) and section 2407 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2699), is amended—

(1) under the agency heading relating to the Chemical Demilitarization Program, in the item relating to Pueblo Army Depot, Colorado, by striking ''$261,000,000'' in the amount column and inserting ''$484,000,000''; and

(2) by striking the amount identified as the total in the amount column and inserting ''$830,454,000''.

(b) CONFORMING AMENDMENT.—Section 2406(b)(2) of the Military Construction Authorization Act for Fiscal Year 1997 (110 Stat. 2779), as so amended, is further amended by striking ''$261,000,000'' and inserting ''$484,000,000''.

SEC. 2414. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2000 PROJECT.

(a) MODIFICATIONS.—The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1298) and section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), is amended—

(1) under the agency heading relating to Chemical Demilitarization, in the item relating to Blue Grass Army Depot, Kentucky, by striking ''$290,325,000'' in the amount column and inserting ''$492,000,000''; and

(2) by striking the amount identified as the total in the amount column and inserting ''$949,920,000''.

(b) CONFORMING AMENDMENT.—Section 2405(b)(3) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1298) and section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), is further amended by striking ''$267,525,000'' and inserting ''$469,200,000''.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

Sec. 2501. Authorized NATO construction and land acquisition projects.
Sec. 2502. Authorization of appropriations, NATO.

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program authorized by section 2501, in the amount of $230,867,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Sec. 2601. Authorized Army National Guard construction and land acquisition projects.
Sec. 2602. Authorized Army Reserve construction and land acquisition projects.
Sec. 2603. Authorized Navy Reserve and Marine Corps Reserve construction and land acquisition projects.
Sec. 2604. Authorized Air National Guard construction and land acquisition projects.
Sec. 2605. Authorized Air Force Reserve construction and land acquisition projects.
Sec. 2606. Authorization of appropriations, National Guard and Reserve.
Sec. 2607. Modification of authority to carry out certain fiscal year 2008 project.
Sec. 2608. Extension of authorizations of certain fiscal year 2006 projects.
Sec. 2609. Extension of Authorization of certain fiscal year 2005 project.

SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(1)(A), the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations, and in the amounts, set forth in the following table:

Army National Guard

State	Location	Amount
Alabama	Fort McClellan	$3,000,000
Alaska	Bethel Armory	$16,000,000
Arizona	Camp Navajo	$13,000,000
	Florence	$13,800,000
	Papago Military Reservation	$24,000,000
Arkansas	Cabot	$10,868,000
Colorado	Denver	$9,000,000
	Grand Junction	$9,000,000
Connecticut	Camp Rell	$28,000,000
	East Haven	$13,800,000
Delaware	New Castle	$28,000,000
Florida	Camp Blanding	$33,307,000
Georgia	Dobbins Air Reserve Base	$45,000,000
Idaho	Orchard Training Area	$1,850,000
Illinois	Urbana Armory	$16,186,000
Indiana	Camp Atterbury	$5,800,000
	Lawrence	$21,000,000
	Muscatatuck	$6,000,000
Iowa	Camp Dodge	$1,500,000

Army National Guard—Continued

State	Location	Amount
	Davenport	$1,550,000
	Mount Pleasant	$1,500,000
Kentucky	London	$7,191,000
Maine	Bangor	$20,000,000
Maryland	Edgewood	$28,000,000
	Salisbury	$9,800,000
Massachusetts	Methuen	$21,000,000
Michigan	Camp Grayling	$22,943,000
Minnesota	Arden Hills	$15,000,000
Nevada	Elko	$11,375,000
New York	Fort Drum	$11,000,000
	Queensbury	$5,900,000
Ohio	Camp Perry	$2,000,000
	Ravenna	$2,000,000
Pennsylvania	Honesdale	$6,117,000
Rhode Island	North Kingstown	$5,000,000
South Carolina	Anderson	$12,000,000
	Beaufort	$3,400,000
	Eastover	$28,000,000
	Hemingway	$4,600,000
South Dakota	Camp Rapid	$14,463,000
	Rapid City	$29,000,000
Tennessee	Tullahoma	$10,372,000
Utah	Camp Williams	$17,500,000
Vermont	Ethan Allen Firing Range	$10,200,000
Virginia	Arlington	$15,500,000
	Fort Pickett	$2,950,000
Washington	Fort Lewis (Gray Army Airfield)	$32,000,000
West Virginia	Camp Dawson	$9,000,000

SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(1)(B), the Secretary of the Army may acquire real property and carry out military construction projects for the Army Reserve locations, and in the amounts, set forth in the following table:

Army Reserve

State	Location	Amount
California	Fort Hunter Liggett	$3,950,000
Hawaii	Fort Shafter	$19,199,000
Idaho	Hayden Lake	$9,580,000
Kansas	Dodge City	$8,100,000
Maryland	Baltimore	$11,600,000
Massachusetts	Fort Devens	$1,900,000
Michigan	Saginaw	$11,500,000
Missouri	Weldon Springs	$11,700,000
Nevada	Las Vegas	$33,900,000
New Jersey	Fort Dix	$3,825,000
New York	Kingston	$13,494,000
	Shoreham	$15,031,000
	Staten Island	$18,550,000
North Carolina	Raleigh	$25,581,000
Pennsylvania	Letterkenny Army Depot	$14,914,000
Tennessee	Chattanooga	$10,600,000
Texas	Sinton	$9,700,000
Washington	Seattle	$37,500,000
Wisconsin	Fort McCoy	$4,000,000

SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE CORPS RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the Navy Reserve and Marine Corps Reserve locations, and in the amounts, set forth in the following table:

Navy Reserve and Marine Corps Reserve

State	Location	Amount
California	Lemoore	$15,420,000
Delaware	Wilmington	$11,530,000
Georgia	Marietta	$7,560,000
Virginia	Norfolk	$8,170,000
	Williamsburg	$12,320,000

SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(3)(A), the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air National Guard locations, and in the amounts, set forth in the following table:

Air National Guard

State	Location	Amount
Arkansas	Little Rock Air Force Base	$4,000,000

Air National Guard—Continued

State	Location	Amount
Colorado	Buckley Air Force Base	$4,200,000
Connecticut	Bradley International Airport	$7,200,000
Delaware	New Castle County Airport	$14,800,000
Georgia	Savannah Combat Readiness Training Center	$7,500,000
Indiana	Fort Wayne International Airport	$5,600,000
Iowa	Fort Dodge	$5,600,000
Kansas	Smoky Hill Air National Guard Range	$7,100,000
Maryland	Martin State Airport	$7,900,000
Massachusetts	Otis Air National Guard Base	$14,300,000
Minnesota	Duluth 148th Fighter Wing Base	$4,500,000
	Minneapolis-St. Paul	$1,500,000
Mississippi	Gulfport-Biloxi International Airport	$3,400,000
New Jersey	Atlantic City International Airport	$8,400,000
New York	Gabreski Airport, Westhampton	$7,500,000
	Hancock Field	$10,400,000
Ohio	Springfield Air National Guard Base	$12,800,000
Rhode Island	Quonset State Airport	$7,700,000
South Dakota	Joe Foss Field	$4,500,000
Tennessee	Knoxville	$8,000,000
Texas	Ellington Field	$7,600,000
	Fort Worth Naval Air Station Joint Reserve Base	$5,000,000
Vermont	Burlington International Airport	$6,600,000
Washington	McChord Air Force Base	$8,600,000
West Virginia	Yeager Airport, Charleston	$27,000,000
Wisconsin	Truax Field	$6,300,000
Wyoming	Cheyenne Municipal Airport	$7,000,000

SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(3)(B), the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air Force Reserve locations, and in the amounts, set forth in the following table:

Air Force Reserve

State	Location	Amount
Georgia	Dobbins Air Reserve Base	$6,450,000
Oklahoma	Tinker Air Force Base	$9,900,000
New York	Niagara Falls Air Reserve Station	$9,000,000

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 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), in the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $736,317,000; and

(B) for the Army Reserve, $282,607,000.

(2) For the Department of the Navy, for the Navy and Marine Corps Reserve, $57,045,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $242,924,000; and

(B) for the Air Force Reserve, $36,958,000.

SEC. 2607. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2008 PROJECT.

The table in section 2601 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 527) is amended in the item relating to North Kingstown, Rhode Island, by striking ''$33,000,000'' in the amount column and inserting ''$38,000,000''.

SEC. 2608. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2006 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3501), the authorizations set forth in the table in subsection (b), as provided in section 2601 of that Act, shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army National Guard: Extension of 2006 Project Authorizations

State	Installation or Location	Project	Amount
California	Camp Roberts	Urban Assault Course	$1,485,000
Idaho	Gowen Field	Railhead, Phase 1	$8,331,000
Mississippi	Biloxi	Readiness Center	$16,987,000
	Camp Shelby	Modified Record Fire Range	$2,970,000
Montana	Townsend	Automated Qualification Training Range	$2,532,000
Pennsylvania	Philadelphia	Stryker Brigade Combat Team Readiness Center	$11,806,000
		Organizational Maintenance Shop #7	$6,144,930

SEC. 2609. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2005 PROJECT.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2116), the authorization set forth in the table in subsection (b), as provided in section 2601 of that Act, shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army National Guard: Extension of 2005 Project Authorization

State	Installation or Location	Project	Amount
California	Dublin	Readiness Center, Add/Alt (ADRS)	$11,318,000

TITLE XXVII—BASE CLOSURE AND REALIGNMENT ACTIVITIES

Subtitle A—Authorizations

Sec. 2701. Authorization of appropriations for base closure and realignment activities funded through Department of Defense Base Closure Account 1990.

Sec. 2702. Authorized base closure and realignment activities funded through Department of Defense Base Closure Account 2005.

Sec. 2703. Authorization of appropriations for base closure and realignment activities funded through Department of Defense Base Closure Account 2005.

Subtitle B—Amendments to Base Closure and Related Laws

Sec. 2711. Modification of annual base closure and realignment reporting requirements.

Sec. 2712. Technical corrections regarding authorized cost and scope of work variations for military construction and military family housing projects related to base closures and realignments.

Subtitle C—Other Matters

Sec. 2721. Independent design review of National Naval Medical Center and military hospital at Fort Belvoir.

Sec. 2722. Report on use of BRAC properties as sites for refineries or nuclear power plants.

Subtitle A—Authorizations

SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 1990 established by section 2906 of such Act, in the total amount of $458,377,000, as follows:

(1) For the Department of the Army, $87,855,000.

(2) For the Department of the Navy, $228,700,000.

(3) For the Department of the Air Force, $139,155,000.

(4) For the Defense Agencies, $2,667,000.

SEC. 2702. AUTHORIZED BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.

Using amounts appropriated pursuant to the authorization of appropriations in section 2703, the Secretary of Defense may carry out base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, in the amount of $6,982,334,000.

SEC. 2703. AUTHORIZATION OF APPROPRIATIONS FOR BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, in the total amount of $9,065,386,000, as follows:

(1) For the Department of the Army, $4,486,178,000.

(2) For the Department of the Navy, $871,492,000.

(3) For the Department of the Air Force, $1,072,925,000.

(4) For the Defense Agencies, $2,634,791,000.

Subtitle B—Amendments to Base Closure and Related Laws

SEC. 2711. MODIFICATION OF ANNUAL BASE CLOSURE AND REALIGNMENT REPORTING REQUIREMENTS.

(a) TERMINATION OF REPORTING REQUIREMENTS AFTER FISCAL YEAR 2014.—Section 2907 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(1) by striking ''As part of the budget request for fiscal year 2007 and for each fiscal year thereafter'' and inserting ''(a) REPORTING REQUIREMENT.—As part of the budget request for fiscal year 2007 and for each fiscal year thereafter through fiscal year 2016''; and

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

''(b) TERMINATION OF REPORTING REQUIREMENTS RELATED TO REALIGNMENT ACTIONS.—The reporting requirements under subsection (a) shall terminate with respect to realignment actions after the report submitted with the budget for fiscal year 2014.''.

(b) EXCLUSION OF DESCRIPTIONS OF REALIGNMENT ACTIONS.—Subsection (a) of such section, as designated and amended by subsection (a)(1) of this section, is further amended—

(1) in paragraph (1), by striking ''and realignment'' both places it appears;

(2) in paragraph (2), by striking ''and realignments''; and

(3) in paragraphs (3), (4), (5), (6), and (7), by striking ''or realignment'' each place it appears.

SEC. 2712. TECHNICAL CORRECTIONS REGARDING AUTHORIZED COST AND SCOPE OF WORK VARIATIONS FOR MILITARY CONSTRUCTION AND MILITARY FAMILY HOUSING PROJECTS RELATED TO BASE CLOSURES AND REALIGNMENTS.

(a) CORRECTION OF CITATION IN AMENDATORY LANGUAGE.—

(1) IN GENERAL.—Section 2704(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 532) is amended—

(A) in subsection (a), by striking ''Section 2905A'' and inserting ''Section 2906A''; and

(B) in subsection (b), by striking ''section 2905A'' and inserting ''section 2906A''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 28, 2008, as if included in the enactment of section 2704 of the Military Construction Authorization Act for Fiscal Year 2008.

(b) CORRECTION OF SCOPE OR WORK VARIATION LIMITATION.—Subsection (f) of section 2906A of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), as added by section 2704(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 532) and amended by subsection (a), is amended by striking ''20 percent or $2,000,000, whichever is greater'' and inserting ''20 percent or $2,000,000, whichever is less''.

Subtitle C—Other Matters

SEC. 2721. INDEPENDENT DESIGN REVIEW OF NATIONAL NAVAL MEDICAL CENTER AND MILITARY HOSPITAL AT FORT BELVOIR.

(a) FINDINGS.—Congress makes the following findings:

(1) Military personnel and their families, as well as veterans and retired military personnel living in the National Capital region, deserve to be treated in world class medical facilities.

(2) World class medical facilities are defined as incorporating the best practices of the premier private health facilities in the country as well as the collaborative input of military health care professionals into a design that supports the unique needs of military personnel and their families.

(3) The closure of the Walter Reed Army Medical Center in Washington, D.C., and the resulting construction of the National Military Medical Center at the National Naval Medical Center, Bethesda, Maryland, and a new military hospital at Fort Belvoir, Virginia, offer the Department of Defense the opportunity to provide state-of-the-art and world-class medical facilities offering the highest quality of joint service care for members of the Armed Forces and their families.

(4) Congress has supported a Department of Defense request to expedite the construction of the new facilities at Bethesda and Fort Belvoir in order to provide care in better facilities as quickly as possible.

(5) The Department of Defense has a responsibility to ensure that the expedited design and construction of such facilities do not result in degradation of the quality standards required for world class facilities.

(b) INDEPENDENT DESIGN REVIEW.—

(1) ESTABLISHMENT OF DESIGN REVIEW PANEL.—The Secretary of Defense shall establish a panel consisting of medical facility design experts, military healthcare professionals, representatives of premier health care facilities in the United States, and patient representatives—

(A) to review design plans for the National Military Medical Center and the new military hospital at Fort Belvoir; and

(B) to advise the Secretary regarding whether the design, in the view of the panel, will achieve the goal of providing world-class medical facilities; and

(2) RECOMMENDATIONS FOR CHANGES TO DESIGN PLAN.—If the panel determines that the design plans will not meet such goal, the panel shall make recommendations for changes to those plans to ensure the construction of world-class medical facilities.

(3) REPORT.—Not later than 90 days after the date of the enactment of this Act, the panel shall submit to the Secretary of Defense a report on the findings and recommendations of the panel to address any deficiencies in the conceptual design plans.

(4) ASSESSMENT OF RECOMMENDATIONS.—Not later than 30 days after submission of the report under paragraph (3), the Secretary of Defense shall submit to the congressional defense committees a report including—

(A) an assessment by the Secretary of the findings and recommendations of the panel; and

(B) the plans of the Secretary for addressing such findings and recommendations.

(c) COST ESTIMATE.—

(1) PREPARATION.—The Department of Defense shall prepare a cost estimate of the total cost to be incurred by the United States to close Walter Reed Army Medical Center, design and construct replacement 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, but in no case later than 120 days after the date of the enactment of this Act.

(d) MILESTONE SCHEDULE.—

(1) PREPARATION.—The Secretary of Defense shall prepare a complete milestone schedule for the closure of Walter Reed Army Medical Center, the design and construction of replacement facilities at the National Naval Medical Center and Fort Belvoir, and the relocation of operations to the replacement facilities. The schedule shall include a detailed plan regarding how the Department of Defense will carry out the transition of operations between Walter Reed Army Medical Center 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, but in no case later than 45 days after the date of the enactment of this Act.

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. Revision of maximum lease amount applicable to certain domestic Army family housing leases to reflect previously made annual adjustments in amount.
Sec. 2803. Use of military family housing constructed under build and lease authority to house members without dependents.
Sec. 2804. Leasing of military family housing to Secretary of Defense.
Sec. 2805. Improved oversight and accountability for military housing privatization initiative projects.
Sec. 2806. Authority to use operation and maintenance funds for construction projects inside the United States Central Command and United States Africa Command areas of responsibility.
Sec. 2807. Cost-benefit analysis of dissolution of Patrick Family Housing LLC.

Subtitle B—Real Property and Facilities Administration

Sec. 2811. Clarification of congressional reporting requirements for certain real property transactions.
Sec. 2812. Authority to lease non-excess property of military departments and Defense Agencies.
Sec. 2813. Modification of utility system conveyance authority.
Sec. 2814. Defense access roads.
Sec. 2815. Report on application of force protection and anti-terrorism standards to gates and entry points on military installations.

Subtitle C—Provisions Related to Guam Realignment

Sec. 2821. Sense of Congress regarding military housing and utilities related to Guam realignment.
Sec. 2822. Federal assistance to Guam.
Sec. 2823. Eligibility of the Commonwealth of the Northern Mariana Islands for military base reuse studies and community planning assistance.
Sec. 2824. Support for realignment of military installations and relocation of military personnel on Guam.

Subtitle D—Energy Security

Sec. 2831. Certification of enhanced use leases for energy-related projects.
Sec. 2832. Annual report on Department of Defense installations energy management.

Subtitle E—Land Conveyances

Sec. 2841. Land conveyance, former Naval Air Station, Alameda, California.
Sec. 2842. Transfer of administrative jurisdiction, decommissioned Naval Security Group Activity, Skaggs Island, California.
Sec. 2843. Transfer of proceeds from property conveyance, Marine Corps Logistics Base, Albany, Georgia.
Sec. 2844. Land conveyance, Sergeant First Class M.L. Downs Army Reserve Center, Springfield, Ohio.
Sec. 2845. Land conveyance, John Sevier Range, Knox County, Tennessee.
Sec. 2846. Land conveyance, Army property, Camp Williams, Utah.
Sec. 2847. Extension of Potomac Heritage National Scenic Trail through Fort Belvoir, Virginia.

Subtitle F—Other Matters

Sec. 2851. Revised deadline for transfer of Arlington Naval Annex to Arlington National Cemetery.
Sec. 2852. Acceptance and use of gifts for construction of additional building at National Museum of the United States Air Force, Wright-Patterson Air Force Base.
Sec. 2853. Lease involving pier on Ford Island, Pearl Harbor Naval Base, Hawaii.
Sec. 2854. Use of runway at NASJRB Willow Grove, Pennsylvania.
Sec. 2855. 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), (4), and (5), respectively; and

(3) by inserting after paragraph (2), as so redesignated, the following new paragraph:

''(3) The term 'life-cycle cost-effective', with respect to a project, product, or measure, means that the sum of the present values of investment costs, capital costs, installation costs, energy costs, 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 practice, 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 a contract is proposed to be awarded for the project.''.

SEC. 2802. REVISION OF MAXIMUM LEASE AMOUNT APPLICABLE TO CERTAIN DOMESTIC ARMY FAMILY HOUSING 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''.

SEC. 2803. USE OF MILITARY FAMILY HOUSING CONSTRUCTED UNDER BUILD AND LEASE AUTHORITY TO HOUSE MEMBERS WITHOUT DEPENDENTS.

(a) IN GENERAL.—Subchapter II of chapter 169 of title 10, United States Code, is amended by inserting after section 2835 the following new section:

''§ 2835a. Use of military family housing constructed under build and lease authority to house other members

''(a) INDIVIDUAL ASSIGNMENT OF MEMBERS WITHOUT DEPENDENTS.—(1) To the extent that the Secretary concerned determines that military family housing constructed and leased under section 2835 of this title is not needed to house members of the armed forces eligible for assignment to military family housing, the Secretary may assign, without rental charge, members without dependents to the housing.

''(2) A member without dependents who is assigned to housing pursuant to paragraph (1) shall be considered to be assigned to quarters pursuant to section 403(e) of title 37.

''(b) CONVERSION TO LONG-TERM LEASING OF MILITARY UNACCOMPANIED HOUSING.—(1) If the Secretary concerned determines that military family housing constructed and leased under section 2835 of this title is excess to the long-term needs of the family housing program of the Secretary, the Secretary may convert the lease contract entered into under subsection (a) of such section into a long-term lease of military unaccompanied housing.

''(2) The term of the lease contract for military unaccompanied housing converted from military family housing under paragraph (1) may not exceed the remaining term of the lease contract for the family housing so converted.

''(c) NOTICE AND WAIT REQUIREMENTS.—(1) The Secretary concerned may not convert military family housing to military unaccompanied housing under subsection (b) until—

''(A) the Secretary submits to the congressional defense committees a notice of the intent to undertake the conversion; and

''(B) a period of 21 days has expired following the date on which the notice is received by the committees or, if earlier, a period of 14 days has expired following the date on which a copy of the notice is provided in an electronic medium pursuant to section 480 of this title.

''(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 converted;

''(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 also shall apply to housing initially acquired or constructed under the former section 2828(g) of this title (commonly known as the 'Build to Lease program'), as added by section 801 of the Military Construction Authorization Act, 1984 (Public Law 98–115; 97 Stat 782).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2835 the following new item:

''2835a. Use of military family housing constructed under build and lease authority to house other members.''.

SEC. 2804. LEASING OF MILITARY FAMILY HOUSING TO SECRETARY OF DEFENSE.

(a) LEASING OF HOUSING.—Subchapter II of chapter 169 of title 10, United States Code, is amended by inserting after section 2837 the following new section:

''§ 2838. Leasing of military family housing to Secretary of Defense

''(a) AUTHORITY.—(1) The Secretary of a military department may lease to the Secretary of Defense military family housing in the National Capital Region (as defined in section 2674(f) of this title).

''(2) In determining the military housing unit to lease under this section, the Secretary of Defense should first consider any available military housing units that are already substantially equipped for executive communications and security.

''(b) RENTAL RATE.—A lease under subsection (a) shall provide for the payment by the Secretary of Defense of consideration in an amount equal to 105 percent of the monthly rate of basic allowance for housing prescribed under section 403(b) of title 37 for a member of the uniformed services in the pay grade of O–10 with dependents assigned to duty at the military installation on which the leased housing unit is located. A rate so established shall be considered the fair market value of the lease interest.

''(c) TREATMENT OF PROCEEDS.—(1) The Secretary of a military department shall deposit all amounts received pursuant to leases entered into by the Secretary under this section into a special account in the Treasury established for such military department.

''(2) The proceeds deposited into the special account of a military department pursuant to paragraph (1) shall be available to the Secretary of that military department, without further appropriation, for the maintenance, protection, alteration, repair, improvement, or restoration of military housing on the military installation at which the housing leased pursuant to subsection (a) is located.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

''2838. Leasing of military family housing to Secretary of Defense.''.

SEC. 2805. IMPROVED OVERSIGHT AND ACCOUNTABILITY FOR MILITARY HOUSING PRIVATIZATION INITIATIVE PROJECTS.

(a) OVERSIGHT AND ACCOUNTABILITY.—

(1) IN GENERAL.—Subchapter IV of chapter 169 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2885. Oversight and accountability for privatization projects

''(a) OVERSIGHT AND ACCOUNTABILITY MEASURES.—Each Secretary concerned shall prescribe regulations to effectively oversee and manage military housing privatization projects carried out under this subchapter. The regulations shall include the following requirements for each privatization project:

''(1) The installation asset manager shall conduct monthly site visits and provide quarterly reports on the progress of the construction or renovation of the housing units. The reports shall be submitted quarterly to the assistant secretary for installations and environment of the respective military department.

''(2) The installation asset manager, and, as applicable, the resident construction manager, privatization asset manager, bondholder representative, project owner, developer, general contractor, and construction consultant for the project shall conduct meetings to ensure that the construction or renovation of the units meets performance and schedule requirements and that appropriate operating and ground lease agreements are in place and adhered to.

''(3) If a project is 90 days or more behind schedule or otherwise appears to be substantially failing to adhere to the obligations or milestones under the contract, the assistant secretary for installations and environment of the respective military department shall submit a notice of deficiency to the Deputy Under Secretary of Defense (Installations and Environment), the Secretary concerned, the managing member, and the trustee for the project.

''(4)(A) Not later than 15 days after the submittal of a notice of deficiency under paragraph (3), the Secretary concerned or designated representative shall submit to the project owner, developer, or general contractor responsible for the project a summary of deficiencies related to the project.

''(B) If the project owner, developer, or general contractor responsible for the privatization project is unable, within 60 days after receiving a notice of deficiency under subparagraph (A), to make progress on the issues outlined in such notice, the Secretary concerned shall notify the congressional defense committees of the status of the project, and shall provide a recommended course of action to correct the problems.

''(b) REQUIRED QUALIFICATIONS.—The Secretary concerned or designated representative shall ensure that the project owner, developer, or general contractor that is selected for each military housing privatization initiative project has construction experience commensurate with that required to complete the project.

''(c) BONDING LEVELS.—The Secretary concerned shall ensure that the project owner, developer, or general contractor responsible for a military housing privatization initiative project has sufficient payment and performance bonds or suitable instruments in place for each phase of a construction or renovation portion of the project to ensure successful completion of the work in amounts as agreed to in the project's legal documents, but in no case less than 50 percent of the total value of the active phases of the project, prior to the commencement of work for that phase.

''(d) REPORTING OF EFFORTS TO SELECT SUCCESSOR IN EVENT OF DEFAULT.—In the event a military housing privatization initiative project enters into default, the assistant secretary for installations and environment of the respective military department shall submit a report to the congressional defense committees every 90 days detailing the status of negotiations to award the project to a new project owner, developer, or general contractor.

''(e) EFFECT OF NOTICES OF DEFICIENCY ON CONTRACTORS AND AFFILIATED ENTITIES.—(1) The Secretary concerned shall keep a record of all plans of action or notices of deficiency issued to a project owner, developer, or general contractor under subsection (a)(4), including the identity of each parent, subsidiary, affiliate, or other controlling entity of such owner, developer, or contractor.

''(2) Each military department shall consult all records maintained under paragraph (1) when reviewing the past performance of owners, developers, and contractors in the bidding process for a contract or other agreement for a military housing privatization initiative project.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

''2885. Oversight and accountability for privatization projects.''.

(b) REPORT FOR IDENTIFYING AND COMMUNICATING BEST PRACTICES FOR TRANSACTIONS.—Section 2884(b) of such title is amended by adding at the end the following new paragraph:

''(7) A report on best practices for the execution of housing privatization initiatives, including—

''(A) effective means to track and verify proper performance, schedule, and cash flow;

''(B) means of overseeing the actions of bondholders to properly monitor construction progress and construction draws;

''(C) effective structuring of transactions to ensure the United States Government has adequate abilities to oversee project owner performance;

''(D) ensuring that notices to proceed on new work are not issued until proper bonding is in place; and

''(E) such other topics that are identified as pertinent by the Department of Defense.''.

(c) PARTNERSHIP WITH ELIGIBLE ENTITY REQUIRED.—Section 2871(5) of title 10, United States Code, is amended by inserting before the period at the end the following: ''that is prepared to enter into a contract as a partner with the Secretary concerned for the construction of military housing units and ancillary supporting facilities''.

(d) COMPETITIVE PROCESS FOR CONVEYANCE OR LEASE OF PROPERTY.—Section 2878 of such title 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:

''(c) COMPETITIVE PROCESS.—The Secretary concerned shall ensure that the time, method, and terms and conditions of the reconveyance or lease of property or facilities under this section from the eligible entity permit full and free competition consistent with the value and nature of the property or facilities involved.''.

(e) TREATMENT OF ACQUIRED OR CONSTRUCTED HOUSING UNITS.—

(1) REPEAL OF SEPARATE ASSIGNMENT AUTHORITY.—Section 2882 of such title is amended to read as follows:

''§ 2882. Effect of assignment of members to housing units acquired or constructed under alternative authority

''(a) TREATMENT AS QUARTERS OF THE UNITED STATES.—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 uniformed service for purposes of section 403 of title 37.

''(b) 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 that 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 ALLOTMENTS.—The Secretary concerned may require members of the armed forces who lease housing in housing units acquired or constructed under this subchapter to make lease payments for such housing pursuant to allotments of the pay of such members under section 701 of title 37.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter IV of chapter 169 of such title is amended by striking the item relating to section 2882 and inserting the following new item:

''2882. Effect of assignment of members to housing units acquired or constructed under alternative authority.''.

(f) ANNUAL REPORT ON MAINTENANCE AND REPAIR TO PRIVATIZED GENERAL AND FLAG OFFICER QUARTERS.—Section 2884(b) of such title, as amended by subsection (b), is further 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 exceeded $50,000. For each housing unit so identified, the report shall also include the total of such operation, maintenance, and repair costs.''.

SEC. 2806. AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS INSIDE THE UNITED STATES CENTRAL COMMAND AND UNITED STATES AFRICA COMMAND AREAS OF RESPONSIBILITY.

(a) ONE-YEAR EXTENSION OF AUTHORITY.—Subsection (a) of section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723), as amended by section 2810 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2128), section 2809 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3508), section 2802 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2466), and section 2801 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 538), is further amended—

(1) by striking ''2008'' and inserting ''2009''; and

(2) by striking ''outside the United States'' and inserting ''inside the United States Central Command and United States Africa Command areas of responsibility''.

(b) EXCEPTION FOR PROJECTS IN AFGHANISTAN FROM LIMITATION ON AUTHORITY RELATED TO LONG-TERM UNITED STATES PRESENCE.—Such subsection, as so amended, is further amended by inserting before the period at the end of paragraph (2) the following: '', unless the military installation is located in Afghanistan, for which projects using this authority may be carried out at installations deemed as supporting a long-term presence''.

(c) MODIFICATION OF ANNUAL LIMITATION ON USE OF AUTHORITY.—Subsection (c) of section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723) is amended to read as follows:

''(c) ANNUAL LIMITATION ON USE OF AUTHORITY.—(1) The total cost of the construction projects carried out under the authority of this section using, in whole or in part, appropriated funds available for operation and maintenance shall not exceed $200,000,000 in a fiscal year.

''(2) If the Secretary of Defense certifies to the congressional defense committees that additional construction in Afghanistan is required to meet urgent military requirements in Afghanistan, up to an additional $300,000,000 in funds available for operation and maintenance may be used in Afghanistan upon completing the prenotification requirements under subsection (b). Under no circumstances shall the total appropriated funds available from operation and maintenance for fiscal year 2009 exceed $500,000,000.''.

(d) QUARTERLY REPORTS.—Subsection (d)(1) of such section, as amended by section 2810 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2128) and section 2809 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3508), is further amended by striking ''30 days'' and inserting ''45 days''.

SEC. 2807. COST-BENEFIT ANALYSIS OF DISSOLUTION OF PATRICK FAMILY HOUSING LLC.

Not later than 30 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a cost-benefit analysis of dissolving Patrick Family Housing LLC without exercising the full range of rights available to the United States Government to recover damages from the partnership.

Subtitle B—Real Property and Facilities Administration

SEC. 2811. CLARIFICATION OF CONGRESSIONAL REPORTING REQUIREMENTS FOR CERTAIN REAL PROPERTY TRANSACTIONS.

Section 2662(c) of title 10, United States Code, is amended by striking ''river and harbor projects or flood control projects'' and inserting ''water resource development projects of the Corps of Engineers''.

SEC. 2812. AUTHORITY TO LEASE NON-EXCESS PROPERTY OF MILITARY DEPARTMENTS 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 concerned considers will promote the national defense or to be in the public interest, real or personal property that—

''(1) is under the control of the Secretary concerned;

''(2) is not for the time needed for public use; and

''(3) 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 paragraph:

''(4) The term '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) PROHIBITION ON LEASEBACK WITH EXCESSIVE ANNUAL PAYMENTS.—Subsection (b) of such section is amended—

(1) by striking ''and'' at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting ''; and''; and

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

''(7) may not provide for a leaseback by the Secretary concerned with an annual payment in excess of $500,000.''.

(c) IMPROVED CONGRESSIONAL NOTIFICATION REQUIREMENTS.—Paragraph (4) of subsection (c) of such section is amended to read as follows:

''(4)(A) 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 under subsection (b)(5) or this subsection, will exceed $750,000, the Secretary concerned shall submit to the congressional defense committees a report containing—

''(i) a description of the proposed lease, including the proposed duration of the lease;

''(ii) a description of the authorities to be used in entering the lease and the intended participation of the United States in the lease, including a justification of the intended method of participation;

''(iii) a statement of the scored cost of the lease, determined using the scoring criteria of the Office of Management and Budget;

''(iv) a determination that the property involved in the lease is not excess property, as required by subsection (a)(3), including the basis for the determination;

''(v) a determination that the proposed lease is directly compatible with the mission of the military 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; and

''(vi) a description of the requirements or conditions within the contract solicitation or other lease offering for the offeror to address taxation issues, including payments-in-lieu-of taxes, and other development issues related to local municipalities.

''(B) 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:

''(i) A copy of the report submitted under subparagraph (A).

''(ii) A description of the differences between the report submitted under that subparagraph and the new report.

''(iii) A description of the lessee payment required under this section.''.

(d) CONFORMING 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''; and

(B) in paragraphs (3), (4), and (6), by striking ''of the military department'' each place it appears.

(2) DEPOSIT AND USE OF PROCEEDS.—Subsection (e) of such section is amended—

(A) in paragraph (1)(A)—

(i) in the matter preceding clause (i)—

(I) by striking ''Secretary of a military department'' and inserting ''Secretary concerned''; and

(II) by striking ''such military department'' and inserting ''that Secretary''; and

(ii) in clause (iii), by striking ''military department'' and inserting ''Secretary'';

(B) in paragraph (1)(B)(i), by striking ''Secretary of a military department'' and inserting ''Secretary concerned'';

(C) in paragraph (1)(C), by striking ''of a military department pursuant to subparagraph (A) shall be available to the Secretary of that military department'' and inserting ''established for the Secretary concerned shall be available to the Secretary'';

(D) in paragraph (1)(D)—

(i) by striking ''of a military department under subparagraph (A)'' and inserting ''established for the Secretary concerned''; and

(ii) by inserting ''or Defense Agency location'' after ''military installation'';

(E) in paragraph (1)(E), by striking ''installation'' and inserting ''military installation or Defense Agency location''; and

(F) in paragraph (3), by striking ''Secretary of a military department'' and inserting ''Secretary concerned''.

(3) BASE CLOSURE PROPERTY.—Subsection (g)(1) of such section is amended by striking ''Secretary of a military department'' and inserting ''Secretary concerned''.

(e) REPEAL OF SEPARATE DEFENSE AGENCY AUTHORITY.—

(1) REPEAL.—Section 2667a of such title is repealed.

(2) EFFECT ON EXISTING CONTRACTS.—The repeal of section 2667a of title 10, United States Code, shall not affect the validity or 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.

(3) TREATMENT OF MONEY RENTS.—Amounts in any special account established for a Defense Agency pursuant to subsection (d) 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—

(A) remain available until expended for the purposes specified in such subsection, notwithstanding the repeal of such section by paragraph (1); or

(B) to the extent provided in appropriations Acts, be transferred to the special account required for the Secretary of Defense by subsection (e) of section 2667 of such title, as amended by subsection (d)(2) of this section.

(f) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—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''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 159 of such title is amended by striking the items relating to sections 2667 and 2667a and inserting the following new item:

''2667. Leases: non-excess property of military departments and Defense Agencies.''.

SEC. 2813. MODIFICATION OF UTILITY SYSTEM CONVEYANCE AUTHORITY.

Section 2688 of title 10, United States Code, is amended—

(1) by redesignating subsection (j) as subsection (k); and

(2) by inserting after subsection (i) the following new subsection:

''(j) CONSTRUCTION OF UTILITY INFRASTRUCTURE AFTER CONVEYANCE OF A UTILITY SYSTEM.—(1) Upon conveyance of a utility system, the Secretary of a military department may convey additional utility infrastructure under the jurisdiction of the Secretary on a military installation to a utility or entity to which a utility system for the installation has been conveyed under subsection (a) if the Secretary determines that—

''(A) the additional utility infrastructure was constructed or installed after the date of the conveyance of the utility system;

''(B) the additional utility infrastructure cannot operate without being a part of the conveyed utility system;

''(C) the additional utility infrastructure was planned and coordinated with the entity operating the conveyed utility system; and

''(D) the military department receives as consideration an amount equal to the fair market value of the utility infrastructure determined in the same manner as the consideration the Secretary could require under subsection (c) for a conveyance under subsection (a).

''(2) The conveyance under this paragraph may consist of all right, title, and interest of the United States or such lesser estate as the Secretary considers appropriate to serve the interests of the United States.''.

SEC. 2814. DEFENSE ACCESS ROADS.

(a) BASIS FOR TRANSPORTATION NEEDS ASSESSMENT.—Section 210(a) of title 23, United States Code, is amended—

(1) by striking ''(a)'' and inserting ''(a)(1)''; and

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

''(2) If it is determined that an action of the Department of Defense will cause a significant transportation impact to access to a military reservation, the Secretary of Defense shall conduct a transportation needs assessment to assess the magnitude of the improvement required to address the impact.''.

(b) REPORT ON RECENTLY IDENTIFIED TRANSPORTATION IMPACTS.—Not later than April 1, 2009, the Secretary of Defense shall submit to the congressional defense committees and the Committee on Transportation and Infrastructure of the House of Representatives a report that details the significant transportation impacts resulting from actions of the Department of Defense since January 1, 2005. In the report, the Secretary shall assess the funding requirements necessary to address transportation needs resulting from these significant transportation impacts.

SEC. 2815. REPORT ON APPLICATION OF FORCE PROTECTION AND ANTI-TERRORISM STANDARDS TO GATES AND ENTRY POINTS ON MILITARY INSTALLATIONS.

(a) REPORT REQUIRED.—Not later than February 1, 2009, the Secretary of Defense shall submit to the congressional defense committees a report on the implementation of Department of Defense Anti-Terrorism/Force Protection standards at gates and entry points of military installations.

(b) CONTENT.—The report required under subsection (a) shall include the following:

(1) A description of the anti-terrorism/force protection standards for gates and entry points.

(2) An assessment, by installation, of whether the gates and entry points meet anti-terrorism/force protection standards.

(3) An assessment of whether the standards are met with either temporary or permanent measures, facilities, or equipment.

(4) A description and cost estimate of each action to be taken by the Secretary of Defense for each installation to ensure compliance with Department of Defense Anti-Terrorism/Force Protection standards using permanent measures and construction methods.

(5) An investment plan to complete all action required to ensure compliance with the standards described under paragraph (1).

Subtitle C—Provisions Related to Guam Realignment

SEC. 2821. SENSE OF CONGRESS REGARDING MILITARY HOUSING AND UTILITIES RELATED TO GUAM REALIGNMENT.

(a) NATURE OF SPECIAL PURPOSE ENTITIES.—It is the sense of Congress that any military family housing provided in connection with the realignment of military installations and the relocation of military personnel on Guam should—

(1) be operated, to the extent practicable, in the manner provided for public-private ventures under subchapter IV of chapter 169 of title 10, United States Code; and

(2) should be constructed in accordance with current Department of Defense building standards.

(c) UTILITY INFRASTRUCTURE IMPROVEMENTS.—It is the sense of Congress that the proposed utility infrastructure improvements on Guam should incorporate the civilian and military infrastructure into a single grid to realize and maximize the effectiveness of the overall utility system, if appropriate cost sharing and quality standards are met.

SEC. 2822. FEDERAL ASSISTANCE TO GUAM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Interagency Group on Insular Areas, in coordination with the appropriate Federal agencies, should enter into a memorandum of understanding with the Government of Guam to identify, before the realignment of military installations and the relocation of military personnel on Guam, local funding requirements for civilian infrastructure development and other needs related to the realignment and relocation.

(b) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report on the status of interagency coordination through the Interagency Group on Insular Areas of budgetary requests to assist the Government of Guam with its budgetary requirements related to the realignment of military forces on Guam. The report shall address to what extent and how the Interagency Group on Insular Areas will be able to coordinate interagency budgets so the realignment of military forces on Guam will meet the 2014 completion date as stipulated in the May 2006 security agreement between the United States and Japan.

(c) INTERAGENCY GROUP ON INSULAR AREAS DEFINED.—In this section, the term ''Interagency Group on Insular Areas'' means the interagency group established by Executive Order No. 13299 of May 12, 2003 (68 Fed. Reg. 25477; 48 U.S.C. note prec. 1451). The term includes any sub-group or working group of that interagency group.

SEC. 2823. ELIGIBILITY OF THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS FOR MILITARY BASE REUSE STUDIES AND COMMUNITY PLANNING ASSISTANCE.

(a) INCLUSION IN DEFINITION OF MILITARY INSTALLATION.—Section 2687(e)(1) of title 10, United States Code, is amended by inserting after ''Virgin Islands,'' the following: ''the Commonwealth of the Northern Mariana Islands,''.

(b) INCLUSION OF FACILITIES OWNED AND OPERATED BY COMMONWEALTH.—Section 2391(d)(1) of title 10, United States Code, is amended by inserting after ''Guam,'' the following: ''the Commonwealth of the Northern Mariana Islands,''.

SEC. 2824. SUPPORT FOR REALIGNMENT OF MILITARY INSTALLATIONS AND RELOCATION OF MILITARY PERSONNEL ON GUAM.

(a) ESTABLISHMENT OF ACCOUNT.—There is established on the books of the Treasury an account to be known as the ''Support for United States Relocation to Guam Account'' (in this section referred to as the ''Account'').

(b) CREDITS TO ACCOUNT.—

(1) AMOUNTS IN FUND.—There shall be credited to the Account all contributions received during fiscal year 2009 and subsequent

fiscal years under section 2350k of title 10, United States Code, for the realignment of military installations and the relocation of military personnel on Guam.

(2) NOTICE OF RECEIPT OF CONTRIBUTIONS.—The Secretary of Defense shall submit to the congressional defense committees written notice of the receipt of contributions referred to in paragraph (1), including the amount of the contributions, not later than 30 days after receiving the contributions.

(c) USE OF ACCOUNT.—

(1) AUTHORIZED USES.—Subject to paragraph (2), amounts in the Account may be used as follows:

(A) 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 utilities improvements.

(B) To carry out improvements of property or facilities on Guam as part of such a transaction.

(C) To obtain property support services for property or facilities on Guam resulting from such a transaction.

(D) 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 extent that the authorities provided under subchapter IV of chapter 169 of title 10, United States Code, are available to the Secretary of Defense, the Secretary shall use such authorities to acquire, construct, or improve family 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 be subject to conditions imposed on the use of appropriated funds by chapter 169 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 of Defense submits to the congressional defense committees notice of the transaction, including a detailed cost estimate, and a period of 21 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 2853 of title 10, United States Code, shall apply to the use of contributions referred to in subsection (b)(1).

(d) TRANSFER AUTHORITY.—

(1) TRANSFER TO HOUSING FUNDS.—The Secretary of Defense may transfer funds from the Account to the Department of Defense Family Housing Improvement Fund established by section 2883(a)(1) of title 10, United States Code.

(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 169 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 information on 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 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 included in the future-years defense program pursuant to section 221 of title 10, United States Code.

(f) SENSE OF CONGRESS.—It is the sense of Congress that the use of the Account to facilitate construction projects associated with the realignment of military installations and the relocation of military personnel on Guam, as authorized by subsection (c)(1), provides a great opportunity for business enterprises of the United States and its territories to contribute to the United States strategic presence in the western Pacific by competing for contracts awarded for such construction. Congress urges the Secretary of Defense to ensure maximum participation by business enterprises of the United States and its territories in such construction.

Subtitle D—Energy Security

SEC. 1. CERTIFICATION OF ENHANCED USE LEASES FOR ENERGY-RELATED PROJECTS.

Section 2667(h) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(5) If a proposed lease under subsection (a) involves a project related to energy production and the term of the lease exceeds 20 years, the Secretary concerned may not enter into the lease until at least 30 days after the date on which the Secretary of Defense submits to the congressional defense committees a certification that the project is consistent with the Department of Defense performance goals and plan required by section 2911 of this title.''.

SEC. 2. ANNUAL REPORT ON DEPARTMENT OF DEFENSE INSTALLATIONS ENERGY MANAGEMENT.

Section 2925(a) of title 10, United States Code, is amended—

(1) by striking the subsection heading and inserting the following: ''ANNUAL REPORT RELATED TO INSTALLATIONS ENERGY MANAGEMENT.—'';

(2) in paragraph (1), by inserting '', the Energy Independence and Security Act of 2007 (Public Law 110–140),'' after ''58)''; and

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

''(6) A description and estimate of the progress made by the military departments to meet the certification requirements for sustainable green-building standards in construction and major renovations as required by section 433 of the Energy Independence and Security Act of 2007 (Public Law 110–140; 121 Stat. 1612).''.

Subtitle E—Land Conveyances

SEC. 2841. LAND CONVEYANCE, FORMER NAVAL AIR STATION, ALAMEDA, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to the redevelopment authority for the former Naval Air Station Alameda, California (in this section referred to as the ''redevelopment authority''), all right, title and interest of the United States in and to the real and personal property comprising Naval Air Station Alameda, except those parcels identified for public benefit conveyance and certain surplus lands at the Naval Air Station Alameda described in the Federal Register on November 5, 2007. In this section, the real and personal property to be conveyed under this section is referred to as the ''NAS Property''.

(b) MULTIPLE CONVEYANCES.—The conveyance of the NAS Property may be conducted through multiple parcel transfers.

(c) CONSIDERATION.—As consideration for the conveyance of the NAS Property under subsection (a), the Secretary of the Navy shall seek to obtain fair market value.

(d) EXISTING USES.—During the three-year period beginning on the date on which the first conveyance under this section is made, the redevelopment authority shall make reasonable efforts to accommodate the continued use by the United States of those portions of the NAS Property covered by a request for Federal Land Transfer so long as the accommodation of such use is at no cost or expense to the redevelopment authority. Such accommodations shall provide adequate protection for the endangered California Least Tern in accordance with the requirements of the existing Biological Opinion for Naval Air Station Alameda dated March 22, 1999, and any future amendments to the Biological Opinion.

(e) SAVINGS PROVISION.—Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(f) 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.

(g) MASTER LEASE.—The Lease in Furtherance of Conveyance, dated June 2000, as amended, between the Secretary of the Navy and the redevelopment authority shall remain in full force and effect until conveyance of the NAS Property in accordance with this section, and a lease amendment recognizing this section shall be offered by the Secretary.

(h) TREATMENT OF AMOUNTS RECEIVED.—Amounts received by the United States under this section shall be credited to the fund or account intended to receive proceeds from the disposal of the NAS Property pursuant to 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).

(i) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Navy 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. 2842. TRANSFER OF ADMINISTRATIVE JURISDICTION, DECOMMISSIONED NAVAL SECURITY GROUP ACTIVITY, SKAGGS ISLAND, CALIFORNIA.

(a) TRANSFER MEMORANDUM OF AGREEMENT.—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, Skaggs 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 demolishing and removing 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.

SEC. 2843. TRANSFER OF PROCEEDS FROM PROPERTY CONVEYANCE, MARINE CORPS LOGISTICS BASE, ALBANY, GEORGIA.

(a) TRANSFER AUTHORIZED.—The Secretary of Defense may transfer any proceeds from the sale of approximately 120.375 acres of improved land located at the former Boyett Village Family Housing Complex at the Marine Corps Logistics Base, Albany, Georgia, into the Department of Defense Family Housing Improvement Fund established under section 2883(a)(1) of title 10, United States Code, for carrying out activities under subchapter IV of chapter 169 of that title with respect to military family housing.

(b) NOTIFICATION REQUIREMENT.—A transfer of proceeds under subsection (a) may be made only after the end of the 30-day period beginning on the date the Secretary of Defense submits written notice of the transfer to the congressional defense committees.

SEC. 2844. 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, containing the Reserve Center and approximately three acres for the purpose of permitting the City to utilize the property for municipal government activities.

(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, all right, title, and interest in and to such real property, including any improvements and appurtenant easements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto such real property. A determination by the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(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) PAYMENT REQUIRED.—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.—Amounts received as reimbursements under 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.

(e) ADDITIONAL TERM 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. 2845. 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, for the purpose of using such real property as a public firing range and for other public recreational activities.

(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 terms of the conveyance, all right, title, and interest in and to such real property, including any improvements and appurtenant easements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto such real property. A determination by the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) ADMINISTRATIVE EXPENSES.—In accordance with section 2695 of title 10, United State Code, the Secretary may accept amounts provided by the State to cover administrative expenses incurred by the Secretary with respect to the conveyance authorized under subsection (a), including survey expenses, expenses related to environmental documentation, and other administrative expenses related to such conveyance. Such amounts shall be credited, pursuant to subsection (c) of section 2695 of such title, to the appropriation, fund, or account from which such expenses were paid. If amounts are collected from the State in advance of the Secretary incurring such expenses, and the amount collected exceeds the expenses actually incurred by the Secretary, the Secretary shall refund the excess amount to the State.

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

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

SEC. 2846. LAND CONVEYANCE, ARMY PROPERTY, CAMP WILLIAMS, UTAH.

(a) CONVEYANCE AUTHORIZED.—If the Secretary of the Army determines that it is the national security interest of the United States, the Secretary may convey, without consideration, to the State of Utah (in this section, the ''State'') on behalf of the Utah National Guard all right, title, and interest of the United States in and to two parcels of real property, including improvements thereon, that are located within the boundaries of Camp Williams, Utah, consisting of approximately 608 acres and 308 acres, respectively, and are identified in the Utah National Guard master plan.

(b) CONDITION.—As a condition of the conveyance, the Secretary shall, not later than 21 days before carrying out the conveyance, submit a report to Congress certifying that the purpose of the conveyance is to further the interest of national security and the property conveyed will be used for military purposes only.

(c) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a), or any portion thereof, has been sold or is not being used in a manner consistent with subsection (b), the property shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after consultation with the Governor of the State of Utah and an opportunity for a hearing.

(d) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the State 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 State 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 State.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under 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.

(e) DESCRIPTION OF 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.

(f) 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. 2847. 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 of 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, people, 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 construction.

(c) TRAIL ADMINISTRATION AND MANAGEMENT.—A written agreement confirming an administration and management arrangement of any segment of the Potomac Heritage National Scenic Trail along the perimeter of Fort Belvoir shall be co-signed by the parties to the easement agreement.

Subtitle F—Other Matters

SEC. 2851. REVISED DEADLINE FOR TRANSFER OF ARLINGTON NAVAL ANNEX TO ARLINGTON NATIONAL CEMETERY.

Section 2881(h)(1) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 879), as amended by section 2871 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 561), is further amended by striking ''January 1, 2011'' and inserting ''January 1, 2012''.

SEC. 2852. ACCEPTANCE AND USE OF GIFTS FOR CONSTRUCTION OF ADDITIONAL BUILDING AT NATIONAL MUSEUM OF THE UNITED STATES AIR FORCE, WRIGHT-PATTERSON AIR FORCE BASE.

(a) ACCEPTANCE AUTHORIZED.—The Secretary of the Air Force may accept from the Air Force Museum Foundation, a private nonprofit corporation, gifts in the form of cash, treasury instruments, or comparable United States securities for the purpose of paying the costs of design and construction of a fourth building for 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 gift be utilized solely for the purpose of the design and construction of a particular portion of the building and for contract management related to such design and construction.

(b) ESCROW ACCOUNT.—

(1) DEPOSIT OF GIFTS.—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 the amount of any gift accepted under subsection (a) in an escrow account established for that purpose.

(2) INVESTMENT.—Amounts in 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 account, 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 upon termination shall be available 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 GIFTS.—

(1) DESIGN, CONSTRUCTION, AND CONTRACT MANAGEMENT.—Subject to any conditions imposed by the Air Force Museum Foundation under subsection (a), the Director shall use amounts in the escrow account, including income on investments, to pay all costs for the design and construction of a fourth building for the National Museum of the United States Air Force and all costs for contract management related to such design and construction. The requirement imposed by this paragraph includes making progress payments for such design and construction.

(2) SOLE SOURCE OF FUNDS.—Gifts received under subsection (a) and income on investments made under subsection (b)(2) shall be the sole source of funds used to pay all costs for the design and construction of a fourth building for the National Museum of the United States Air Force and all costs for contract management related to such design and construction.

(3) 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 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. 2853. LEASE INVOLVING PIER ON FORD ISLAND, PEARL HARBOR NAVAL BASE, HAWAII.

(a) LEASE.—The Secretary of the Navy shall enter into a lease with the USS Missouri Memorial Association to authorize the USS Missouri Memorial Association to use the pier Foxtrot 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) CONDITIONS ON USE OF LEASED PROPERTY.—As conditions on the lease under subsection (a), the USS Missouri Memorial Association shall agree—

(1) to preserve and maintain the ex-USS Missouri for education purposes, historic preservation, and community outreach;

(2) that the Navy may use the leased property without charge for purposes that do not interfere with the use of such property by the USS Missouri Memorial Association; and

(3) that the Navy may use the ex-USS Missouri for official functions at no cost.

(d) EFFECT OF VIOLATION.—If the Secretary determines at any time that the USS Missouri Memorial Association is not in compliance with the conditions 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. 2854. USE OF RUNWAY AT NASJRB WILLOW GROVE, PENNSYLVANIA.

(a) CONDITIONS ON CONVEYANCE, GRANT, LEASE, OR LICENSE.—Any conveyance, grant, lease, or license from the United States to the Commonwealth of Pennsylvania or other legal entity that includes the airfield property located at NASJRB Willow Grove and designated for operation as a Joint Interagency Installation pursuant to section 3703 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28; 121 Stat. 145) shall be subject to the restrictions on the use of the airfield set forth in subsection (b).

(b) RESTRICTIONS ON USE.—The airfield at the installation shall not be used for any of the following purposes:

(1) Commercial passenger operations.

(2) Commercial cargo operations.

(3) Commercial, business, or nongovernment aircraft operations for purposes not related to the missions of the installation, except that this paragraph shall not apply in exigent circumstances or prohibit use of the airfield by or on behalf of any associated user which is a tenant of the installation.

(4) As a reliever airport to relieve congestion at other airports or to provide improved general aviation access to the overall community, except that this paragraph shall not apply in exigent circumstances.

(c) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to diminish or alter authorized uses of the installation, including the military enclave that is part thereof, by the United States or its agencies or instrumentalities or to limit use of the property in exigent circumstances.

(d) DEFINITIONS.—In this section:

(1) AIRFIELD.—The term ''airfield'' means the airfield referred to in subsection (a).

(2) ASSOCIATED USERS.—The term ''associated users'' means nongovernmental organizations and private entities that use the airfield for purposes related to the national defense, homeland security, and emergency preparedness missions of the installation.

(3) EXIGENT CIRCUMSTANCES.—The term ''exigent circumstances'' means unusual conditions, including adverse or unusual weather conditions, alerts, and actual or threatened emergencies that are determined by the installation to require limited-duration use of the installation or its airfield for operations, including flying operations, for uses otherwise restricted under subsection (b).

(4) COMMERCIAL CARGO OPERATIONS.—The term ''commercial cargo operations'' means aircraft operations by a commercial cargo or freight carrier in cases in which cargo is delivered to or flown from the installation under established schedules, except that the term does not include any cargo operations undertaken by or on behalf of any user of the installation or cargo operations related to the national defense, homeland security, and emergency preparedness missions of the installation.

(5) COMMERCIAL PASSENGER OPERATIONS.—The term ''commercial passenger operations'' means aircraft passenger operations by commercial passenger carriers involving flights where passengers are boarded or enplaned at the installation, except that the term does not include passenger operations undertaken by or on behalf of any user of the installation or passenger operations related to the national defense, homeland security, and emergency preparedness missions of the installation.

(6) INSTALLATION.—The term ''installation'' means the Joint Interagency Installation referred to in subsection (a).

SEC. 2855. 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 a law, map, regulation, document, paper, or other record of the United States to such facility shall be deemed to be a reference to the Lyster Army/VA Health Clinic.

TITLE XXIX—WAR-RELATED MILITARY CONSTRUCTION AUTHORIZATIONS

Subtitle A—Fiscal Year 2008 Projects

Sec. 2901. Authorized Army construction and land acquisition projects.
Sec. 2902. Authorized Navy construction and land acquisition projects.
Sec. 2903. Authorized Air Force construction and land acquisition projects.
Sec. 2904. Authorized Defense Agencies construction and land acquisition projects.
Sec. 2905. Termination of authority to carry out fiscal year 2008 Army projects.

Subtitle B—Fiscal Year 2009 Projects

Sec. 2911. Authorized Army construction and land acquisition projects.

Sec. 2912. Authorized Navy construction and land acquisition projects.

Subtitle A—Fiscal Year 2008 Projects

SEC. 2901. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (c)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or Location	Amount
Alaska	Fort Wainwright	$17,000,000
California	Fort Irwin	$11,800,000
Colorado	Fort Carson	$8,400,000
Georgia	Fort Gordon	$39,800,000
Hawaii	Schofield Barracks	$12,500,000
Kentucky	Fort Campbell	$9,900,000
	Fort Knox	$7,400,000
North Carolina	Fort Bragg	$8,500,000
Oklahoma	Fort Sill	$9,000,000
Texas	Fort Bliss	$17,300,000
	Fort Hood	$7,200,000
	Fort Sam Houston	$54,000,000
Virginia	Fort Lee	$7,400,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (c)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or Location	Amount
Iraq	Camp Adder	$13,200,000
	Camp Ramadi	$6,200,000
	Fallujah	$5,500,000

(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to funds authorized to be appropriated under 2901(c) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 571), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $241,100,000 as follows:

(1) For military construction projects inside the United States authorized by subsection (a), $210,200,000.

(2) For military construction projects outside the United States authorized by subsection (b), $24,900,000.

(3) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $6,000,000.

SEC. 2902. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (b)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or Location	Amount
California	Camp Pendleton	$9,270,000
	China Lake	$7,210,000
	Point Mugu	$7,250,000
	San Diego	$12,299,000
	San Diego Marine Corps Recruit Depot (MCRD)	$43,200,000
	Twentynine Palms	$11,250,000
Florida	Eglin Air Force Base	$780,000
Mississippi	Gulfport	$6,570,000
North Carolina	Camp Lejeune	$27,980,000
Virginia	Yorktown	$8,070,000

(b) AUTHORIZATION OF APPROPRIATIONS.—In addition to funds authorized to be appropriated under 2902(d) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 572), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $137,931,000 as follows:

(1) For military construction projects inside the United States authorized by subsection (a), $133,879,000.

(2) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $4,052,000.

SEC. 2903. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection

(c)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

Country	Installation or Location	Amount
California	Beale Air Force Base	$17,600,000
Florida	Eglin Air Force Base	$11,000,000
New Mexico	Cannon Air Force Base	$8,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (c)(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Qatar	Al Udeid	$60,400,000

(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to funds authorized to be appropriated under 2903(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 573), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $98,427,000, as follows:

(1) For military construction projects inside the United States authorized by subsection (a), $36,600,000.

(2) For military construction projects outside the United States authorized by subsection (b), $60,400,000.

(3) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $1,427,000.

SEC. 2904. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (b)(1), the Secretary of Defense may acquire real property and carry out the military construction project for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

State	Installation or Location	Amount
North Carolina	Camp Lejeune	$57,900,000

(b) AUTHORIZATION OF APPROPRIATIONS.—In addition to funds authorized to be appropriated under 2904(c) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 573), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) in the total amount of $110,735,000, as follows:

(1) For military construction projects inside the United States authorized by subsection (a), $57,900,000.

(2) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $52,835,000.

SEC. 2905. TERMINATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 2008 ARMY PROJECTS.

(a) TERMINATION OF AUTHORITY.—The table in section 2901(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 570), is amended—

(1) in the item relating to Camp Adder, Iraq, by striking ''$80,650,000'' in the amount column and inserting ''$75,800,000'';

(2) in the item relating to Camp Anaconda, Iraq, by striking ''$53,500,000'' in the amount column and inserting ''$10,500,000'';

(3) in the item relating to Camp Victory, Iraq, by striking ''$65,400,000'' in the amount column and inserting ''$60,400,000'';

(4) by striking the item relating to Tikrit, Iraq; and

(5) in the item relating to Camp Speicher, Iraq, by striking ''$83,900,000'' in the amount column and inserting ''$74,100,000''.

(b) CONFORMING AMENDMENTS.—Section 2901(c) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 571) is amended—

(1) by striking ''$1,257,750,000'' and inserting ''$1,152,100,000''; and

(2) in paragraph (2), by striking ''$1,055,450,000'' and inserting ''$949,800,000''.

Subtitle B—Fiscal Year 2009 Projects

SEC. 2911. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (b)(1), the Secretary of the Army may acquire real property and carry out military construction projects to construct or renovate warrior transition unit facilities at the installations or locations inside the United States set forth in the following table:

Army: Inside the United States

State	Installation or Location	Amount
Various	Various locations	$400,000,000

(b) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $450,000,000, as follows:

(1) For military construction projects inside the United States authorized by subsection (a), $400,000,000.

(2) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $50,000,000.

(c) REPORT REQUIRED BEFORE COMMENCING CERTAIN PROJECTS.—Funds may not be obligated for the projects authorized by this section until 14 days after the date on which the Secretary of Defense submits to the congressional defense committees a report containing a detailed justification for the projects.

SEC. 2912. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (b)(1), the Secretary of the Navy may acquire real property and carry out military construction projects to construct or renovate warrior transition unit facilities at the installations or locations inside the United States set forth in the following table:

Navy: Inside the United States

State	Installation or Location	Amount
Various	Various locations	$40,000,000

(b) AUTHORIZATION OF APPROPRIATIONS.—Subject to section 2825 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $50,000,000, as follows:

(1) For military construction projects inside the United States authorized by subsection (a), $40,000,000.

(2) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $10,000,000.

(c) REPORT REQUIRED BEFORE COMMENCING CERTAIN PROJECTS.—Funds may not be obligated for the projects authorized by this section until 14 days after the date on which the Secretary of Defense submits to the congressional defense committees a report containing a detailed justification for the projects.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

Sec. 3101. National Nuclear Security Administration.
Sec. 3102. Defense environmental cleanup.
Sec. 3103. Other defense activities.
Sec. 3104. Defense nuclear waste disposal.
Sec. 3105. Energy security and assurance.

Subtitle B—Program Authorizations, Restrictions, and Limitations

Sec. 3111. Modification of functions of Administrator for Nuclear Security to include elimination of surplus fissile materials usable for nuclear weapons.
Sec. 3112. Limitation on Funding for Project 04-D-125 Chemistry and Metallurgy Research Replacement facility project, Los Alamos National Laboratory, Los Alamos, New Mexico.
Sec. 3113. Nonproliferation and national security scholarship and fellowship program.
Sec. 3114. Enhancing nuclear forensics capabilities.
Sec. 3115. Utilization of contributions to International Nuclear Materials Protection and Cooperation program and Russian plutonium disposition program.
Sec. 3116. Review of and reports on Global Initiatives for Proliferation Prevention program.
Sec. 3117. Limitation on availability of funds for Global Nuclear Energy Partnership.

Subtitle C—Reports

Sec. 3121. Extension of deadline for Comptroller General report on Department of Energy protective force management.
Sec. 3122. Report on compliance with Design Basis Threat issued by the Department of Energy in 2005.
Sec. 3123. Modification of submittal of reports on inadvertent releases of restricted data.

Subtitle A—National Security Programs Authorizations

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2009 for the activities of the National Nuclear Security Administration in carrying out programs necessary for national security in the amount of $9,752,507,000, to be allocated as follows:

(1) For weapons activities, $6,625,111,000.

(2) For defense nuclear nonproliferation activities, including $528,782,000 for fissile materials disposition, $1,895,261,000.

(3) For naval reactors, $828,054,000.

(4) For the Office of the Administrator for Nuclear Security, $404,081,000.

(b) AUTHORIZATION OF NEW PLANT PROJECTS.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out new plant projects for the National Nuclear Security Administration as follows:

(1) For readiness in technical base and facilities, the following new plant projects:

Project 09–D–404, Test Capabilities Revitalization Phase 2, Sandia National Laboratory, Albuquerque, New Mexico, $3,200,000.

Project 08–D–806, Ion Beam Laboratory Project, Sandia National Laboratory, Albuquerque, New Mexico, $10,014,000.

(2) For naval reactors, the following new plant projects:

Project 09–D–902, Naval Reactors Facility Production Support Complex, Naval Reactors Facility, Idaho Falls, Idaho, $8,300,000.

Project 09–D–190, Project engineering and design, Knolls Atomic Power Laboratory infrastructure upgrades, Knolls Atomic Power Laboratory, Kesselring Site, Schenectady, New York, $1,000,000.

SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2009 for defense environmental cleanup activities in carrying out programs necessary for national security in the amount of $5,297,256,000.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2009 for other defense activities in carrying out programs necessary for national security in the amount of $826,453,000.

SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2009 for defense nuclear waste disposal for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of $222,371,000.

SEC. 3105. ENERGY SECURITY AND ASSURANCE.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2009 for energy security and assurance programs necessary for national security in the amount of $7,622,000.

Subtitle B—Program Authorizations, Restrictions, and Limitations

SEC. 3111. MODIFICATION OF FUNCTIONS OF ADMINISTRATOR FOR NUCLEAR SECURITY TO INCLUDE ELIMINATION OF SURPLUS FISSILE MATERIALS USABLE FOR NUCLEAR WEAPONS.

Section 3212(b) of the National Nuclear Security Administration Act (50 U.S.C. 2402(b)) is amended—

(1) by redesignating paragraph (18) as paragraph (19); and

(2) by inserting after paragraph (17) the following new paragraph (18):

''(18) Eliminating inventories of surplus fissile materials usable for nuclear weapons.''.

SEC. 3112. LIMITATION ON FUNDING FOR PROJECT 04-D-125 CHEMISTRY AND METALLURGY RESEARCH REPLACEMENT FACILITY PROJECT, LOS ALAMOS NATIONAL LABORATORY, LOS ALAMOS, NEW MEXICO.

Of the amounts appropriated pursuant to an authorization of appropriations in this Act or otherwise made available for fiscal year 2009 for Project 04-D-125 Chemistry and Metallurgy Research Replacement (in this section referred to as ''CMRR'') facility project, Los Alamos National Laboratory, Los Alamos, New Mexico, not more than $50,200,000 may be made available until—

(1) the Administrator for Nuclear Security and the Defense Nuclear Facilities Safety Board have each submitted a certification to the congressional defense committees stating that the concerns raised by the Defense Nuclear Facilities Safety Board regarding the design of CMRR safety class systems (including ventilation systems) and seismic issues have been resolved; and

(2) a period of 15 days has elapsed after both certifications under paragraph (1) have been submitted.

SEC. 3113. NONPROLIFERATION AND NATIONAL SECURITY SCHOLARSHIP AND FELLOWSHIP PROGRAM.

(a) ESTABLISHMENT.—The Administrator for Nuclear Security shall carry out a program to provide scholarships and fellowships for the purpose of enabling individuals to qualify for employment in the nonproliferation and national security programs of the Department of Energy.

(b) ELIGIBLE INDIVIDUALS.—An individual shall be eligible for a scholarship or fellowship under the program established under this section if the individual—

(1) is a citizen or national of the United States or an alien lawfully admitted to the United States for permanent residence;

(2) has been accepted for enrollment or is currently enrolled as a full-time student at an institution of higher education (as defined in section 102(a) of the Higher Education Act of 1965 (20 U.S.C. 1002(a));

(3) is pursuing a program of education that leads to an appropriate higher education degree in a qualifying field of study, as determined by the Administrator;

(4) enters into an agreement described in subsection (c); and

(5) meets such other requirements as the Administrator prescribes.

(c) AGREEMENT.—An individual seeking a scholarship or fellowship under the program established under this section shall enter into an agreement, in writing, with the Administrator that includes the following:

(1) The agreement of the Administrator to provide such individual with a scholarship or fellowship in the form of educational assistance for a specified number of school years (not to exceed five school years) during which such individual is pursuing a program of education in a qualifying field of study, which educational assistance may include payment of tuition, fees, books, laboratory expenses, and a stipend.

(2) The agreement of such individual—

(A) to accept such educational assistance;

(B) to maintain enrollment and attendance in a program of education described in subsection (b)(2) until such individual completes such program;

(C) while enrolled in such program, to maintain satisfactory academic progress in such program, as determined by the institution of higher education in which such individual is enrolled; and

(D) after completion of such program, to serve as a full-time employee in a nonproliferation or national security position in the Department of Energy or at a laboratory of the Department for a period of not less than 12 months for each school year or part of a school year for which such individual receives a scholarship or fellowship under the program established under this section.

(3) The agreement of such individual with respect to the repayment requirements specified in subsection (d).

(d) REPAYMENT.—

(1) IN GENERAL.—An individual receiving a scholarship or fellowship under the program established under this section shall agree to pay to the United States the total amount of educational assistance provided to such individual under such program, plus interest at the rate prescribed by paragraph (4), if such individual—

(A) does not complete the program of education agreed to pursuant to subsection (c)(2)(B);

(B) completes such program of education but declines to serve in a position in the Department of Energy or at a laboratory of the Department as agreed to pursuant to subsection (c)(2)(D); or

(C) is voluntarily separated from service or involuntarily separated for cause from the Department of Energy or a laboratory of the Department before the end of the period for which such individual agreed to continue in the service of the Department pursuant to subsection (c)(2)(D).

(2) FAILURE TO REPAY.—If an individual who received a scholarship or fellowship under the program established under this section is required to repay, pursuant to an agreement under paragraph (1), the total amount of educational assistance provided to such individual under such program, plus interest at the rate prescribed by paragraph (4), and fails repay such amount, a sum equal to such amount (plus such interest) is recoverable by the United States Government from such individual or the estate of such individual by—

(A) in the case of an individual who is an employee of the United States Government, setoff against accrued pay, compensation, amount of retirement credit, or other amount due the employee from the Government; or

(B) such other method as is provided by law for the recovery of amounts owed to the Government.

(3) WAIVER OF REPAYMENT.—The Administrator may waive, in whole or in part, repayment by an individual under this subsection if the Administrator determines that seeking recovery under paragraph (2) would be against equity and good conscience or would be contrary to the best interests of the United States.

(4) RATE OF INTEREST.—For purposes of repayment under this subsection, the total amount of educational assistance provided to an individual under the program established under this section shall bear interest at the applicable rate of interest under section 427A(c) of the Higher Education Act of 1965 (20 U.S.C. 1077a(c)).

(e) PREFERENCE FOR COOPERATIVE EDUCATION STUDENTS.—In evaluating individuals for the award of a scholarship or fellowship under the program established under this section, the Administrator may give a preference to an individual who is enrolled in, or accepted for enrollment in, an institution of higher education that has a cooperative education program with the Department of Energy.

(f) COORDINATION OF BENEFITS.—A scholarship or fellowship awarded under the program established under this section shall be taken into account in determining the eligibility of an individual receiving such scholarship or fellowship for Federal student financial assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

(g) REPORT TO CONGRESS.—Not later than January 1, 2010, the Administrator shall submit to the congressional defense committees a report on the activities carried out under the program established under this section, including any recommendations for future activities under such program.

(h) FUNDING.—Of the amounts authorized to be appropriated by section 3101(a)(2) for defense nuclear nonproliferation activities, $3,000,000 shall be available to carry out the program established under this section.

SEC. 3114. ENHANCING NUCLEAR FORENSICS CAPABILITIES.

(a) RESEARCH AND DEVELOPMENT PLAN FOR NUCLEAR FORENSICS AND ATTRIBUTION.—

(1) RESEARCH AND DEVELOPMENT.—The Secretary of Energy shall prepare and implement a research and development plan to improve nuclear forensics capabilities in the Department of Energy and at the national laboratories overseen by the Department of Energy. The plan shall focus on improving the technical capabilities required—

(A) to enable a robust and timely nuclear forensic response to a nuclear explosion or to the interdiction of nuclear material or a nuclear weapon anywhere in the world; and

(B) to develop an international database that can attribute nuclear material or a nuclear weapon to its source.

(2) REPORTS.—

(A) The Secretary of Energy shall submit to the congressional defense committees—

(i) not later than 6 months after the date of the enactment of this Act, a report on the contents of the research and development plan described in paragraph (1), and any legislative changes required to implement the plan; and

(ii) not later than 18 months after the date of the enactment of this Act, a report on the status of implementing the plan.

(B) The Secretary shall submit each report required by this subsection in unclassified form, but may include a classified annex with such report.

(b) ADDITIONAL INFORMATION IN THE REPORT ON NUCLEAR FORENSICS CAPABILITIES.—Section 3129(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 585) is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(4) any legislative, regulatory, or treaty actions necessary to facilitate international cooperation in enhancement of international nuclear-material databases and the linking of those databases to enable prompt access to data.''.

(c) PRESIDENTIAL REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate committees of Congress a report on the involvement of senior-level executive branch leadership in nuclear terrorism preparedness exercises that include nuclear forensics analysis.

(2) APPROPRIATE COMMITTEES OF CONGRESS.—In this subsection, the term ''appropriate committees of Congress'' means—

(A) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Homeland Security of the House of Representatives; and

(B) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 3115. UTILIZATION OF CONTRIBUTIONS TO INTERNATIONAL NUCLEAR MATERIALS PROTECTION AND COOPERATION PROGRAM AND RUSSIAN PLUTONIUM DISPOSITION PROGRAM.

Section 3114 of the National Defense Authorization Act for Fiscal Year 2007 (50 U.S.C. 2301 note) is amended—

(1) in the heading, by striking ''**SECOND LINE OF DEFENSE PROGRAM**'' and inserting ''**INTERNATIONAL NUCLEAR MATERIALS PROTECTION AND COOPERATION PROGRAM AND RUSSIAN PLUTONIUM DISPOSITION PROGRAM**'';

(2) by striking ''Second Line of Defense program'' each place it appears and inserting ''International Nuclear Materials Protection and Cooperation program or Russian Plutonium Disposition program''; and

(3) in subsection (f), by striking ''2013'' and inserting ''2015''.

SEC. 3116. REVIEW OF AND REPORTS ON GLOBAL INITIATIVES FOR PROLIFERATION PREVENTION PROGRAM.

(a) REVIEW OF PROGRAM.—

(1) IN GENERAL.—The Administrator for Nuclear Security shall conduct a review of the Global Initiatives for Proliferation Prevention program.

(2) REPORT REQUIRED.—Not later than October 1, 2009, the Administrator shall submit to the congressional defense committees a report setting forth the results of the review required under paragraph (1). The report shall include each of the following:

(A) A description of the goals of the Global Initiatives for Proliferation Prevention program and the criteria for partnership projects under the program.

(B) Recommendations regarding the following:

(i) Whether to continue or bring to a close each of the partnership projects under the program in existence on the date of the enactment of this Act, and, if any such project is recommended to be continued, a description of how that project will meet the criteria under subparagraph (A).

(ii) Whether to enter into new partnership projects under the program with Russia or other countries of the former Soviet Union.

(iii) Whether to enter into new partnership projects under the program in countries other than countries of the former Soviet Union.

(C) A plan and criteria for completing partnership projects under the program.

(b) REPORT ON FUNDING FOR PROJECTS UNDER PROGRAM.—

(1) IN GENERAL.—The Administrator shall submit to the congressional defense committees a report on—

(A) the purposes for which amounts made available for the Global Initiatives for Proliferation Prevention program for fiscal year 2009 will be obligated or expended; and

(B) the amount to be obligated or expended for each partnership project under the program in fiscal year 2009.

(2) LIMITATION ON FUNDING BEFORE SUBMITTAL OF REPORT.—None of the amounts authorized to be appropriated for fiscal year 2009 by section 3101(a)(2) for defense nuclear nonproliferation activities and available for the Global Initiatives for Proliferation Prevention program may be obligated or expended until the date that is 30 days after the date on which the Administrator submits to the congressional defense committees the report required under paragraph (1).

SEC. 3117. LIMITATION ON AVAILABILITY OF FUNDS FOR GLOBAL NUCLEAR ENERGY PARTNERSHIP.

(a) LIMITATION.—Of the amounts authorized to be appropriated for fiscal year 2009 by section 3101(a)(2) for defense nuclear nonproliferation activities, not more than $3,000,000 may be used for projects that are specifically designed for the Global Nuclear Energy Partnership. Any amount so used may not be expended until 30 days after the date on which the Administrator of the National Nuclear Security Administration submits to Congress a report that describes in detail the full amount of funding that the Administrator plans to expend for any effort related to the Global Nuclear Energy Partnership.

(b) USE OF FUNDS.—Any amount made available pursuant to an authorization of appropriations under section 3101(a)(2) that is covered by the limitation under subsection (a) shall only be available for nonproliferation risk assessments relating to the Global Nuclear Energy Partnership and related work on export control reviews and determinations.

Subtitle C—Reports

SEC. 3121. EXTENSION OF DEADLINE FOR COMPTROLLER GENERAL REPORT ON DEPARTMENT OF ENERGY PROTECTIVE FORCE MANAGEMENT.

Section 3124(a)(1) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 580) is amended by striking ''Not later than 180 days after the date of the enactment of this Act,'' and inserting ''Not later than March 1, 2009,''.

SEC. 3122. REPORT ON COMPLIANCE WITH DESIGN BASIS THREAT ISSUED BY THE DEPARTMENT OF ENERGY IN 2005.

(a) IN GENERAL.—Not later than January 2, 2009, the Secretary of Energy shall submit to the congressional defense committees a report setting forth the status of the compliance of Department of Energy sites with the Design Basis Threat issued by the Department in November 2005 (in this section referred to as the ''2005 Design Basis Threat'').

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) For each Department of Energy site subject to the 2005 Design Basis Threat, an assessment of whether the site has achieved compliance with the 2005 Design Basis Threat.

(2) For each such site that has not achieved compliance with the 2005 Design Basis Threat—

(A) a description of the reasons for the failure to achieve compliance;

(B) a plan to achieve compliance;

(C) a description of the actions that will be taken to mitigate any security shortfalls until compliance is achieved; and

(D) an estimate of the annual funding requirements to achieve compliance.

(3) A list of such sites with Category I nuclear materials that the Secretary determines will not achieve compliance with the 2005 Design Basis Threat.

(4) For each site identified under paragraph (3), a plan to remove all Category I nuclear materials from such site, including—

(A) a schedule for the removal of such nuclear materials from such site;

(B) a clear description of the actions that will be taken to ensure the security of such nuclear materials; and

(C) an estimate of the annual funding requirements to remove such nuclear materials from such site.

(5) An assessment of the adequacy of the 2005 Design Basis Threat in addressing security threats at Department of Energy sites, and a description of any plans for updating, modifying, or otherwise revising the approach taken by the 2005 Design Basis Threat to establish enhanced security requirements for Department of Energy sites.

SEC. 3123. MODIFICATION OF SUBMITTAL OF REPORTS ON INADVERTENT RELEASES OF RESTRICTED DATA.

(a) IN GENERAL.—Section 4522 of the Atomic Energy Defense Act (50 U.S.C. 2672) is amended—

(1) in subsection (e), by striking ''on a periodic basis'' and inserting ''in each even-numbered year''; and

(2) in subsection (f), by striking paragraph (2) and inserting the following new paragraph (2):

''(2) The Secretary of Energy shall, in each even-numbered year beginning in 2010, submit to the committees and Assistant to the President specified in subsection (d) a report identifying any inadvertent releases of Restricted Data or Formerly Restricted Data under Executive Order No. 12958 discovered in the two-year period preceding the submittal of the report.''.

(b) TECHNICAL CORRECTION.—Subsection (e) of such section, as amended by subsection (a)(1) of this section, is further amended by striking ''subsection (b)(4)'' and inserting ''subsection (b)(5)''.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2009, $25,499,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIV—NAVAL PETROLEUM RESERVE

Sec. 3401. Authorization of appropriations.

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

(a) AMOUNT.—There is 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

Sec. 3501. Authorization of appropriations for fiscal year 2009.
Sec. 3502. Limitation on export of vessels owned by the Government of the United States for the purpose of dismantling, recycling, or scrapping.
Sec. 3503. Student incentive payment agreements.
Sec. 3504. Riding gang member requirements.
Sec. 3505. Maintenance and Repair Reimbursement Program for the Maritime Security Fleet.
Sec. 3506. Temporary program authorizing contracts with adjunct professors at the United States Merchant Marine Academy and for other purposes.
Sec. 3507. Actions to address sexual harassment and violence at the United States Merchant Marine Academy.
Sec. 3508. Assistance for small shipyards and maritime communities.
Sec. 3509. Marine war risk insurance.
Sec. 3510. MarAd consultation on Jones Act Waivers.
Sec. 3511. Transportation in American vessels of government personnel and certain cargoes.
Sec. 3512. Port of Guam Improvement Enterprise Program.

SEC. 3501. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2009.

Funds are hereby authorized to be appropriated for fiscal year 2009, to be available without fiscal year limitation if so 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, $142,803,000, of which—

(A) $79,858,000 shall remain available until expended for expenses at the United States Merchant Marine Academy,

(B) $26,640,000 shall remain available until expended for capital improvements at the United States Merchant Marine Academy, and

(C) $10,987,000 shall remain available until expended for maintenance and repair of school ships of the State Maritime Academies.

(2) For expenses to maintain and preserve a United States-flag merchant fleet to serve the national security needs of the United States under chapter 531 of title 46, Unites States Code, $193,500,000, of which $19,500,000 will 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 expenses to dispose of obsolete vessels in the National Defense Reserve Fleet, $18,000,000.

(4) For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)) of loan guarantees under the program authorized by chapter 537 of title 46, United States Code, $30,000,000.

(5) For administrative expenses related to the implementation of the loan guarantee program under chapter 537 of title 46, United States Code, administrative expenses related to implementation of the reimbursement program under section 3517 of the Maritime Security Act of 2003 (46 U.S.C. 53101 note), and administrative expenses related to the implementation of the small shipyards and maritime communities assistance program under section 54101 of title 46, United States Code, $6,000,000.

SEC. 3502. LIMITATION ON EXPORT OF VESSELS OWNED BY THE GOVERNMENT OF THE UNITED STATES FOR THE PURPOSE OF DISMANTLING, RECYCLING, OR SCRAPPING.

(a) IN GENERAL.—Except as provided in subsection (b), no vessel that is owned by the Government of the United States shall be approved for export to a foreign country for purposes of dismantling, recycling, or scrapping.

(b) EXCEPTION.—Subsection (a) shall not apply with respect to a vessel if the Administrator of the Maritime Administration certifies to the Committee on Armed Services of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that—

(1) a compelling need for dismantling, recycling, or scrapping the vessel exists;

(2) there is no available capacity in the United States to conduct the dismantling, recycling, or scrapping of the vessel;

(3) any dismantling, recycling, or scrapping of the vessel in a foreign country will be conducted in full compliance with environmental, safety, labor, and health requirements for ship dismantling, recycling, or scrapping that are equivalent to the laws of the United States; and

(4) the export of the vessel under this section will only be for dismantling, recycling, or scrapping of the vessel.

(c) UNITED STATES DEFINED.—In this section the term ''United States'' means the States of the United States, Puerto Rico, and Guam.

SEC. 3503. STUDENT INCENTIVE PAYMENT AGREEMENTS.

Section 51509(b) of title 46, United States Code, is amended—

(1) by striking ''$4,000'' and inserting ''$8,000'';

(2) by inserting ''tuition,'' after ''uniforms,''; and

(3) by inserting ''before the start of each academic year'' after ''and be paid''.

SEC. 3504. RIDING GANG MEMBER REQUIREMENTS.

Section 1018 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 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, extend, 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 riding gang members 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 charter or contract for the carriage of cargo for the Department of Defense, for purposes other than engaging in the operation or maintenance of the vessel; and

''(B) the individual—

''(i) accompanies, supervises, guards, or maintains unit equipment aboard a ship, commonly referred to as supercargo personnel;

''(ii) is one of the force protection personnel of the vessel;

''(iii) is a specialized repair technician; or

''(iv) is otherwise required by the Secretary of Defense to be aboard the vessel.

''(2) BACKGROUND CHECK.—

''(A) IN GENERAL.—This section shall not apply to an individual unless—

''(i) the name and other necessary identifying information for the individual is submitted to the Secretary for a background check; and

''(ii) except as provided in subparagraph (B), the individual successfully passes a background check by the Secretary prior to going aboard the vessel.

''(B) WAIVER.—The Secretary 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, or a 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 not treated as 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. MAINTENANCE AND REPAIR REIMBURSEMENT PROGRAM FOR THE MARITIME SECURITY FLEET.

Section 3517(a) of the Maritime Security Act of 2003 (46 U.S.C. 53101 note; as amended by section 3503 of the National Defense Authorization Act for Fiscal Year 2006 (119 Stat. 3548)) is amended by adding at the end the following:

''(3) EXISTING OPERATING AGREEMENTS.—The Secretary of Transportation shall, subject to the availability of appropriations, seek to enter into an agreement under this section with one or more contractors under an operating agreement under that chapter that is in effect on the date of the enactment of this paragraph, regarding maintenance and repair of all vessels that are subject to the operating agreement.''.

SEC. 3506. TEMPORARY PROGRAM AUTHORIZING CONTRACTS WITH ADJUNCT PROFESSORS AT THE UNITED STATES MERCHANT MARINE ACADEMY AND FOR OTHER PURPOSES.

(a) IN GENERAL.—The Maritime Administrator may establish a temporary program for the purpose of, subject to the availability of appropriations, 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 not later than 6 months after the termination of contract authority under subsection (d).

(c) LIMITATION ON NUMBER OF CONTRACTORS.—In awarding contacts 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 end of the academic year 2008–2009.

(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 remain in effect 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).

(g) GIFTS TO THE ACADEMY.—

(1) IN GENERAL.—Chapter 513 of title 46, United States Code, is amended by adding at the end thereof the following:

''§ 51315. Gifts to the Merchant Marine Academy

''(a) IN GENERAL.—The Maritime Administrator may accept and use conditional or unconditional gifts of money or property for the benefit of the United States Merchant Marine Academy, including acceptance and use for non-appropriated fund instrumentalities of the Merchant Marine Academy. The Maritime Administrator may accept a gift of services in carrying out the Administrator's duties and powers. Property accepted under this section and proceeds from that property must be used, as nearly as possible, in accordance with the terms of the gift.

''(b) ESTABLISHMENT OF ACADEMY GIFT FUND.—There is established in the Treasury a fund, to be known as the 'Academy Gift Fund'. Disbursements from the Fund shall be made on order of the Maritime Administrator. Unless otherwise specified by the terms of the gift, the Maritime Administrator may use monies in the Fund for appropriated or non-appropriated purposes at the Academy. The Fund consists of—

''(1) gifts of money;

''(2) income from donated property accepted under this section;

''(3) proceeds from the sale of donated property; and

''(4) income from securities under subsection (c) of this section.

''(c) INVESTMENT OF FUND BALANCES.—On request of the Maritime Administrator, the Secretary of the Treasury may invest and reinvest amounts in the Fund in securities of, or in securities the principal and interest of which is guaranteed by, the United States Government.

''(d) DISBURSEMENT AUTHORITY.—There are hereby authorized to be disbursed from the Fund such sums as may be on deposit, to remain available until expended.

''(e) DEDUCTIBILITY OF GIFTS.—Gifts accepted under this section are a gift to or for the use of the Government under the Internal Revenue Code of 1986.''.

(2) CONFORMING AMENDMENT.—The chapter analysis for chapter 513 of title 46, United States Code, is amended by adding at the end the following:

''51315. Gifts to the Merchant Marine Academy.''.

(h) TEMPORARY APPOINTMENTS TO THE ACADEMY.—

(1) IN GENERAL.—Chapter 513 of title 46, United States Code, as amended by section 3513 of this Act, is further amended by adding at the end thereof the following:

''§ 51316. Temporary appointments to the Academy

''Notwithstanding any other provision of law, the Maritime Administrator may appoint any present employee of the United States Merchant Marine Academy non-appropriated fund instrumentality to a position on the General Schedule of comparable pay. Eligible personnel shall be engaged in work permissibly funded by annual appropriations, and such appointments to the Civil Service shall be without regard to competition, for a term not to exceed 2 years.''.

(2) CONFORMING AMENDMENT.—The chapter analysis for chapter 513 of title 46, United States Code, as amended by section 3513 of this Act, is further amended by adding at the end the following:

''51316. Temporary appointments to the Academy.''.

SEC. 3507. ACTIONS TO ADDRESS SEXUAL HARASSMENT AND VIOLENCE AT THE UNITED STATES MERCHANT MARINE ACADEMY.

(a) REQUIRED POLICY.—The Secretary of Transportation shall direct the Superintendent of the United States Merchant Marine Academy to prescribe a policy on sexual harassment and sexual violence applicable to the cadets and other personnel of the Academy.

(b) MATTERS TO BE SPECIFIED IN POLICY.—The policy on sexual harassment and sexual violence prescribed under this section shall include—

(1) a program to promote awareness of the incidence of rape, acquaintance rape, and other sexual offenses of a criminal nature that involve cadets or other Academy personnel;

(2) procedures that a cadet should follow in the case of an occurrence of sexual harassment or sexual violence, including—

(A) a specification of the person or persons to whom an alleged occurrence of sexual harassment or sexual violence should be reported by a cadet and the options for confidential reporting;

(B) a specification of any other person whom the victim should contact; and

(C) procedures on the preservation of evidence potentially necessary for proof of criminal sexual assault;

(3) a procedure for disciplinary action in cases of alleged criminal sexual assault involving a cadet or other Academy personnel;

(4) any other sanction authorized to be imposed in a substantiated case of sexual harassment or sexual violence involving a cadet or other Academy personnel in rape, acquaintance rape, or any other criminal sexual offense, whether forcible or nonforcible; and

(5) required training on the policy for all cadets and other Academy personnel, including the specific training required for personnel who process allegations of sexual harassment or sexual violence involving Academy personnel.

(c) ANNUAL ASSESSMENT.—

(1) The Secretary shall direct the Superintendent to conduct an assessment at the Academy during each Academy program year, to be administered by the Department of Transportation, to determine the effectiveness of the policies, training, and procedures of the Academy with respect to sexual harassment and sexual violence involving Academy personnel.

(2) For the assessment at the Academy under paragraph (1) with respect to an Academy program year that begins in an odd-numbered calendar year, the Superintendent shall conduct a survey, to be administered by the Department, of Academy personnel—

(A) to measure—

(i) the incidence, during that program year, of sexual harassment and sexual violence events, on or off the Academy reservation, that have been reported to officials of the Academy; and

(ii) the incidence, during that program year, of sexual harassment and sexual violence events, on or off the Academy reservation, that have not been reported to officials of the Academy; and

(B) to assess the perceptions of Academy personnel of—

(i) the policies, training, and procedures on sexual harassment and sexual violence involving Academy personnel;

(ii) the enforcement of such policies;

(iii) the incidence of sexual harassment and sexual violence involving Academy personnel; and

(iv) any other issues relating to sexual harassment and sexual violence involving Academy personnel.

(d) ANNUAL REPORT.—

(1) The Secretary shall direct the Superintendent of the Academy to submit to the Secretary a report on sexual harassment and sexual violence involving cadets or other personnel at the Academy for each Academy program year.

(2) Each report under paragraph (1) shall include, for the Academy program year covered by the report, the following:

(A) The number of sexual assaults, rapes, and other sexual offenses involving cadets or other Academy personnel that have been reported to Academy officials during the program year and, of those reported cases, the number that have been substantiated.

(B) The policies, procedures, and processes implemented by the Superintendent and the leadership of the Academy in response to sexual harassment and sexual violence involving cadets or other Academy personnel during the program year.

(C) A plan for the actions that are to be taken in the following Academy program year regarding prevention of and response to sexual harassment and sexual violence involving cadets or other Academy personnel.

(3) Each report under paragraph (1) for an Academy program year that begins in an odd-numbered calendar year shall include the results of the survey conducted in that program year under subsection (c)(2).

(4)(A) The Superintendent shall transmit to the Secretary, and to the Board of Visitors of the Academy, each report received by the Superintendent under this subsection, together with the Superintendent's comments on the report.

(B) The Secretary shall transmit each such report, together with the Secretary's comments on the report, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

SEC. 3508. ASSISTANCE FOR SMALL SHIPYARDS AND MARITIME COMMUNITIES.

(a) IN GENERAL.—Title 46, United States Code, is amended by inserting the following new chapter after chapter 539:

''CHAPTER 541—MISCELLANEOUS

''Sec

''54101. Assistance for small shipyards and maritime communities

''§ 54101. Assistance for small shipyards and maritime communities

''(a) ESTABLISHMENT OF PROGRAM.—Subject to the availability of appropriations, the Administrator of the Maritime Administration shall execute agreements with shipyards to provide assistance—

''(1) in the form of grants, loans, and loan guarantees to small shipyards for capital improvements; and

''(2) for maritime training programs to foster technical skills and operational productivity in communities whose economies are related to or dependent upon the maritime industry.

''(b) AWARDS.—In providing assistance under the program, the Administrator shall—

''(1) take into account—

''(A) the economic circumstances and conditions of maritime communities;

''(B) projects that would be effective in fostering efficiency, competitive operations, and quality ship construction, repair, and reconfiguration; and

''(C) projects that would be effective in fostering employee skills and enhancing productivity; and

''(2) make grants within 120 days after the date of enactment of the appropriations Act for the fiscal year concerned.

''(c) USE OF FUNDS.—

''(1) IN GENERAL.—Assistance provided under this section may be used—

''(A) to make capital and related improvements in small shipyards located in or near maritime communities;

''(B) to provide training for workers in communities whose economies are related to the maritime industry; and

''(C) for such other purposes as the Administrator determines to be consistent with and supplemental to such activities.

''(2) ADMINISTRATIVE COSTS.—Not more than 2 percent of amounts made available to carry out the program may be used for the necessary costs of grant administration.

''(d) PROHIBITED USES.—Grants awarded under this section may not be used to construct buildings or other physical facilities or to acquire land unless such use is specifically approved by the Administrator in support of subsection (c)(1)(C).

''(e) MATCHING REQUIREMENTS; ALLOCATION.—

''(1) FEDERAL FUNDING.—Except as provided in paragraph (2), Federal funds for any eligible project under this section shall not exceed 75 percent of the total cost of such project.

''(2) EXCEPTION.—If the Administrator determines that a proposed project merits support and cannot be undertaken without a higher percentage of Federal financial assistance, the Administrator may award a grant for such project with a lesser matching requirement than is described in paragraph (1).

''(3) ALLOCATION OF FUNDS.—The Administrator may not award more than 25 percent of the funds appropriated to carry out this section for any fiscal year to any small shipyard in one geographic location that has more than 600 employees.

''(f) APPLICATIONS.—

''(1) IN GENERAL.—To be eligible for assistance under this section, an applicant shall submit an application, in such form, and containing such information and assurances as the Administrator may require, within 60 days after the date of enactment of the appropriations Act for the fiscal year concerned.

''(2) MINIMUM STANDARDS FOR PAYMENT OR REIMBURSEMENT.—Each application submitted under paragraph (1) shall include—

''(A) a comprehensive description of—

''(i) the need for the project;

''(ii) the methodology for implementing the project; and

''(iii) any existing programs or arrangements that can be used to supplement or leverage assistance under the program.

''(3) PROCEDURAL SAFEGUARDS.—The Administrator, in consultation with the Office of the Inspector General, shall issue guidelines to establish appropriate accounting, reporting, and review procedures to ensure that—

''(A) grant funds are used for the purposes for which they were made available;

''(B) grantees have properly accounted for all expenditures of grant funds; and

''(C) grant funds not used for such purposes and amounts not obligated or expended are returned.

''(4) PROJECT APPROVAL REQUIRED.—The Administrator may not award a grant under this section unless the Administrator determines that—

''(A) sufficient funding is available to meet the matching requirements of subsection (e);

''(B) the project will be completed without unreasonable delay; and

''(C) the recipient has authority to carry out the proposed project.

''(g) AUDITS AND EXAMINATIONS.—All grantees under this section shall maintain such records as the Administrator may require and make such records available for review and audit by the Administrator.

''(h) SMALL SHIPYARD DEFINED.—In this section, the term 'small shipyard' means a shipyard facility in one geographic location that does not have more than 1,200 employees.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator of the Maritime Administration for each of fiscal years 2009 through 2013 to carry out this section—

''(1) $5,000,000 for training grants; and

''(2) $25,000,000 for capital and related improvements.''.

(b) CONFORMING AMENDMENT.—Section 3506 of the National Defense Authorization Act for Fiscal Year 2006 (46 U.S.C. 53101 note) is repealed.

SEC. 3509. MARINE WAR RISK INSURANCE.

Section 53912 of title 46, United States Code, is amended by striking ''December 31, 2010.'' and inserting ''December 31, 2015.''.

SEC. 3510. MARAD CONSULTATION ON JONES ACT WAIVERS.

Section 501(b) of title 46, United States Code, is amended to read as follows:

''(b) BY HEAD OF AGENCY.—When the head of an agency responsible for the administration of the navigation or vessel-inspection laws considers it necessary in the interest of national defense, the individual, following a determination by the Maritime Administrator, acting in the Administrator's capacity as Director, National Shipping Authority, of the non-availability of qualified United States flag capacity to meet national defense requirements, may waive compliance with those laws to the extent, in the manner, and on the terms the individual, in consultation with the Administrator, acting in that capacity, prescribes.''.

SEC. 3511. TRANSPORTATION IN AMERICAN VESSELS OF GOVERNMENT PERSONNEL AND CERTAIN CARGOES.

(a) IN GENERAL.—Section 55305(b) of title 46, United States Code, is amended—

(1) by striking ''country'' and inserting ''country, organization, or persons'';

(2) by inserting ''or obtaining'' after ''furnishing''; and

(3) by striking ''commodities,'' the first place it appears and inserting ''commodities, or provides financing in any way with Federal funds for the account of any persons unless otherwise exempted,''.

(b) OTHER AGENCIES.—Section 55305(d) of title 46, United States Code, is amended to read as follows:

''(d) PROGRAMS OF OTHER AGENCIES.—

''(1) Each department or agency that has responsibility for a program under this section shall administer that program with respect to this section under regulations and guidance issued by the Secretary of Transportation. The Secretary, after consulting with the department or agency or organization or person involved, shall have the sole responsibility for determining if a program is subject to the requirements of this section.

''(2) The Secretary—

''(A) shall conduct an annual review of the administration of programs determined pursuant to paragraph (1) as subject to the requirements of this section;

''(B) may direct agencies to require the transportation on United States-flagged vessels of cargo shipments not otherwise subject to this section in equivalent amounts to cargo determined to have been shipped on foreign carriers in violation of this section;

''(C) may impose on any person that violates this section, or a regulation prescribed under this section, a civil penalty of not more than $25,000 for each violation willfully and knowingly committed, with each day of a continuing violation following the date of shipment to be a separate violation; and

''(D) may take other measures as appropriate under the Federal Acquisition Regulations issued pursuant to section 25(c)(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)(1) or contract with respect to each violation.''.

(c) REGULATIONS.—The Secretary of Transportation shall prescribe such rules as are necessary to carry out section 55305(d) of title 46, United States Code. The Secretary may prescribe interim rules necessary to carry out section 55305(d) of such title. An interim rule prescribed under this subsection shall remain in effect until superseded by a final rule.

(d) CHANGE OF YEAR.—Section 55314(a) of title 46, United States Code, is amended by striking ''calendar'' each place it appears and inserting ''fiscal''.

SEC. 3512. PORT OF GUAM IMPROVEMENT ENTERPRISE PROGRAM.

(a) IN GENERAL.—The Secretary of Transportation, acting through the Administrator of the Maritime Administration (in this section referred to as the ''Administrator''), may establish a Port of Guam Improvement Enterprise Program (in this section referred to as the ''Program'') to provide for the planning, design, and construction of projects for the Port of Guam to improve facilities, relieve port congestion, and provide greater access to port facilities.

(b) AUTHORITIES OF THE ADMINISTRATOR.—In carrying out the Program, the Administrator may—

(1) receive funds provided for the Program from Federal and non-Federal entities, including private entities;

(2) provide for coordination among appropriate governmental agencies to expedite the review process under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for projects carried out under the Program;

(3) provide for coordination among appropriate governmental agencies in connection with other reviews and requirements applicable to projects carried out under the Program; and

(4) provide technical assistance to the Port Authority of Guam (and its agents) as needed for projects carried out under the Program.

(c) PORT OF GUAM IMPROVEMENT ENTERPRISE FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a separate account to be known as the ''Port of Guam Improvement Enterprise Fund'' (in this section referred to as the ''Fund'').

(2) DEPOSITS.—There shall be deposited into the Fund—

(A) amounts received by the Administrator from Federal and non-Federal sources under subsection (b)(1);

(B) amounts transferred to the Administrator under subsection (d); and

(C) amounts appropriated to carry out this section under subsection (f).

(3) USE OF AMOUNTS.—Amounts in the Fund shall be available to the Administrator to carry out the Program.

(4) ADMINISTRATIVE EXPENSES.—Not to exceed 3 percent of the amounts appropriated to the Fund for a fiscal year may be used for administrative expenses of the Administrator.

(5) AVAILABILITY OF AMOUNTS.—Amounts in the Fund shall remain available until expended.

(d) TRANSFERS OF AMOUNTS.—Amounts appropriated or otherwise made available for any fiscal year for an intermodal or marine facility comprising a component of the Program shall be transferred to and administered by the Administrator.

(e) LIMITATION.—Nothing in this section shall be construed to authorize amounts made available under section 215 of title 23, United States Code, or any other amounts made available for the construction of highways or amounts otherwise not eligible for making port improvements to be deposited into the Fund.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Fund such sums as may be necessary to carry out this section.

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

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

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

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

There was no objection.

Mr. SKELTON. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I am very proud to bring the DUNCAN HUNTER National Defense Authorization Act for Fiscal Year 2009 to the floor today for approval by the House.

This bill represents a final agreement reached with the Senate, and I believe it can pass the Senate, which is critical, of course. The troops and their families need these authorities by September 30.

It's important to note this agreement was reached in a very short period of time. While the House finished its work back in May, the Senate approved its version of the bill just one week ago today.

The two Armed Services Committees have been working overtime ever since, and as a result we have not been able to provide all of the notice and time for examination of the bill that we normally would. I regret that fact. But I can assure the House that we observed all of the long-standing traditions of fairness and bipartisanship this committee is known for.

My good friend, DUNCAN HUNTER, and his team of members and his staff have been involved in every step of this process, and we have also worked hard to consult with the outside committees on the issues that are within their jurisdiction. We also placed the completed bill and report language on our Web site as soon as it was done last evening.

This is a good bill. It authorizes $531.4 billion for the Department of Defense and the national security programs of the Department of Energy. It also authorizes $68.6 billion to support ongoing military operations in Iraq and Afghanistan during fiscal year

2009, a similar amount to that which passed the House in May.

To restore readiness, this agreement provides $8.6 billion for the Army and $1.8 billion for the Marine Corps to repair and replace equipment. This agreement also provides $800 million for National Guard and Reserve equipment. To help manage demands placed on our servicemembers by our military obligations, the agreement increases the size of the military by 7,000 soldiers, 5,000 marines, over 1,000 sailors and 450 airmen.

To improve the quality of life for our forces and their families, the agreement provides a 3.9 percent pay raise for the troops, which is .5 percent more than the President's budget request. The agreement also preserves important health care benefits by prohibiting fee increases in TRICARE and the TRICARE pharmacy program and creating new preventive health care initiatives to improve the readiness of our force.

Finally, I would like to say a word about the person for whom this bill is named, as well as for others who helped us get the bill done under an extraordinary time frame. DUNCAN HUNTER has been a tireless advocate for the troops and a great partner, as well as a personal friend to me. The Armed Services Committee will miss him. I think it's deeply appropriate that we name this bill for him.

I also want to thank all the members of the Armed Services Committee, particularly the subcommittee chairmen and the ranking members. Finally, I wish to thank the bipartisan staff, fantastic staff, they couldn't be better. Our committee has been blessed with such a staff, and they have worked tirelessly to help get this bill negotiated and completed. It is an excellent bill. It's urgently needed by our military, and I urge my colleagues in the House, as well as in the Senate, to vote for the National Defense Authorization Act for Fiscal Year 2009, which is named for and in honor of DUNCAN HUNTER, the ranking member, former chairman of this committee.

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

Mr. HUNTER. Mr. Speaker, I yield myself such time as I might consume.

To my great friend, IKE SKELTON, and all my colleagues on the Armed Services Committee, it is an undeserved honor, but I want to thank you for the wonderful job that you have all done in putting this bill together.

This bill would not be, with all of the exigencies that we have had, and all of the difficulties in the other body to get their bill up, this bill would not be before this body now if it wasn't for the leadership of IKE SKELTON.

There are a lot of military institutions in Missouri and around this country which teach members of the uniformed services leadership, but there is another institution which exhibits leadership every day, as chairman of this committee, and that's our chairman, IKE SKELTON.

□ 1030

IKE worked this thing through a difficult period of time, with the emergencies that are emanating right now in the Capitol and the major economic emergency which is distracting lots of folks who otherwise could be working on this bill. Time schedules have been extremely difficult, and IKE SKELTON, in his quiet way with his quiet leadership and his corporate understanding, he is the main body of history for the Armed Services Committee. He is the guy who remembers not only what happened in this committee 10 and 20 and 30 and 40 years ago, but also what happened in the wars that this Nation fought and what happened in that institution across the river known as the Pentagon. And being able to recall that history at important times in our deliberative processes is a great, great asset to this Nation. IKE, I want to congratulate you. This is your bill. It may have my name on it, but this is your bill. You brought this thing through to the House floor in the most difficult circumstances. Not only that, it is a wonderful bill.

The chairman has talked a lot about the details of the bill. This is an authorization of $531.4 billion. It does authorize a $68.6 billion bridge fund; a bridge fund, I might add, that was an initiative of the Armed Services Committee several years ago.

We looked at our troops in Afghanistan and Iraq and said they are going to have to have the equipment and the resources during the later months in the calendar year before that spring supplemental arrives, and we came up with the bridge fund. The President followed our lead. The appropriators have followed our lead, and it has been an excellent vehicle allowing us to maintain in these warfighting theaters while we are waiting for the next funding vehicle. My congratulations to IKE for that.

We do have a good pay raise for the members of the armed services, a 3.9 percent pay raise. You know, this bill does several other things, and I will speak generally about them. It leverages American strengths. It leverages American strengths by continuing to keep the line warm, for example, on F–22 which is a key weapon system because it is a weapon system with the capability to penetrate air defenses that are here today and which may be here tomorrow. It leverages two great American innovations: stealth and precision weapons.

I would urge all of my colleagues as we go into this very difficult, very dangerous era for the United States, to continue to put pressure on and to produce American leverage. And stealth and precision technology are two of those items of technology, as is undersea technology. And we are moving toward an acceleration of the submarine program in this bill. That is very critical.

One disappointment I have is we are not doing enough in space. I would just say to my colleagues that the shooting down of a satellite by China this last year heralded a new era of military competition in space with China whether we like it or not. When you are in a military competition, there is only one alternative and that is to win. So I would urge this committee to continue in the years ahead to build a capability in space to make sure that we maintain all of the institutions and the apparatus that we need there to make sure that our military operates effectively here and that our economy operates effectively here.

Also in the area of missile defense, we are moving ahead to try to establish a missile defense capability in Europe that would handle through that throat of approach out of an Iranian missile launch that might take place 5 years or 10 years or 15 years from now, or perhaps even earlier. That is an important item because that brings the partnership, the NATO-plus partnership of the newly freed captive nations, but also the NATO membership, along with us in what is sometimes a difficult path, an expensive path, but nonetheless a necessary path to defend the world in this new era of missiles.

Mr. Speaker, there are a lot of excellent items in this bill. In the end they all go down to and reflect on and focus on the most important warfighting leverage that the United States have, and that is the men and women of this country who wear the uniform of the United States.

I just want to commend my colleagues for the wonderful job that they have done in making sure that the men and women of the United States have the right equipment and the right incentives and good pay and good quality of life for their families such that when I was in a recruiting office the other day, and no I wasn't signing up, but when I was in one of the old Army recruiting offices in good old San Diego, the one shortage that they had, the one specialty, military occupational specialty that they had which was not available because too many people had subscribed for it and too many people had signed up for it was infantry.

And I thought in these dangerous theaters of Iraq and Afghanistan, the idea that we have more people than we need signing up for the United States infantry is a reflection largely on this committee.

We have two Members who are retiring, the great Mr. EVERETT of Alabama and the great Mr. SAXTON of New Jersey. Mr. UDALL is moving on to another race, and we wish him well in his endeavors. But those two gentlemen are retiring.

TERRY EVERETT has done more good for this country behind closed doors than a lot of folks have done with lots of press conferences and lots of pronouncements. The quiet man. I know that Mrs. TAUSCHER held a nice going-away party for Mr. EVERETT that I thought was well-deserved. He is a quiet man who has done so much for

this country behind closed doors and is such a valuable asset to the United States.

And Mr. SAXTON, who years before the war against terror started was the chairman of the Task Force on Terrorism here in the House who did lots of research and did lots of prediction that this would be the conflict and the challenge of this new era.

JIMMY SAXTON is owed a debt of gratitude by everybody who wears those special forces uniforms around the world. Whether they are Seals or Army Rangers or Green Berets, JIMMY SAXTON has devoted many years to making sure that they have gotten what they need. What a wonderful member of this committee he has been.

It is with a little touch of sadness that I am here on this last bill that I am going to be involved in with this undeserved honor of having my name on this bill, which is a case of more generosity than was deserved by the chairman and the members, but it has been an honor to serve on this committee. It is a wonderful bipartisan committee, probably the most bipartisan in the House of Representatives, always with our focus on the security of the United States, even in difficult economic times like these. This committee has a very excellent focus on what is important to keep that number one requirement, that number one Constitutional mandate on government, and that is our first obligation is to protect our people. This committee does a great job.

I reserve the balance of my time.

Mr. SKELTON. I yield 2 minutes to my friend, the chairman of the Subcommittee on Readiness, the gentleman from Texas (Mr. ORTIZ).

Mr. ORTIZ. Mr. Speaker, I thank the chairman.

I rise in support of this bill before us today. I would like to thank Chairman SKELTON and of course my good friend, Ranking Member DUNCAN HUNTER. I value his friendship. We have traveled many places around the world visiting our troops and looking at their needs. Thank you for your leadership, and I value your friendship, DUNCAN.

Mr. HUNTER. If the gentleman would yield.

Mr. ORTIZ. I yield.

Mr. HUNTER. I thank the gentleman. I remember being with him when the 82nd Airborne jumped into Honduras, when the Sandinistas came across the border, and I remember the press conference that was held after that. The gentleman's statements were so inspiring, I have never forgotten them. We have been in many parts of the world, the last time up on the DMZ watching the North Koreans. The gentleman has been a real leader in this committee, and I really appreciate it.

Mr. ORTIZ. I thank the gentleman.

I also want to thank the gentleman from Virginia (Mr. FORBES) for his help in bringing together this excellent bill. And I would like to thank my staff because they did a heck of a good job meeting with Senate staff and many other committees before bringing this bill to the House floor.

I am proud to say this bill focuses on restoring the readiness of our military. However, there is much work to be done. Significant investments will need to be made in the upcoming years by Congress and the next administration or we will risk breaking our forces.

This bill continues the work of the Armed Services Committee to restore readiness by authorizing $154 billion for operations, maintenance and training, and $25 billion for military construction. And $8.6 billion for the Army and $1.8 billion for the Marine Corps was authorized for the repair and replacement of equipment.

To address depot workloads following equipment reset, the bill requires the Department of Defense to contract for an independent assessment of the depot capability that will be needed in the future.

The bill takes positive steps to restrain the Department of Defense's increased reliance on the use of contractors to perform critical functions, including development of a single definition of ''inherently governmental,'' development of policies on personal conflicts of interest, and limits on personal service contracts.

We continue to take steps to look out for our deployed civilian employees by lifting limits on premium pay and allowing them to voluntarily sign up for additional life insurance.

But I am concerned that the bill does not address the Department of Defense's aggressive use of public-private competitions.

I ask my colleagues to support this bill. It is a very good bill.

Mr. HUNTER. I yield 2 minutes to the gentleman from Alabama, a very distinguished gentleman, Mr. EVERETT.

Mr. EVERETT. I thank my good friend, Mr. HUNTER, for yielding to me, and thank him for his friendship, his counsel, and his undeserved kind words about me. He has been a tireless advocate for our men and women in uniform, and this bill fittingly bears his name.

I want to congratulate the gentleman from Missouri (Mr. SKELTON) and the gentlewoman from California (Mrs. TAUSCHER). She has shown great thought, candor and leadership in guiding the Strategic Forces Subcommittee forward.

I want to rise in strong support of this bill. This is a good bill. It provides vital resources for our armed forces, and strengthens our Nation's strategic forces. Our committee has worked well and worked together in a bipartisan, bicameral manner to produce this important legislation.

I am pleased that it restores $124 million for the European missile defense sites, and modifies conditions that would allow construction to begin.

Since May, both the Czech Republic and Poland have signed missile defense agreement. Iran continues to test longer-range missiles and ignore questions about their nuclear program.

The efforts reflects a shared commitment to our collective security. Therefore, I want to personally commend the Czech and Polish governments and encourage swift ratification of the agreements.

Mr. Speaker, I would be remiss if I did not recognize my fellow subcommittee members on both sides of the aisle and their staffs. We tackled complex issues such as space, missile defense and nuclear weapons, and do such with openness, diligence and professionalism.

Let me finish with this troubling statistic. China graduated 500,000 engineers. India graduated 200,000 engineers, and the United States graduated 70,000. We have some serious challenges ahead of us to maintain our technical leadership in space.

I would like my complete statement put in the RECORD.

Mr. Speaker, I thank my good friend, Mr. HUNTER for yielding to me, and thank him for his friendship and counsel. Mr. HUNTER has been a tireless advocate for our men and women in uniform and it is fitting for this defense bill to bear his name.

I also want to recognize and congratulate the gentleman from Missouri, Mr. SKELTON, and especially the gentlewoman from California, Mrs. TAUSCHER.

She has shown great thought, candor, and leadership in guiding the Strategic Forces subcommittee forward.

I rise in support of the Ducan Hunter Fiscal Year 2009 National Defense Authorization Act.

This is a good bill that provides vital resources for our armed forces, and strengthens our nation's strategic forces.

Our committee has worked together in a bipartisan, bicameral manner to produce this important national security legislation.

This bill makes some noteworthy improvements over the version passed by the House in May.

I am pleased that it restores $124 million for the European missile defense sites, and modifies conditions that would allow construction to begin.

Since May, both the Czech Republic and Poland have signed missile defense agreements. Iran continues to test longer-range missiles and ignore questions about its nuclear program.

These efforts reflect a shared commitment to our collective security. Therefore, I want to personally commend the Czech and Polish governments, and encourage swift ratification of the agreements.

We continue to endorse the development and fielding of near-term missile defense capabilities. The bill—

Increases Aegis Ballistic Missile Defense and THAAD by $120 million; and

Authorizes Ground-based Midcourse Defense (GMD) at the budget request.

The bill also restores some funds to key future capabilities, specifically Airborne Laser, K–E–I and the Multiple Kill Vehicle.

I am disappointed that an independent study to examine the feasibility of space-based interceptors was not included in the agreement. With other nation's antisatellite pursuits and missile threats becoming more sophisticated, I

felt it was time to study the viability of such technology.

I remain concerned about the Department's performance in its missile defense testing and targets program.

I am, however, committed to working with them to ensure the conditions for success are in place, so we can build greater confidence in our defense capabilities.

In the area of military space, the bill funds key space modernization programs such as SBIRS, G–P–S–III, W–G–S, and T–SAT. We included a provision that requires the Secretary of Defense and the Director of National Intelligence to review our communications bandwidth requirements—to ensure we have the capabilities in place to support our future weapons systems.

Within the area of atomic energy defense activities, the bill reflects broad bipartisan agreement. The bill—

Adds funds for key nuclear surety and weapons surveillance activities;

Establishes a nonproliferation scholarship program for college students; and

Directs an assessment of how to increase the security of nuclear weapons around the world.

We also emphasize that the Department of Defense should pay greater attention to nuclear weapons matters, particularly in light of recent nuclear mishaps.

The next administration will be faced with tough decisions about our Nation's aging nuclear infrastructure, weapons systems, and workforce. I was disappointed that we did not fund the Reliable Replacement Warhead Phase 2a study. I ask my colleagues to take a hard look at this concept.

It has the potential to provide our Nation with a safer, more secure, and reliable nuclear deterrent, that may permit greater reductions in our stockpile.

Finally, Mr. Speaker, I would be remiss if I did not recognize my fellow subcommittee members on both sides of the aisle, and their staffs. We tackle complex issues such as space, missile defense, and nuclear weapons policy, and do so with openness, diligence, and professionalism.

As the Strategic Forces former chairman and now ranking member, I have had the great fortune to meet incredibly hard-working, talented space, nuclear, missile defense, and intelligence professionals. However, they need our help and continued support.

I heard a troubling statistic this morning:

China graduated 50O,000 engineers.

India graduated 200,000.

The United States only graduated 70,000.

We have some serious challenges ahead of us to maintain our technical leadership.

During my 16 years in the House, it has been an honor and privilege to work on the Armed Services Committee to enhance our nation strategic forces capabilities, strengthen our national security, and support our men and women in uniform.

Mr. SKELTON. I yield 2 minutes to the gentlewoman from California (Mrs. TAUSCHER), the chairman of the Subcommittee on Strategic Forces.

Mrs. TAUSCHER. Mr. Speaker, I thank the chairman of the full committee and congratulate the ranking member, Mr. HUNTER, for his service and his friendship. And I want to say how much it has been a pleasure to work on this bill with my friend and ranking member, the representative from Alabama, Mr. EVERETT. This is his last defense authorization bill, and I want to thank him for his wisdom and his leadership and his friendship. Godspeed on your retirement, Mr. EVERETT.

This legislation reflects three crucial themes. First, it ensures the safety, security and reliability of our nuclear deterrent. The bill urges the Secretary to clarify lines of responsibility for nuclear weapons.

It authorizes $6.6 billion for the Stockpile Stewardship Program, but does not fund the reliable replacement warhead.

Second, the bill emphasizes missile defense systems that address near-term threats to the United States with more deliberate development of less mature systems to meet longer-term threats.

The bill authorizes $8.9 billion for the Missile Defense Agency which is $410 million less than the President's request, but $270 million above last year's funded level.

The bill allows construction of the European radar site upon final approval from the host nation, but prohibits construction of the European interceptor site proposed for Poland until both Poland and the Czech Republic have given final approval.

The bill provides an additional $100 million for the Aegis BMD and THAAD programs, and increases funding for the U.S.-Israel missile defense programs.

Third, this legislation authorizes major space programs and requires the Department of Defense and the Director of National Intelligence to jointly plan on meeting national security bandwidth needs.

□ 1045

We have a fabulous staff on the subcommittee, very, very energetic and hardworking members.

Mr. Speaker, this is a strong bill. I thank everyone for their support, and I urge its adoption.

Mr. HUNTER. I would yield to Mr. THORNBERRY, the distinguished gentleman from Texas, 2 minutes.

Mr. THORNBERRY. Mr. Speaker, I rise in support of this defense authorization bill, appropriately named for our colleague from California, who has done so much to serve and to strengthen the United States during his time here and before.

Mr. Speaker, as we are here on the floor, the Armed Services Committee is receiving testimony from a distinguished retired general who is there to remind us that whatever strategy the United States has in the future, it must be to win the wars we are in, not just end them. That is certainly the philosophy that I think the terrorism portion of this bill brings to the table, that portion of the bill that reminds us that this country is still at war against a radical enemy who seeks to hurt as many of us as possible, that portion of the bill extends and expands some of the key authorities that enable us to work with other militaries, other security forces so that we can have that battle on their soil rather than having them here.

That portion of the bill also acknowledges that we are not just in a kinetic struggle, we're in an ideological struggle, and tries to take some steps forward to deal with issues such as strategic communications.

That portion of the bill also acknowledges that we have to bring the whole government to this fight. It can't be something that just the military alone does, but we need the full range of capabilities by the United States Government, and we've had a problem in doing that.

Overall, I think this bill helps make the country stronger and safer, and I believe that all Members should support it.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to my friend and colleague, the gentleman from Mississippi, the chairman of the Subcommittee on Sea Power, Mr. TAYLOR.

Mr. TAYLOR. I want to thank the chairman of our committee and our ranking member for working together to help Mr. BARTLETT and I put together what we think is an excellent package on the Navy and Marine Corps programs.

Mr. Speaker, we took the $14 billion that the President of the United States had asked for in shipbuilding to build seven ships, and because of the good work of Captain Ebbs on our subcommittee and Ms. Simler, we were able to stretch that out to 10 ships by setting other priorities.

We didn't quite get the package that originally passed the House due to some concessions to the Senate, but we did give the Secretary of the Navy the leeway to return to building the DD–51 program, rather than the DD–1000, should he deem that be in the best interest of our Nation. I think it is.

Additionally, we have $1.6 billion in funding for the National Sealift Fund. For the Maritime Administration we have about $878 million, which includes money for the Merchant Marine Academy, Military Sealift program, Assistance to Small Shipyards, and $30 million for the vital title XI program.

We've also given the Maritime Administration, working with the Senate, the language to make adjustments at the Merchant Marine Academy, so that their very generous alumni can continue to contribute to that institution, and those funds help subsidize the cost of it.

I want to point out that with the great help of my ranking member, Mr. BARTLETT, we have taken a second huge step as a Nation to lessen our Nation's military vulnerabilities to having our fuel cut off. Last year, with his help, we determined that the next generation of cruisers would be nuclear-powered. This year, again with his assistance, we're going to see to it that the next generation of marine amphibious assault ships will have nuclear

propulsion, which means that we don't have to call on Hugo Chavez or the Iranians to get our vessels from one place to another, and that is a huge step on the part of this Nation towards energy independence.

Again, I want to thank the chairman and our ranking member. We have about $14 billion in for shipbuilding. We have another $14 billion in for planes and helicopters for the Navy and Marine Corps, $10 billion for weapons, ammunition, vehicles and equipment upgrades for the Navy and Marine Corps. Again, none of this could have been done without the tremendous assistance of my ranking member from Maryland (Mr. BARTLETT).

Mr. HUNTER. I would yield to Mr. BARTLETT, the gentleman from Maryland, a very distinguished gentleman and one of our great leaders on the Armed Services Committee, 2 minutes.

Mr. BARTLETT of Maryland. Mr. Speaker, I strongly encourage my colleagues to suspend the rules and pass the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009.

As ranking member of the Seapower and Expeditionary Forces Subcommittee, I applaud the efforts that Chairman SKELTON, Ranking Member HUNTER and Chairman TAYLOR have made to negotiate a final package with the Senate under extraordinarily constrained circumstances, the shortest conference in history, I think.

I want to thank the staff for their invaluable contributions. This bill does an excellent job of meeting the needs of our soldiers, sailors, aviators and marines.

The bill fully funds the next generation carrier, the next Virginia class submarine, and provides advanced procurement funding that would smooth the ramp for construction of two Virginia class submarines per year. This bill authorizes and fully funds two T-AKEs and two Littoral Combat Ships.

The bill would also provide advance procurement for a DDG–51 destroyer, which the Navy has testified would better meet their requirements. We have still provided sufficient funding for DDG–1000 to give the Navy options and flexibility for the procurement of surface combatants.

Additionally, the bill extends the House commitment to expand nuclear propulsion for shipbuilding. In addition to next generation cruisers, the bill would also require that future amphibious assault vessels include nuclear power.

Finally, Mr. Speaker, I would like to congratulate several of our colleagues who are retiring at the end of this Congress. DUNCAN HUNTER, JIM SAXTON and TERRY EVERETT have my deepest respect and gratitude. Thank you for your dedication and service to our country and everything you have done for the men and women in uniform.

Mr. Speaker, I ask my colleagues to support this bill.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to my friend, the chairman of the Subcommittee on Terrorism, Unconventional Threats, and Capabilities, the gentleman from Washington (Mr. SMITH).

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

Mr. SMITH of Washington. First of all, I want to congratulate and thank Chairman SKELTON and Ranking Member HUNTER. Their dedication to making sure that we get a defense authorization bill done every year is truly admirable and an amazing accomplishment. They understand the importance of making sure that our committee sets the policy and the direction for national security and military policy in this country, and they are determined to get it done.

The challenges were great this year, and yet they still got us a bill done on time and a bill that will really, really help the men and women who are fighting for us in our Armed Services and help protect our country. And that is a tribute to their leadership.

I also want to thank Ranking Member THORNBERRY on our subcommittee for his great work. Our subcommittee, as he mentioned, is focused on specifically the war against al Qaeda and violent extremists, with jurisdiction over SOCOM and to handle unconventional threats.

I am proud that this bill fully funds SOCOM and their efforts to protect us from terrorism across the globe. This bill also emphasizes science and technology and our need to develop the best, most advanced weapons to protect our military troops everywhere that they are fighting.

I think this is an excellent bill, one that was not easy to accomplish, and I'm very proud of what our subcommittee has accomplished as well.

Mr. HUNTER. Mr. Speaker, I would yield to Mr. AKIN, the very distinguished gentleman from Missouri, 1 minute.

Mr. AKIN. Mr. Speaker, I would comment that one of the things that the public would really like to see in Congress is for us to come down here, put our partisan differences aside and actually solve some problems. We don't always do a good job in that regard on many topics. But this is quite an exception today. And I think it's a time that the public can be very thankful for Chairman SKELTON from the great State of Missouri and also for Ranking Member HUNTER. Both of them have rolled their sleeves up and have put together an authorization bill that actually deals with the problems that face our country and have a very credible solution.

This is a ''hats off'' for people who've worked very hard. We're very thankful to have a chance to get the bill passed, and it's that tone of our leadership that is willing to solve problems instead of squabbling like a bunch of cats. This is a very bright day. We're thankful for that leadership.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the chairman of the Subcommittee on Military Personnel, the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Speaker, I rise in support of the National Defense Authorization Act for Fiscal Year 2009.

I want to recognize the ranking member of the Military Personnel Subcommittee, Mr. MCHUGH, for his contributions to this bill. It provides significant personnel benefits and policies that are important to our men and women in uniform and their families, and I believe it merits full support.

Some of the highlights of the military personnel area include the following: A 3.9 percent pay raise, an increase of .5 percent above the President's request; prohibition on increases in TRICARE copays and deductibles; preventing TRICARE pharmacy copay increases for a year; establishing a tuition assistance program for eligible military spouses; growing the end strength for the Army and the Marine Corps; increasing full-time manning for the Army National Guard.

We also provided over $50 million for Impact Aid to local educational agencies; increased the use of preventive care services by TRICARE beneficiaries, including waiving copayments for preventive services and creating smoking cessation programs.

Finally, this bill creates a Department of Defense task force on the prevention of suicide.

Our Nation has been at war for 7 years. Repeated deployments continue to take a hard toll on our servicemembers and their families, and the bill before us recognizes their sacrifices and addresses the increasing support that they and their families need to be trained and equipped before, during and following a deployment.

Mr. Speaker, we would not be here today without the leadership of Chairman SKELTON and Ranking Member HUNTER, and I want to wish my colleague from San Diego well as he leaves the Congress. Chairman SKELTON and Ranking Member HUNTER have gone through extraordinary lengths to ensure that this Congress will have a defense authorization bill. I also want to thank my subcommittee staff for all of their hard work over the past year.

I urge my colleagues to support the bill.

Mr. HUNTER. I want to commend my seatmate from San Diego for her very hard work on this bill and her leadership.

I yield 1 minute to Mr. MCHUGH, who over the many years has been one of the great leaders in this country for what I call, when we used to call the subcommittee the total force, which is the Guard, the Reserve, the active duty, those 2½ million men and women who serve this country so effectively, and to this guy who knows probably more about them than just about anybody I've ever met and knows more about policy, the gentleman from New York (Mr. MCHUGH).

Mr. MCHUGH. I thank the gentleman for yielding. I'm very, very flattered by his gracious comments as probably unmerited as they may be.

Mr. Speaker, this is a bittersweet moment. It is sweet, or certainly an uplifting moment because we are here on the floor with a defense authorization bill. Had you asked anybody just a few weeks ago, I think they would have suggested no, it couldn't be possible. Yet through the incredible leadership of the gentleman from Missouri (Mr. SKELTON) and former chairman and now able ranking member, the gentleman from California (Mr. HUNTER), we are here, and we're not just here in presence, we're here with an absolutely incredible bill.

I want to thank the gentlelady from California, my counterpart, the Chair of the Personnel Subcommittee, for her leadership. As you look at this bill, it meets the absolute first criteria of any effective DOD authorization bill, taking care of the troops.

You heard the gentlelady recount the very positive things in this bill, and I couldn't agree with her more. I'm proud to be even remotely associated with that.

I would also say, this is a triumphant staff. We are served incredibly well, day in and day out, by our professional staff members.

□ 1100

Never have they distinguished themselves more than they have this year. To do what it usually takes 6, 7, 8, 9 weeks and more in a matter of days is just an achievement that rings so very solidly to their credit but also is important to the goodwill of the Members.

But I will tell you, this is a sad moment. This bill is very appropriately named after my colleague, my leader, DUNCAN HUNTER, but he is taking with him the kind of dedication, devotion, and leadership that are not easily replaced, and he will be sorely, sorely missed, and certainly as a friend I will miss him dearly.

But just to kind of add insult to injury, he's taking with him two great Members, TERRY EVERETT and JIM SAXTON, folks who have led this committee and done so much good. But we carry forward in their great tradition. This is a great bill in their memory, and I urge my colleagues to support it.

Mr. SKELTON. Mr. Speaker, at this time, I yield 90 seconds to the gentlelady from New Hampshire for the purpose of a colloquy.

Ms. SHEA-PORTER. I thank the gentleman.

I rise today in strong support for the men and women of the Portsmouth Naval Shipyard. The Portsmouth Naval Shipyard has prepared a detailed capital improvement program that elevates their shipyard from the gold standard to the platinum standard. It will ensure that the Portsmouth Naval Shipyard is prepared to meet future challenges required of the Navy's long-term ship repair vision. I support this long-term capital investment strategy and believe that it is incumbent on the Congress to support all of our public shipyards and, most importantly, the Portsmouth Naval Shipyard Capital Improvement Program.

I yield to the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. I thank the gentlelady for raising this important issue. I also commend her for her long-standing support and advocacy for the Portsmouth Naval Shipyard.

At her request to the committee to support critical facility improvement projects in this year's bill, I am delighted to inform her that we have included over $30 million in capital improvement projects, including a critical Waterfront Support Facility and a Consolidated Component Improvement Facility.

I would also like to make it clear for the record that due to a clerical error, Ms. SHEA-PORTER's name was not included in the transparency table that accompanied the bill showing that she had requested the Waterfront Support Facility. This was an oversight and will be corrected in an addendum to show that she had requested and supported the addition of these facilities in the bill.

I commend her for her strong support of the shipyard and would support her continued advocacy for this critical national asset.

Ms. SHEA-PORTER. I appreciate the chairman's support for my request to include these projects in this year's National Defense Authorization Act and, most importantly, the chairman's support of the men and women at the Portsmouth Naval Shipyard.

Mr. HUNTER. Mr. Speaker, let me just conclude by again reflecting on the great leadership of IKE SKELTON that brought this bill to the floor under such difficult circumstances. It's a great bill.

And lastly, to just reinforce a point that's been made by a number of speakers, you know, this is a city which really, whether you have a military crisis or an economic crisis, needs honest brokers, and those are people that can look at interested parties and make a decision that is made for the right reasons and made on the merits. This committee could not function, this Congress couldn't function, if we didn't have incredible, professional staff who can look right through a dozen conflicting interests and see one interest that should dominate the scene, and that's the American interest, the right thing to do.

And our professional staff members have that capability, and they have great character, and they have a lot of character, and in many cases, they are characters. Erin Conaton and Bob Simmons are the former staff director and the staff director, and their team have done such a great job of bringing this bill together, and only people in whom you could vest enormous amounts of trust could accomplish what they've accomplished.

I just want to commend them for this incredible undertaking that's been the last couple of weeks. They are all so sleepy right now they really just want to finish this thing and get off the floor. But let's thank them for what they've done for this country. We appreciate you.

With that, Mr. Speaker, I yield back my time.

Mr. SKELTON. Mr. Speaker, at this time, I yield 1 minute to my friend and colleague, the gentlelady from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to express my disappointment that the provision I drafted, that would prohibit private security contractors from performing inherently governmental functions in combat areas, was stripped from this bill. The House unanimously adopted this provision, and the Senate bill contained a nearly identical provision.

I am extremely disappointed that the Bush administration threatened to veto this bill over this commonsense provision, forcing the Armed Services Committee to only include a sense of Congress on the use of private military contractors in this legislation.

The horrible incidents like that involving Blackwater Worldwide in which 17 Iraqi civilians were killed, for which no one has yet been held accountable, have damaged our already tattered image in the eyes of the Iraqi people. Private contractors are being tasked with extremely sensitive jobs like gathering intelligence and providing armed security, and they severely damage the credibility of our military with their sometimes violent and almost always unaccountable behavior.

Inherently government functions should be performed by people in the U.S. military or who are U.S. Government personnel, people who proudly wear the badge of the U.S. and pledge their allegiance to it.

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

Mr. SKELTON. I yield the gentlelady an additional 15 seconds.

Ms. SCHAKOWSKY. I thank the gentleman.

Despite the administration's senseless decision to protect Blackwater and companies like it, I will continue to fight to make sure this won't happen.

And I thank the gentleman for letting me say this remark.

Mr. SKELTON. Let me compliment the gentlelady from Illinois (Ms. SCHAKOWSKY) on her interest and her work on this issue, and I think in the days ahead the efforts will be understood and be fruitful as we move ahead with the defense of our Nation. I thank her for that.

We're coming to the end of a long, arduous process here in the House. Our wonderful staff has worked more than diligently, not just through the year but the last several days. In the last

five days actually, Mr. Speaker, they've done 6 weeks of work, phenomenal, miraculous, and I compliment them for that. Erin Conaton, the director, and Bob Simmons, the minority chief, have been superb to work with, and every member of the staff has been a professional in the finest sense of the word. I cannot brag on them more. And we're very grateful for their efforts, and their efforts will pay off for those young men and women, those families who wear the uniform of our country check as they do their professional work.

This effort is really for the security of our country and is done particularly for the young people who wear the uniform. They are, Mr. Speaker, our national treasures, and those of us on the committee understand that. We work toward that end, and as we vote for this bill and it passes, hopefully with a large, large majority, and goes to the Senate, and hopefully passes to the White House and to be signed by the President, those young gentlemen and young women who really make their life and their profession the national security of our country should know that we in Congress support them, back them up, and that we're immensely proud of the work that they do.

So, with that in mind, and thanks to all the Members of our committee, superb committee, subcommittee chairmen, subcommittee ranking, and every Member, our staff and those who give advice and recommendations to us have made this bill possible in a very, very short period of time.

So with that and a great deal of gratitude especially for my friend from California, DUNCAN HUNTER, who we unanimously named this bill for, we will miss him terribly, but we thank him for his service to our Nation, to our Congress, to our committee as chairman and ranking member, and we appreciate him, and we'll long remember him.

Mr. SKELTON. Mr. Speaker, pursuant to H. Res. 1476, which the house adopted yesterday, I submit an addendum to the Joint Explanatory Statement which I entered into the RECORD yesterday.

Due to administrative error, a number of Member requests were not included in the transparency table in yesterday's submission.

COMPLIANCE WITH HOUSE RULE XXI
Addendum
(Dollars in Thousands)

TITLE	ACCT	PE OR PROJECT	LINE	DESCRIPTION	AMOUNT	MEMBER	INTENDED RECIPIENT	INTENDED LOCATION OF PERFORMANCE
Due to administrative error, the following eleven congressional Member requests were not included in the transparency table which was entered into the Congressional Record on September 23, 2008, on the proposed amendment to S. 3001								
II	RDA	0603002A	30	Infectious and Inflammatory Disease Center (IIDC)	$2,000.0	Bilbray	Burnham Institute for Medical Research	La Jolla, CA
II	RDA	0603002A	30	Infectious and Inflammatory Disease Center (IIDC)	$2,000.0	Davis (CA)	Burnham Institute for Medical Research	San Diego, CA
II	RDA	0603002A	30	Telepharmacy Remote Medicine Device Unit (TRMDU)	$3,000.0	Brady (PA)	INRange Systems, Inc	Altoona, PA
II	RDA	0603005A	33	Tactical Wheeled Vehicle Conditioned Based Maintenance Fleet Mission Readiness	$4,000.0	Rogers (AL)	Honeywell International	Washington, DC
II	RDA	0603710A	50	Hyper-IFP (Hyperspectral Sensor for Improved Force Protection)	$2,000.0	Akin	Clean Earth Technologies, LLC	St. Louis, MO
II	RDN	0603640M	20	Acoustic Combat Sensors	$2,000.0	Boren	GWACS Defense Inc.	Tulsa, OK
II	RDN	0603640M	20	Acoustic Combat Sensors	$2,000.0	Sullivan	GWACS Defense Inc	Tulsa, OK
XXII	MCN	P-268		Waterfront Support Facility	$20,660.0	Hodes	Portsmouth Naval Shipyard	Kittery, ME
XXII	MCN	P-268		Waterfront Support Facility	$20,660.0	Michaud	Portsmouth Naval Shipyard	Kittery, ME
XXII	MCN	P-268		Waterfront Support Facility	$20,660.0	Shea-Porter	Portsmouth Naval Shipyard	Kittery, ME
XXVI	MCARNG	P-XXX		National Guard Armory Improvements	$1,091.0	Cuellar	National Guard Armory Laredo, TX	Laredo, TX

Ms. LEE. Mr. Speaker, when this Defense Authorization bill cleared the House last May it included an amendment which I authored requiring congressional approval of any agreement negotiated between the President and the Government of Iraq which commits the United States to the defense and security of Iraq from internal and external threats. But because the White House threatened to veto the bill over this prudent and reasonable provision, the version of the bill returned to us from the Senate no longer includes that limitation. That is reason alone to oppose this bill, which I do.

Although I cannot support the bill as amended, I want to thank my good friend Mr. SKELTON, the Chairman of the Armed Services Committee, for strongly supporting the Lee amendment and for his valiant efforts to retain it during the negotiations with a stubborn an unreasonable White House.

An agreement to commit American troops to the defense and security of another country is not routine or typical or minor. It is a major commitment that must have the support of the American people. And that popular will can only be reflected by the Congress of the United States. That is why the Lee amendment was necessary. I regret we have lost a valuable opportunity to bring much needed accountability and transparency to our relationship with Iraq.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I stand here today with a heavy heart as I cast my vote against S. 3001, the National Defense Authorization Act for Fiscal Year 2009. While I support our men and women in the armed forces and our need to ensure our national security, I cannot with a clear conscience support a National Defense Authorization bill that includes money for Iraq without time-lines for an exodus.

Samuel Adams, who was known as the Father of the American Revolution, stated ''All might be free if they valued freedom, and defended it as they should.'' While most of us value freedom, many of us do not risk our lives for it on a daily basis like our troops fighting in Iraq and Afghanistan.

H. CON. RES. 320

That is why I chose to celebrate one of our heroic daughters of Texas, Specialist Monica L. Brown of the United States Army with House Concurrent Resolution 320 for her efforts earlier this year.

Specialist Brown was the first woman in Afghanistan and only the second female soldier since World War II to receive the Silver Star, the Nation's third-highest medal for valor. This solider from Lake Jackson, Texas is only 19 years old.

On April 25, 2007, Specialist Brown was part of a four-vehicle convoy patrolling near Jani Kheil in the eastern province of Paktia when a bomb struck one of the Humvees.

When Specialist Brown saw her fellow soldiers were injured, she grabbed her aid bag and started running toward the burning vehicle as insurgents opened fire. All five wounded soldiers from her platoon scrambled out. Under this commotion, she assessed her patients and moved them to a safer location because they were still receiving incoming fire.

The Pentagon's official policy is to prohibit women from serving in front line combat roles in the infantry, armor or artillery, but the nature of the wars in Afghanistan and Iraq, with no real front lines, has seen women soldiers take part in close quarters combat more than previous conflicts.

Though I have opposed the war in Iraq from its inception, I remain absolutely committed to ensuring that we recognize, celebrate, and honor the service of our sons and daughters returning from Iraq and Afghanistan. Our troops in Iraq did everything we asked them to do, and I firmly believe that we must commend the men and women of our military for their exemplary performance and success in Iraq.

DEFENSE BILL

This defense bill reflects our commitment to support the men and women who fight to secure not only our citizens' freedom but the freedom of others. This bill will provide the necessary resources to protect the American people and our national interests at home and abroad. The Armed Services committee has provided for military readiness; taking care of our troops and their families; increasing focus on the war in Afghanistan; and improving interagency cooperation, oversight, and accountability in this year's defense authorization bill.

DEFENSE PROVISIONS

We must maintain our efforts to restore military readiness in order to meet current military challenges and prepare for the future. Thankfully, this defense bill:

Provides fair compensation and first-rate health care, and improve the quality of life of the men and women in the armed forces (active duty, National Guard and Reserves) and their families.

Provides our servicemen and women with the resources, training, technology, equipment (especially force protection) and authorities they need to succeed in combat and stability operations in Iraq and Afghanistan.

Seeks to reduce our Nation's strategic risk by taking action aimed at restoring, as soon as possible, the readiness of the military services to conduct the full range of their assigned missions.

Improves the efficiency of Defense Department programs and activities, and applies the savings toward high-priority programs.

Improves the ability of the armed forces to counter nontraditional threats, including terrorism and the proliferation of weapons of mass destruction.

Promotes the transformation of the armed forces to deal with the threats of the 21st century.

Ensures aggressive and thorough oversight of the Department's programs and activities to ensure proper stewardship of taxpayer dollars and compliance with relevant laws and regulations.

THANK YOU TO OUR TROOPS

We must extol our military for their courage and sacrifice in Operation Enduring Freedom and Operation Iraqi Freedom. The United States cannot and should not permanently prop up the Iraqi government and military. Whether or not my colleagues agree that the time has come to withdraw our American forces from Iraq, I believe that all of us are of one accord that our troops deserve our sincere thanks and congratulations.

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 county that is capable of sustaining itself economically and politically and defending itself militarily.

While our troops have achieved the objectives 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.

The objectives for which this Congress authorized 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 already paid too heavy a price for this Administration's ill-advised and poorly planned war effort in Iraq.

Mr. Speaker, although I appreciate the need to protect our great nation from enemies both foreign and domestic, and I support without hesitation our troops, I cannot in clear conscious support S. 3001 without clear withdrawal timelines for Iraq. I yield back the balance of my time.

However, I will continue supporting the funding that is particular to supporting our troops, their families and our veterans.

Mr. BLUMENAUER. Mr. Speaker, today we take up the final Defense Authorization bill of the Bush administration. Those who know me and know my record will understand why, although I support the progress we've made at rolling back some of the most egregious Bush defense priorities, I cannot vote for this Defense policy bill.

In this time of extreme economic uncertainty, we cannot afford to prop up a bloated Department of Defense. Defense Authorization bills outline priorities and benchmarks for spending, and I believe this bill proposes levels that are too high and for the wrong priorities.

For eight years we have seen the Defense budget balloon under President Bush and today we spend more on defense than the rest of the world combined. I have long pointed out that programs like the Future Combat System's fighting vehicles and the National Missile Defense system would be justifiable if the major threat to our security was a modern version of the Soviet Union. It is not. I applaud the Democratic cuts to the funding levels requested by the President, though we must do better.

As with other programs, the quantity of money spent says little about the quality of return. Indeed, investing in outdated systems makes us less secure and comes at the expense of smarter, modern defense tools. We must invest in systems that confront the real and looming threats of terrorists and rogue states. We must cultivate our personnel into a smart and agile force with a range of tools to engage the world. We must create a security strategy that recognizes the equal importance of diplomacy, development, and defense and understands the linkages between poverty, environmental health, and economic security.

In particular, I would like to see the Pentagon institute strong safeguards regarding the interrogation of prisoners and fully invest in the environmental restoration of past defense sites. I thank Chairman SKELTON and Ranking Member HUNTER for the progress we've made so far on these issues, and for supporting my unexploded ordnance amendment which made detection technology a priority for the Pentagon.

There are the beginnings of a major shift in this Defense Authorization bill. I believe that

after the upcoming election, when the nation has time to evaluate just how out-of-touch the Pentagon is, we will be able to have a more thoughtful assessment of what our Defense Department should look like and what activities it should be engaged in. I look forward to this thoughtful discussion.

Mrs. MALONEY of New York. Mr. Speaker, I rise today in strong support of S. 3001, the ''The National Defense Authorization Act for Fiscal Year 2009.'' This legislation gives critical assistance to our troops including providing equipment and training, providing all servicemembers with a pay raise of 3.9 percent, and improving health care.

I also want to note provisions in the bill based on legislation, H.R. 3033, the ''Contractors and Federal Spending Accountability Act,'' that I have been introducing since the 107th Congress to bring integrity back to the federal procurement system. S. 3001 will establish a comprehensive, centralized database that will keep track of the integrity and performance of certain persons awarded federal contracts and grants, more efficiently monitor the federal procurement system, and help protect U.S. taxpayer dollars. Any person awarded a federal agency contract or grant in excess of $500,000 would be included in the database including information related to any civil, criminal, or administrative proceedings involving the person. Currently, no central database exists to help procurement officials track fraudulent contractors who do business with the federal government.

As a City Councilwoman, I successfully led an effort to implement a similar system. This system has aided the City of New York tremendously, and it has prevented habitual bad actors and felons from being awarded city contracts.

Such a system is badly needed at the federal level. The contract officers and the federal government's watchdogs, the federal suspension and debarment officials, currently lack the information they need to protect our business interests. We have no central way of accounting for the performance of our purchases. Beyond a listing of currently debarred or suspended persons, officials are limited to their individual agency's knowledge of an entity's track record, press reports and personal contacts with other agencies. The American public's knowledge is limited even further. Often times this allows federal contractors and assistance recipients to repeatedly violate federal law yet still receive millions of dollars from the federal government.

The federal government spends more than $417 billion annually on goods and services. We owe it to the American people to be a model consumer. Today, we are taking an important step toward bringing greater transparency to the federal contracting process.

I want to thank Chairman WAXMAN, Ranking Member TOM DAVIS, Chairman TOWNS, and their staffs, particularly Mark Stephenson, for working with me on this issue. I also want to acknowledge the efforts of Senator MCCASKILL who championed the database provisions in the Senate as well as Representative MARK UDALL who joined me in support of a contracting reform amendment when the House considered the Defense Authorization legislation earlier this year.

I urge my colleagues to support S. 3001.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to express my support for the House-Senate compromise language for the FY09 National Defense Authorization Act. I am happy that the House and Senate were able to come to an agreement to provide critical support to our Armed Forces.

I am particularly pleased that a number of provisions that I advocated for are in this final language. These provisions include the establishment of a Sexual Assault Database to provide a centralized, case-level database of information about sexual assaults that involve service members. I am also proud that my colleagues supported my efforts to require the Department of Defense to conduct a study of its bandwidth needs in the near and long term. Ensuring adequate bandwidth is essential to the military's ongoing readiness.

This bill takes critical steps to restore the readiness of our Armed Forces by providing an equipment reset of $8.6 billion for the Army and $1.8 billion for the Marine Corps. It also ensures full utilization of our depots in the future.

There are also a number of provisions to protect our service members in the battlefield. These include $1.7 billion for MRAP vehicles for our troops overseas and authority for the Department of Defense to conduct oversight and testing of personnel protective equipment.

In addition, this bill prohibits increased premiums and co-pays for TRICARE recipients and provides tuition assistance and training for military spouses. This bill also establishes a task force on suicide prevention and authorizes $3.2 billion to expand quality family housing.

I urge my colleagues to join me in supporting this important legislation and I urge the other body to move quickly to pass this compromise language that will continue to prepare, support and protect our Armed Forces. Thank you and I yield back.

Ms. BORDALLO. Mr. Speaker, today I rise in strong support of the amendment offered to S. 3001, the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009. The bill, once again, renews our commitment to ensuring the highest levels of readiness and supporting the individual needs of our men and women in uniform. The bill is a product of hard work and dedication by our Chairman, Ranking Member and committee staff.

The bill also continues to ensure that Congress will have the appropriate oversight and accountability mechanisms in place to ensure the military build-up on Guam is a success. In particular, the bill establishes an account to manage funds contributed to the U.S. Government in support of the military build-up by the Government of Japan through authority granted in Section 2350k of Title 10 of the United States Code. This account will provide us, as well as the Government of Japan, with greater accountability of how funds are being used. Over $13 billion dollars on military construction projects alone will be spent on Guam over a six year period as stipulated in the Alliance Transformation and Realignment Agreement.

As important, the bill also contains provisions that express Congress's position on a variety of issues that will impact the local civilian community on Guam. Congress directs the Department of Defense to ensure that any improvements to utilities made on Guam as a result of the military build-up benefit the entire island community. Most specifically, it expresses that the Department of Defense should be a consumer and not a provider of basic services. If the Department of Defense is a consumer of water, power and wastewater resources then an economy of scales can be reached that will help lower the cost for both the military and civilian community.

The bill also calls on the federal government to work more closely with their respective counterpart agencies in the Government of Guam to develop Memoranda of Understanding to ensure continuity of effort as Administrations prepare to change in Washington, D.C. and in Guam. The Memoranda of Understanding will allow federal and local governments to adequately prepare and plan infrastructure needs to meet the capacity demands added by the build-up of forces on Guam. The agreements will also give private industry a commitment that the federal and local governments are serious about and committed to ensuring success for the build-up.

A successful example of a Memorandum of Understanding is the one signed by the Maritime Administration (MARAD) and the Port of Guam in May, 2008. The memorandum commits MARAD to use its technical expertise in contracting and planning to assist the Port of Guam in making necessary improvements for the port's capacity. The private sector, Government of Guam and the Department of Defense all agree that the port, if not improved and expanded, would have potentially been a ''bottleneck'' in the successful completion of projects related to the military build-up. However, the Memorandum of Understanding could not be fully implemented without the inclusion of authorizing language that is contained in the National Defense Authorization Act for Fiscal Year 2009. The language that I sponsored grants MARAD the authority to execute the terms of the Memorandum of Understanding. Now, we have a successful example of how Memoranda of Understanding can guide development of civilian infrastructure on Guam.

Finally, the bill continues this Congress's commitment to our nation's indispensable force, our citizen soldiers and airmen of the Army and Air National Guard. In addition to a 3.9% increase in pay for all service members, the bill adds $800 million specifically for National Guard and equipment. The bill also fully authorizes the Joint Cargo Aircraft (JCA) program for the Army, allowing them to procure seven aircraft in fiscal year 2009. However, in order to maintain this indispensable force, it was critical that we authorized a substantial increase in full time manning for the Army and Air National Guard, and this funding was placed in the base budget in a fiscally responsible manner. Ensuring that the National Guard has adequate full time positions is imperative if they are to remain a fully operational force.

There are other provisions of interest to me and of relevance to Department of Defense activities on Guam. Of note is a provision authorizing the Department of Defense to participate in and financially contribute to conservation banking and in-lieu fee mitigation initiatives. This is important to protecting our environment and Guam presents an ideal opportunity for the Department of Defense to partner with the Government of Guam toward meeting conservation goals and mitigating the impact of the military build-up. I regret that the other body has withheld support from some provisions related to the military build-up that were adopted earlier this year by this House.

I will continue to work on these provisions in the next Congress.

I want to thank Congressman IKE SKELTON, Chairman of the House Armed Services Committee and Congressman SOLOMON ORTIZ, Chairman of the Subcommittee on Readiness for their leadership and steadfast support of provisions relating to the Guam military build-up that are included in this bill. I also want to thank the staff of the House Committee on Armed Services, specifically Erin Conaton, Paul Arcangeli, Will Ebbs, Debra Wada, Eryn Robinson, Vickie Plunkett, Cathy Garman, Andrew Hunter and Michael Higgins. However, David Sienicki should be especially commended for his outstanding work and understanding of the strategic importance of the Guam military build-up.

I urge passage of the amendment to S. 3001.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. SKELTON) that the House suspend the rules and pass the Senate bill, S. 3001, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

SOLEMNLY COMMEMORATING THE 25TH ANNIVERSARY OF THE TRAGIC OCTOBER 1983 TERRORIST BOMBING OF THE UNITED STATES MARINE CORPS BARRACKS IN BEIRUT, LEBANON

Mrs. BOYDA of Kansas. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1421) solemnly commemorating the 25th anniversary of the tragic October 1983 terrorist bombing of the United States Marine Corps Barracks in Beirut, Lebanon and remembering those who lost their lives and those who were injured, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1421

Whereas on the morning of October 23, 1983, at approximately 6:20 a.m., a truck packed with explosives broke security and detonated outside of the United States Marine Corps barracks in Beirut, Lebanon;

Whereas 241 members of the Armed Forces of the United States were killed in the blast, and many more were injured;

Whereas a total of 272 members of the Armed Forces from 39 States and Puerto Rico died while serving in Beirut, Lebanon, from 1982 to 1984;

Whereas the members of the Armed Forces were part of a multinational peacekeeping force; and

Whereas the honor and sacrifice of the victims will never be forgotten: Now, therefore, be it

Resolved, That the House of Representatives, on the 25th anniversary of the bombing of the United States Marine Corps barracks in Beirut, Lebanon—

(1) honors and remembers the service and sacrifice of the members of the Armed Forces who were victims of the bombing and those who died in Beirut from 1982 to 1984; and

(2) joins family and friends in mourning the members of the Armed Forces who lost their lives in the tragic bombing and while serving as peacekeepers in Beirut.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Kansas (Mrs. BOYDA) and the gentleman from North Carolina (Mr. JONES) each will control 20 minutes.

The Chair recognizes the gentlewoman from Kansas.

GENERAL LEAVE

Mrs. BOYDA of Kansas. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

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

There was no objection.

Mrs. BOYDA of Kansas. Mr. Speaker, I yield myself such time as I may consume.

I rise today in strong support of House Resolution 1421. It solemnly commemorates the 25th anniversary of the tragic October 1983 terrorist bombing of the United States Marine Corps Barracks in Beirut, Lebanon, and it remembers those who lost their lives and those who were injured.

On October 23, 1983, at approximately 6:20 in the morning, a large truck packed with explosives crashed through security and slammed into the lobby of the United States Marine Corps Barracks. The vehicle's driver, a suicide bomber, detonated explosives the equivalent of 12,000 pounds of TNT, crumbling the 4-story building and killing marines, soldiers, and sailors while they slept. Two hundred forty-one servicemembers lost their lives that day, making this day in October the single bloodiest day in the Marine Corps history since World War II.

America's first encounter with suicide bombings becomes even more tragic when we remember that our brave men and soldiers were in Beirut there to provide opportunity for others to live in peace. As part of a multinational peacekeeping force, the Marines had deployed to serve as a catalyst for peace in a volatile and violent region of the world. They were proudly serving the principles of freedom to ensure that men and women may live in a peaceful and free world. It is an unconceivable evil that would violently target those who volunteer to bring goodwill and peace to a nation.

With grave hearts, we commemorate the 25th anniversary of the 1983 terrorist bombing of the United States Marine Corps Barracks in Beirut, Lebanon. Let us honor all 272 members of the Armed Forces who gave their lives that day and recognize the 60 Americans who survived the attack. These military men and women served proudly, and many made the ultimate sacrifice that others around the world may know the gift of freedom.

□ 1115

They came from 39 States and Puerto Rico, and the sacrifices of these honorable military men and women will never be forgotten.

I urge my colleagues to join me in supporting this very important resolution, and on behalf of myself and my husband, former Marine Staff Sergeant Steve Boyda, Semper Fi.

I reserve the balance of my time.

Mr. JONES. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, first I would like to thank the lady from Kansas for being on the floor during this discussion and debate.

Mr. Speaker, on October 23, 1983, the war on terrorism began when a truck filled with explosives detonated outside of the United States Marine Corps barracks in Beirut, Lebanon, killing 241 of our men in service. Between 1982 and 1984, 272 marines, soldiers, and sailors from 39 States and Puerto Rico lost their lives while serving as peacekeepers in Beirut.

Mr. Speaker, I recently introduced H. Res. 1421, a resolution to solemnly commemorate the 25th anniversary of the tragic October 1983 terrorist bombing of the United States Marine Corps barracks in Beirut, to remember those who lost their lives and those who were injured.

I would like to thank the leadership on both sides of the aisle, the Members of Congress who have cosponsored this resolution and the House Armed Services Committee members and staff for their help in bringing this resolution to the floor today.

Mr. Speaker, October 23 of this year will mark the 25th anniversary of the bombing of the Marine Corps barracks in Beirut, Lebanon. In the attack, as was said by the lady from Kansas, 241 American heroes were lost: 220 Marines, 18 members of the Navy and 3 soldiers. On October 23 of 2008, the friends, family, and comrades left behind by the Beirut peacekeepers will gather once again to pay their respects. This would be the appropriate time for the House of Representatives to show its appreciation. Honoring these servicemen is one way for us to again say thank you for sacrificing your lives so that the rest of us could live in freedom.

Recognizing those who served in Beirut will not just serve to further mourn their loss but to celebrate the peace and the American spirit that was embodied in the mission of these fallen heroes.

Mr. Speaker, in these uncertain times, we call upon the brave men and

women of the military to overcome terror and defend the ideals that this great Nation was founded upon. One of my constituents, Charles Hall of Jacksonville, North Carolina, which is the home of Camp Lejeune Marine Base, was called upon 24½ years ago, and he served our country honorably in Beirut. Mr. HALL will be the first to tell you that the war on terrorism began well before September 11. In fact, many believe the war on terrorism began on October 23, 1983, in Beirut.

On behalf of military families across the United States, I urge my colleagues to join in supporting and honoring those 241 Americans who were killed on October 23, 1983, in Beirut, Lebanon, and the 272 who died while serving in Beirut between 1982 and 1984.

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

Mrs. BOYDA of Kansas. Mr. Speaker, I would just like to acknowledge the leadership and the good work of my friend and colleague, Mr. WALTER JONES of North Carolina. I think the American people sometimes don't see bipartisanship, and I would just like to congratulate him for the many things that he has done to work across the aisle on behalf of our servicemen and women and on behalf of the American people in keeping this country safe.

Too often, all the American people see is a lack of bipartisanship, and this is one where we come together on this resolution and on so many others on behalf of our servicemen and women, and, as I say, on behalf of keeping the American people safe and secure.

Mr. Speaker, at this time I have no further requests for time. I am prepared to close after Mr. JONES has.

I continue to reserve the balance of my time.

Mr. JONES. Mr. Speaker, at this time I would like to yield to the gentleman from Illinois (Mr. LAHOOD) such time as he may consume.

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

Mr. LAHOOD. Mr. Speaker, I rise today in support of this resolution, a similar resolution of which I introduced at the suggestion of the ranking member of the Rules Committee, DAVID DREIER. He spoke to me about this and suggested that this type of resolution be considered by the House. I want to thank the majority leader for scheduling this resolution to commemorate and honor those who lost their lives in Beirut, Lebanon, during the bombing that took place.

I also want to thank my classmate and friend, WALTER JONES, for his leadership in introducing this resolution. I rise today to honor the United States Marines and other servicemembers who were killed in the Marine barracks bombing in Beirut, Lebanon, on October 23, 1983.

On this day at approximately 6:20 a.m., a delivery truck carrying explosives drove through the gates into one of the barracks buildings and the explosives were detonated. This day was the deadliest for the United States Marine Corps since the battle of Iwo Jima during World War II; 241 servicemen and women were killed and many others were wounded.

The servicemen and women serving in Beirut who were killed had been sent to serve as peacekeepers during the 15-year civil war in Lebanon. Throughout the time U.S. forces were in Lebanon, there were many instances in which American lives were lost. In April of 1983, a similar suicide bombing occurred at the United States Embassy killing 60 people, predominantly embassy staff and U.S. Marines. President Reagan called this act ''a vicious terrorist bombing'' and reiterated the United States' commitment to peace in the region. As a Nation, we would not let such actions deter us from our goal.

The fight against terrorism still continues today. Brave members of the Armed Forces risk their lives every day in an effort to bring an end to such attacks. While we take this time to honor those who were killed in Beirut, we also rededicate our country to the fight against terrorism. It is our hope that such despicable acts can be prevented, not only just in Lebanon but also in Iraq, Afghanistan, Pakistan, and throughout the rest of the world. Progress has been made in Lebanon and progress towards peace will continue throughout the region.

Today the Members of the House of Representatives and the rest of the Nation join the families of these 241 fallen servicemembers to mourn their loss. We remember the courage of these Marines and other servicemembers who willingly put their lives on the line in order to serve their country and promote peace and security throughout the world. Our heartfelt prayers and sympathies go out to these families. Nearly 25 years after this terrible tragedy, we remember these brave men and women who made the ultimate sacrifice.

During the 14 years that I have had the privilege of serving in the House of Representatives, I have made 13 trips to Lebanon. During the first time that I went there, there was a travel ban: the airport was closed, people were restricted from traveling. We've made great progress in the last 14 years. Great progress.

A great deal of the credit really goes to the people and the leadership of the country but also to President Bush and Secretary Rice for taking a great deal of interest in this country and not being dissuaded by terrorist attacks and not being dissuaded by those who would have our men and women in harm's way. They have helped rebuild the country both politically and economically.

One of the saddest events that took place in the country 2 years ago was the assassination of the then Prime Minister Rafiq Hariri. There is an investigation going on in that. He was a true leader in the country. Since that time, there has continued to be progress being made in the country.

As a matter of fact, President Bush will welcome the President of Lebanon tomorrow at the White House, the first time in the memory of many that the President of Lebanon will be coming to the United States and actually having a visit with President Bush and the Secretary of State, Condoleezza Rice. This is an extraordinary event for the country of Lebanon, for the people of Lebanon, for those of us in this country who have worked very hard to develop the kind of relationship with their government and our government. We're delighted that the new President of Lebanon will be visiting Washington and visiting President Bush.

We've made progress, and we've made that progress through the great sacrifice of our men and women who serve in the Embassy in Lebanon and the men and women who sacrificed their lives during the time of the attack 25 years ago. So it's very fitting today that we not only recognize their families and those but we recognize the fact that our government leaders have reached out to this small country in a way that has enabled us to make great progress.

MOMENT OF SILENCE

Mr. LAHOOD. Mr. Speaker, I wonder if it would be possible as I conclude here if you would allow the House one moment of silence so we could say a quiet prayer for the 200-plus Marines and families who lost their lives.

I ask that the Chair allow for a moment of silence to remember those who lost their lives during the bombing that took place in Lebanon 25 years ago.

The SPEAKER pro tempore. Members will rise and pay tribute for 1 minute.

Mrs. BOYDA of Kansas. Mr. Speaker, I just wish to, before we close out, acknowledge the service of Mr. LAHOOD from Illinois. Again, a true patriot and somebody who has reached across party lines on a regular basis to find resolutions on some of the toughest issues. I just appreciate that, and I certainly appreciate the moment of silence. Thank you very much.

Again, on behalf of a very grateful Nation, I urge my colleagues to join me in supporting this very important resolution.

I continue to reserve the balance of my time.

Mr. JONES. Mr. Speaker, I will be very brief.

I want to thank the gentlelady from Kansas for her comments, not about me but about the fact that in this Nation we need to work together. The country is in financial trouble. We've got men and women overseas in Afghanistan and Iraq, and we do, on the Armed Services Committee, work together for the good of the country; and let's do that on the floor of the House, especially in the coming months.

To the gentleman from Illinois who's leaving Congress, he is a classmate.

Mr. LAHOOD, thank you for your comments. Thank you for the moment of remembrance in prayer. I think that's so important.

Again, I want to thank you, Mr. Speaker. I want to thank the lady from Kansas. We have brought this to the floor and we are saying 25 years later to the families, ''We didn't forget you. We, the House of Representatives, will never forget you.'' And may we never forget those who have given their lives for their country and those who are fighting for this country in Afghanistan and Iraq.

□ 1130

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

Mrs. BOYDA of Kansas. I would just say God bless these families, and God bless the United States of America.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Kansas (Mrs. BOYDA) that the House suspend the rules and agree to the resolution, H. Res. 1421, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

PROVIDING FOR CONSIDERATION OF H.R. 2638, CONSOLIDATED SECURITY, DISASTER ASSISTANCE, AND CONTINUING APPROPRIATIONS ACT, 2009

Mr. MCGOVERN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1488 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1488

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 2638) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes, with the Senate amendment thereto, and to consider in the House, without intervention of any point of order except those arising under clause 10 of rule XXI, a motion offered by the chairman of the Committee on Appropriations or his designee that the House concur in the Senate amendment with the amendment printed in the report of the Committee on Rules accompanying this resolution. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The previous question shall be considered as ordered on the motion to final adoption without intervening motion.

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

SEC. 3. The chairman of the Committee on Appropriations shall insert in the daily issue of the Congressional Record dated September 24, 2008, such material as he may deem explanatory of the motion.

POINT OF ORDER

Mr. FLAKE. Mr. Speaker, I raise a point of order against H. Res. 1488 because the resolution violates section 426(a) of the Congressional Budget Act. The resolution contains a waiver on all points of order against consideration of the motion to concur, which includes a waiver of section 425 of the Congressional Budget Act, which also causes a violation of section 426(a).

The SPEAKER pro tempore. The gentleman from Arizona makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974.

The gentleman has met the threshold burden to identify the specific language in the resolution on which the point of order is predicated. Such a point of order shall be disposed of by the question of consideration.

The gentleman from Arizona (Mr. FLAKE) and the gentleman from Massachusetts (Mr. MCGOVERN) each will control 10 minutes of debate on the question of consideration.

After that debate, the Chair will put the question of consideration, to wit: Will the House now consider the resolution?

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Speaker, the reason I'm standing today is to question this bill in terms of the unfunded mandate point of order. I can tell you honestly, I have no idea if this bill contains unfunded mandates, and I would suggest that most people here are in that position because we only got this bill last night. We haven't been able to read its contents. We know very little of it except that we know very little of it.

This is a massive bill. Let me just take one part of it, and this part has concerned me about a lot of the legislation that's come forward before this body in recent years. We were told earlier this year that we were going to have a transparent process in terms of earmarks. And, frankly, some good language was passed—earlier this Congress, I should say—to provide transparency and to ensure that when earmarks are passed, they receive a thorough vetting, at least that we know who introduced them and have a chance to actually challenge those earmarks on the floor of the House. We have not had that opportunity here.

This legislation is coming to us with more than 1,200 earmarks that were attached to it in the subcommittee. Now, these earmarks were known only to my office because we managed to get a copy from the Appropriations Committee—that we could not get officially, we had to get unofficially. I would venture that very few other Members have even seen the list of earmarks. Keep in mind that this bill, this Defense Appropriations bill that is included in this CR, has not even been marked up by the full committee. So the full committee has not even seen these earmarks. There are more than 1,200 in the House version; I think there are more than 800 in the Senate version. So, more than 2,000 earmarks that have been added that very few outside of the committee—and outside of the subcommittee that actually dealt with it—have even seen.

Now, the chairman of the Appropriations Committee was asked about this secretive process earlier today, and Bloomberg said, and I quote, ''He was asked if the process has been secretive, and he said, ''It has; because if it's done in the public, it will never get done.'' The chairman of the Appropriations Committee said he wanted to avoid his colleagues pontificating on the content of the legislation, saying that's what politicians do when this stuff is done in full view of the press. He said, ''We've done this the old fashioned way by brokering agreements in order to get things done, and I make no apology for it.''

Now, think of that statement. We've passed rules in this House saying that we would have a thorough vetting, yet we're bringing more than 1,200 House earmarks to the floor that have not even been vetted by the committee. We're supposed to have that list long before and to be able to vet them, we haven't done that. And we don't even have a chance here. I don't have the opportunity to stand and question any of these earmarks, and neither do any of my colleagues.

Let me just read a few of them that are in here. The Presidio Heritage Center, one of the Speaker's Office's earmarks, $1.7 million. What is it? We really have no idea. We only got the disclosure letter last night or this morning, and that doesn't tell you all that much. Why is the Presidio Heritage Center in the Defense bill? Yet we won't be able to challenge that here; we won't be able to have a vote on that because it was slipped in, not even vetted by the committee, and certainly not vetted by the full House.

There is a $3 million earmark for a Cold Weather Layering System. What is that? Is that a coat? We don't know. All I know is this is likely an earmark that's going to a private firm. This is a sole-source contract that everybody has been, rightly, up in arms about when the Federal Government gives out single-source contracts. Here we are doing it without even vetting it in the committee; we're not even vetting it on the House floor. It's passed and done, and we don't even know who it's for or what it's about. Yet, we're doing it. Why? What is the rush to do something like this?

I understand that this all may seem a little trivial in a week that we may approve $700 billion, but I think it speaks to why people across the country are

fed up with us as a Congress for not even vetting these kind of things and for letting 1,200 earmarks come into a bill that we haven't even seen and won't be able to vote on.

We have an up-or-down vote. This is not even a conference report. There aren't even motions to recommit. This is up or down, take it or leave it, 1,200 earmarks that you have never seen. How does that square with the promises that were made earlier this Congress?

Now, I make no bones about it; I don't think our party on the Republican side did well with earmarks. We let far too much go. And some of us stood up and tried to stop it. The majority party came into Congress, won the elections in 2006, took over the majority on promises that they would do something. And I have to say that this is proof, once again, that it hasn't been done. How in the world can anyone stand up today and say we have kept our promise in terms of transparency?

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

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

Mr. Speaker, technically, this point of order is about whether or not to consider this rule, and ultimately the underlying bill. And in reality, it's about trying to block this bill without any opportunity for debate and without any opportunity for an up-or-down vote on keeping the government running, providing hurricane and other disaster assistance and other critical items. So I think that that is just wrong. And I hope that my colleagues will vote ''yes'' so we can consider this important legislation on its merits and not kill it on a procedural motion.

We need to move forward with this legislation. We need to keep this government running. Those who oppose this bill can vote against final passage, but we need to move forward. So I would urge my colleagues to not allow a purely procedural tactic to kill this bill.

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

Mr. FLAKE. May I inquire as to the time remaining?

The SPEAKER pro tempore. The gentleman has 4½ minutes remaining.

Mr. FLAKE. Mr. Speaker, I recognize that I'm here on an unfunded mandates point of order. It's the only chance I've got. They don't allow anybody to stand up and challenge any earmarks. That's not allowed under the rule. So this is the only chance anybody has to stand up and say anything about this bill, and it's a crying shame.

And I don't blame the gentleman from the Rules Committee for not wanting to address the point at hand here; I don't blame him at all. I wouldn't want to either. I wouldn't want to say that I'm a member of a Rules Committee that would violate the very rules that we ourselves adopted earlier this year so blatantly to simply say we're just not going to discuss it, we're going to bring 1,200 earmarks to the floor and not discuss them at all.

Let me suggest why it happens this way. I mentioned this was done behind closed doors without rank-and-file Members knowing anything about these earmarks at all. There is good reason for that. If you look at these earmarks, a total of 1,200 worth about $5 billion, 60 percent of the earmarks in this bill go to members of the Appropriations Committee. I'm sorry. The Appropriations Committee are getting 37 percent of all earmarks. When you add to the appropriators those in leadership, those who are committee Chairs, those who are ranking members, so the leadership and the powerful here, 60 percent of the earmarks in this bill are going to that group, which makes up, I think, just under 25 percent of this body.

Now, if anybody's wondering why this is done behind closed doors and in secret and not with rank-and-file Members able to even see this, that's one of the reasons. Because not only are earmarks bad and it's a misallocation of resources, it can lead to things that we have seen in this House, but it's a spoil system, it's a spoil system. When leadership and those who are on the right committees get these earmarks, it shows what a sham the argument is that we have to do this because we as Members of Congress know our districts better than those bureaucrats and we have to earmark those dollars. Well, does somebody who happens to be a chairman or a ranking minority member happen to know his district a lot better than anybody else? Because that's what we're seeing here, we're seeing a spoil system.

And it's simply not right. It is not right that we are approving here, with one fell swoop, 1,200 earmarks from the House—800 from the Senate, but that's their business, our business is here—over 1,200 earmarks that nobody in this body has really seen, unless you happen to serve on the subcommittee of Appropriations because the full Committee on Appropriations never vetted these earmarks either. That is simply not right.

I don't know when we stand up and say we've had enough, because people all over the country certainly have. I don't know why we haven't realized it. I'm sure it's reflected in the 9 percent approval ratings that we have. But in a week where we're approving $700 billion—or likely to approve $700 billion—to bail out other institutions, this might seem trivial to some to be approving $5 billion in earmarks.

But I think why people across the country are upset is they say, you know you have control of this. You made promises years ago that you would clean up this process and you aren't, because nobody with a straight face can say that we have cleaned up this process when you bring to the floor, under this bill, more than 1,200 earmarks that have received no vetting whatsoever and will receive no vetting whatsoever because we can't even challenge those on the floor today.

I have no time remaining. Let me just say, let's hold back. Let's slow this legislation down—whichever we can, whether it's procedurally or otherwise—because we cannot continue to do business this way.

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

Mr. MCGOVERN. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman has 9 minutes remaining.

Mr. MCGOVERN. I yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY).

□ 1145

Mr. OBEY. Mr. Speaker, let me simply respond to one thing the gentleman said. He said that no one has done any reforming of the earmarking process since the Democratic Party took control of this House.

I would point out that the facts indicate quite the contrary. The first year that we were in the majority, we eliminated all earmarks for a year until we could get a handle on the process that had been driven wildly out of control by the previous majority from the other side of the aisle. The second year, we indicated that we would try to cut the amount of money spent on earmarks by 50 percent. The Senate dissented from that. And in the end we were only able to cut it by 40 percent. I would say that is a significant change.

We also, in the process, provided the public's right to know by guaranteeing that every Member who sought an earmark would have to sign a letter, publicly displayed, which spelled out who asked for the earmark and which spelled out and made quite clear that the Member would have no personal financial interest in the earmark. We also provided that these earmarks would be posted on the committee Web site. As a result, the public will know who has asked for what and they will know who got what. I call that reform even if the gentleman doesn't want to admit it.

Mr. MCGOVERN. Mr. Speaker, I just want to associate myself with the remarks of the chairman of the Appropriations Committee.

I should point out that all of the earmarks are made public. They are on the Rules Committee Web site. They are available in the Appropriations Committee. I should also point out that we have instituted reforms so that what happened when the Republicans were in control, for example, when they air-dropped a provision to provide blanket immunity to drug companies and inserted it into a defense bill after everything had been closed cannot happen.

I will also say that I think Members of this Congress should have the right to advocate for their districts and make decisions as to how money

should be allocated. It is our responsibility as the legislative branch to have a role in where that money goes versus bureaucrats who work with the White House.

I will also say that there are a lot of Republicans who have applied for and received earmarks. They have gone through this process where they had to fill out forms and vet it through the committee. I know a lot of Republicans, including some of my Republican colleagues on the Rules Committee, have earmarks on this bill because it's public. And I actually trust them to be advocates for their district.

So, I would point out to my colleagues that things are very different from how they were when the Republicans were in control of this House. There is more sunshine. There is more accountability. I would urge my colleagues to vote ''yes'' on the motion to consider.

I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WEINER). All time having been yielded back, the question is, Will the House now consider the resolution?

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

Mr. FLAKE. 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.

The vote was taken by electronic device, and there were—yeas 242, nays 168, not voting 23, as follows:

[Roll No. 628]

YEAS—242

Abercrombie
Ackerman
Aderholt
Allen
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyda (KS)
Brady (PA)
Braley (IA)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards (MD)
Edwards (TX)
Ellsworth
Emanuel
Eshoo
Etheridge
Everett
Fattah
Filner
Foster
Frank (MA)
Garrett (NJ)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (NC)
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
LaHood
Lampson
Langevin
Larsen (WA)
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Reyes
Richardson
Rodriguez
Rogers (AL)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Turner
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—168

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

NOT VOTING—23

Baird
Bishop (UT)
Boyd (FL)
Brown, Corrine
Cubin
Davis (KY)
DeFazio
Ellison
Engel
English (PA)
Farr
Fossella
Hinchey
Johnson (GA)
Kaptur
Larson (CT)
McMorris Rodgers
Musgrave
Paul
Reynolds
Spratt
Udall (CO)
Whitfield (KY)

□ 1213

Messrs. HALL of Texas, DOOLITTLE, Ms. GINNY BROWN-WAITE of Florida, and Mr. POE changed their vote from ''yea'' to ''nay.''

Mr. COSTELLO changed his vote from ''nay'' to ''yea.''

So the question of consideration was decided in the affirmative.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. ELLISON. Mr. Speaker, on September 24, 2008, I inadvertently missed Rollcall No. 628. If I were present, I would have voted "yea."

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

Mr. MCGOVERN. 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. I yield myself such time as I may consume. I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1488.

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

There was no objection.

Mr. MCGOVERN. Mr. Speaker, H. Res. 1488 provides for consideration of the Senate amendment to H.R. 2638, the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

The rule makes in order a motion by the chairman of the Committee on Appropriations to concur in the Senate amendment with a House amendment. The rule provides 1 hour of debate on the motion, equally divided and controlled by the Committee on Appropriations.

The House amendment inserts language for continuing appropriations for fiscal year 2009, making emergency supplemental appropriations and covering three regular fiscal year 2009 appropriations bills, each in a separate division.

Division A provides continuing appropriations for all agencies and activities that would be covered by the regular fiscal year 2009 appropriations bills until enactment of the applicable regular appropriations bill or until March 6, 2009, whichever occurs first. Emergency FY09 appropriations for LIHEAP and advanced technology vehicle manufacturing loans are also included.

Division B provides $22.9 billion in emergency supplemental appropriations for relief and recovery from hurricanes, floods, and other natural disasters.

Division C provides $487.7 billion in FY09 funding for the Department of Defense.

Division D provides $40 billion in FY09 funding for the Department of Homeland Security.

Division E provides $72.9 billion in FY09 funding for Military Construction and Veterans Affairs.

Mr. Speaker, let me begin with the good news, a fact that my friends on the other side of the aisle cannot refute. This is the last time that we will have to deal with Bush's budget priorities. After 8 years of President Bush's fiscal mismanagement, we will soon vote on the final Bush appropriations bill.

Eight years ago, George Bush became the 43rd President of the United States. Are the American people better off after 8 years of George Bush? The answer is a clear and resounding no. His administration and the then Republican-controlled Congress inherited a $5.6 trillion budget surplus from President Clinton, and they turned that into about a $3.2 trillion deficit and have left us with a national debt that stands at $9.8 trillion. That is the biggest debt we have had in the history of the United States of America.

Because of George Bush, we are stuck in a quagmire in Iraq. Because of George Bush, more people are living in poverty and more people are going hungry than they were 8 years ago. And because of this President and his administration, we have the worst financial crisis since the Great Depression. Just 40 days from the election and 117 days until the next president is inaugurated, President Bush is asking for a $700 billion blank check to fix the mess on Wall Street that he and his allies helped create.

Thankfully, this continuing resolution will keep the government up and running until March 6 of 2009 and hopefully, at that time, we will have a President with a very different set of priorities.

The process getting here hasn't been perfect. I am disappointed that we weren't able to consider all of the appropriations bills here in the House under regular order. But my Republican colleagues share much of the blame for this inaction. Every time the Republicans had an opportunity to act like statesmen and do the business of the American people, they decided to do the opposite, to play partisan games in attempts to score political points. Instead of acting like honest brokers, they decided to demagog these bills until there was no ability for the House to act on them.

We should all remember last year when the Republicans tried to filibuster the Agriculture appropriations bill by offering silly amendment after silly amendment, cutting a program by $50,000, then $75,000 and then $100,000. And we should all remember earlier this year when the Republicans attempted to kill the Labor-HHS appropriations bill by replacing it in committee with the Interior bill. So when my friends on the other side of the aisle complain about the lack of regular order, I would suggest they take a good, long look in the mirror.

And this bill isn't perfect. Because of the intransigence by the White House, there are a lot of programs that I care deeply about that are underfunded. But this is the best product we could hope for under these circumstances. Thanks to the hard work and dedication of the chairman of the House Appropriations Committee, DAVID OBEY, and his incredible staff, there are some bright spots in this bill.

First and foremost are the increases in LIHEAP and WIC. This bill fully funds LIHEAP, something the Republicans never did, and increases funding for the WIC program by $1 billion over 2008. At a time when energy and food prices are skyrocketing, we cannot and will not ignore the plight of Americans who are struggling to heat their homes or put food on the table. I am also pleased the bill includes $23.5 million more for the Commodity Supplemental Food Program. This increase will prevent 70,000 low-income women, infants, children and seniors from losing access to food.

I am also pleased that there is a $2.5 billion increase in Pell Grants. Unfortunately, this will not restore Pell Grants to the original purchasing power, but it is a good start that will prevent potential cuts in student aid that could come during the school year.

Another critical component of this continuing resolution is the disaster aid package. Earlier this year, Iowa and the Midwest were hit with disastrous floods. Wildfires have caused major damage in the West. And this hurricane season has already been deadly and costly with Hurricanes Gustav and Ike causing major damage in the gulf coast States. This continuing resolution includes almost $23 billion to address these natural disasters. Funding will be directed to FEMA, the Community Development Block Grants Program, the Army Corps of Engineers, and several other important disaster recovery efforts that will help these ravaged areas across our Nation. I am also pleased that there is $100 million to help Haiti recover from Ike and other hurricanes, and another $100 million for international food aid to provide emergency food assistance.

In addition, the fiscal year 2009 Defense, Military Construction and Veterans Affairs, and Homeland Security appropriations bills are all included in this continuing resolution. There is no higher priority than providing funding for our military and for the men and women who defend our Nation.

Finally, let me comment on what is not in this bill. Unfortunately, and at the insistence of the White House, there is no economic stimulus package, no new money for food stamps, unemployment insurance or Medicaid. There is no new money for transportation projects to help jumpstart our ailing economy, and there is no ban on offshore drilling.

Mr. Speaker, I simply cannot understand how this President and his Republican partners in the House and Senate can ask for a $700 billion blank check for Wall Street, but oppose $50 billion to help people afford to put food on the table or to make ends meet while they look for a job in this ailing economy or prevent States from cutting health care benefits to people on Medicaid.

Republicans like to say that people have to pull themselves up by their own bootstraps. Well, it's hard to do that if you can't afford any boots. During these tough economic times, it is critical that we help all Americans, not just the fat cats on Wall Street. Yet as Katrina and this economic crisis here have shown, the Republican Party has no interest in helping the people who need it most.

Again, Mr. Speaker, the good news is that this is the last time that we will have to deal with this President and his budgetary priorities. Help, I believe, is on the way. With a new administration and more Democrats in Congress, we will be able to finally act on these priorities of the American people.

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

Mr. HASTINGS of Washington. I want to thank my friend from Massachusetts (Mr. MCGOVERN) for yielding me the customary 30 minutes, and, Mr. Speaker, I yield myself as much time as I may consume.

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

Mr. HASTINGS of Washington. Wow. I couldn't help but listening to my friend from Massachusetts state at least his interpretation of history, but the fact is, just when the American people think that Congress can't sink any lower, the liberal leaders of the House and Senate prove that they are up to this challenge and they are finding another way to do it.

I have only 30 minutes to speak today, and that's simply not enough time to detail each of the many broken promises that the Democrat majority made to the American people in the election of 2006, and they have promptly done exactly the opposite. For brevity's sake, let me just list some of the more egregious:

Democrat leaders promised the most open House in history. That means allowing Members the open opportunity to offer amendments on the House floor to change and improve legislation. Instead of a record of openness, the Democrats have delivered the most closed down, sit-down-shut-up record in the history of this country. That's not

an exaggeration, it's a fact. Sixty-three times the Members of this House have been totally blocked from offering even one amendment on the House floor. They have not just set the record for closing down the House, they have shattered it and left it in the dust. They promised one thing to get elected in 2006, and then promptly have done another thing.

In addition to shutting down the House and taking away the ability of Members to offer amendments and alternatives on bills, they perfected a procedure that should be known as the Pelosi ping-pong. It's a trick, it's a gimmick, a game that allows the House and Senate to just ping-pong a bill back and forth between the two Chambers while writing in secret the text of the final legislation that will eventually become law.

They play the Pelosi ping-pong to bypass and sneak around the normal process of holding conference committees where the House and the Senate work in public to bridge differences and publicly write final texts of new laws. By playing Pelosi ping-pong, Democrats keep Members of the House, Members of the Senate and the American people in the dark while they work in a back-room way cutting deals, stuffing in unvetted earmarks, and hiding the process from public scrutiny.

Despite their loud complaints and protests about conference committees not being properly followed when they were in the minority just 2 years ago, Speaker PELOSI and Senator HARRY REID have abandoned them almost completely in this Congress for this far more abusive and secret game they are now playing.

Speaker PELOSI promised that if the Rules Committee met in the dead of the night, after 10 p.m., that the House would not act on that bill the following day. Yet here we are, early this afternoon, considering a rule and a bill that the Rules Committee didn't even begin meeting on until after 11 p.m. last night. It's another broken promise to the American people.

Speaker PELOSI and the liberal leaders of this House promised that a bill would be available for 24 hours before the House would vote on it. This would allow Members to read it and know what they are voting on. The text of this massive bill was not made available to the Rules Committee until 11 p.m. last night. It's over 1,100 pages long, yet the 24-hour waiting period promised by Speaker PELOSI has been abandoned. This massive bill is being rushed through the House.

The rules of the House were also unilaterally rewritten by Speaker PELOSI and the Democrats to block a vote on a fair trade agreement with Colombia, which is America's strongest ally in South America. The rules don't say there has to be a yes vote on the agreement, only that it hold a fair yes-or-no vote in a timely manner.

Yet instead of respecting our best ally and holding a vote on the agreement, Democrats chose to, instead, change the rules. So this fair trade agreement is essentially being held hostage and is locked away someplace, probably in the basement of the Capitol.

The fact is, Colombia already has open access to sell most of their goods into America. It's American farmers and businesses that face tariffs and hurdles to be able to sell their crops and goods into Colombia. This trade agreement is about fairness for American farmers and American workers.

The people that Democrats are hurting by blocking a vote on this fair trade agreement are Americans. Colombia has one-way access to our country, which Democrats have overwhelmingly voted on to give them. By passing this agreement, we would be making it a two-way street and give Americans fair access to Colombia. That should be what fair trade is all about.

Also, Speaker PELOSI and the Democrat leaders promised that earmarks would be scrutinized and be subject to debate and challenge on the House floor. Yet this 1,000-plus page bill contains an untold number of earmarks that have never seen the light of day. They have not been through a public review of any kind, no committee hearing, no debate on the House floor, no Senate and House conference committee review.

And today the House is going to spend a grand total of 1 hour reviewing this bill.

□ 1230

Mr. Speaker, that is not a broken promise, it really is irresponsible.

Now, the reason why this liberal Congress finds itself in this mess is because the fiscal year ends on September 30, and they have yet to pass a single one of the 12 appropriation bills needed to fund the Federal Government starting October 1. This Congress has totally failed in its most basic job.

They shut down the work of the Appropriations Committee. In fact, in the middle of a working markup, they literally gaveled the committee to close, got up and left the room and just quit working. I should qualify that, they quit working in public because Democrats have been working feverishly behind closed doors to write this massive spending bill.

But why did Democrats punt on their basic responsibility and retreat to work in secret and walk out of a markup? It is because Speaker PELOSI and the Democrats are doing everything they possibly can to prevent us from lowering gas prices by producing more American-made energy with offshore drilling.

Democrats are so opposed to drilling offshore that they shut down the work of the Appropriations Committee. But the good news, Mr. Speaker, on this issue they have failed. Republicans have succeeded in forcing the ban on offshore drilling to be lifted despite the massive battle that Democrats waged for months to try and block it. With passage of this bill, the moratorium on offshore drilling will be lifted.

Yet, of course, this is just the first step. Democrats have shown the incredible lengths they will go to to block drilling. While they have been beaten this time, Americans, Mr. Speaker, should not be fooled. Democrats have chosen to play possum because election day is approaching and they want to hide from voters who support drilling offshore. There is much more to do, both now and after election day, to ensure that offshore drilling becomes a reality. But the reality is, Mr. Speaker, that Democrats and their allies will continue to use lawsuits and other tactics to block America from becoming more energy independent.

So, Mr. Speaker, this Democrat Congress has broken promise after promise to the American people. It has failed to do the most basic job to pass 12 funding bills by October 1. It is now jamming through a bill that was only made public at 11 p.m. last night, a little over 13½ hours ago. It is a bill that is over 1,000 pages long. It is a bill written in secret, spends hundreds of billions of dollars and includes untold numbers of earmarks that haven't been publicly vetted. The House will debate this monster piece of legislation for just one hour.

Mr. Speaker, for these many reasons, I urge my colleagues to oppose this rule and the underlying bill.

I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I always love to listen to the gentleman from Washington State, my colleague on the Rules Committee. But I have to say that I don't think there is a single American who hasn't concluded that they have had enough of the Republicans and their misplaced priorities. We are in a financial mess right now because of their fiscal policies, and we need to try to figure out a way to dig ourselves out.

But I found it interesting, I think I got the quote right, he talked about stuffing in ''unvetted earmarks.'' Well, a quick look at the earmarks, which are published, by the way, are on the Website of the Rules Committee, I see the gentleman has some earmarks in here. I don't know whether or not the portable launch and recovery system and unmanned aerial vehicle operation was unvetted and stuffed in in some secret room.

Mr. HASTINGS of Washington. Would the gentleman yield?

Mr. MCGOVERN. I yield to the gentleman.

Mr. HASTINGS of Washington. I appreciate the gentleman yielding.

This particular earmark you're talking about and the others that I have sponsored have been vetted. In fact, they were in last year's appropriations bill. I have no problem with earmarks being vetted.

Mr. MCGOVERN. Reclaiming my time, I would say to the gentleman that all of the earmarks in here went

through the same process that he went through. So it is just a little bit frustrating to hear some of my friends on the other side of the aisle complain about earmarks when they have earmarks in this bill.

Mr. Speaker, I would also remind people that in this bill is $22.9 billion for disaster relief to deal with the disasters in Iowa and Florida.

I will point out to my friends in this Chamber that my Republican friends on the Rules Committee all voted last night to block this bill from coming to the floor and block this disaster relief from getting to where it needs to go.

At this time I yield 3 minutes to the gentleman from Iowa (Mr. BRALEY).

(Mr. BRALEY of Iowa asked and was given permission to revise and extend his remarks.)

Mr. BRALEY of Iowa. Mr. Speaker, I would like to thank my friend from Massachusetts for yielding.

Mr. Speaker, I rise today to commend the passage of $22.3 billion in domestic disaster relief. This is critical funding which will help my State of Iowa make a full recovery from the unprecedented natural disasters that hit our State this summer.

I have been working hard to secure this funding for months now, ever since my district was ravaged by record floods and tornadoes which destroyed farms and businesses and displaced thousands of Iowans.

I am especially pleased that this disaster relief package includes $6.5 billion in community development block grant funding which will provide devastated communities with the flexible grants they need to provide temporary housing, repair and replace damaged homes and public infrastructure, and fund critical economic development activities.

I am also pleased that the package includes $7.9 billion for FEMA disaster relief funds which will help ensure that FEMA can continue its work helping communities recover from recent disasters, and provide the resources necessary to respond to future disasters.

In addition to the damage to homes, schools, hospitals, businesses and cropland, Iowa also experienced serious infrastructure damages, including damage to numerous railroad bridges like the one here in downtown Waterloo that is pictured to my right.

I fought very hard to repair and replace this damaged rail infrastructure, so I am glad that my efforts have paid off in this bill with funding that includes $20 million to fund the repair and replacement of damaged bridges, tracks and other rail infrastructure in Iowa.

I pushed hard for funding for months, ever since the House put its initial deposit down of $2.65 billion in June. I am glad that the second disaster relief package is becoming a reality.

I also encourage the Bush administration to ensure that this disaster relief gets to Iowans and other affected individuals around the country as soon as possible. Only yesterday, after these tragedies occurred in May and June, did the initial installment of $85 million of community development block grant funding get released from the $300 million we approved in June. Three months is too long to wait when Iowans are struggling to recover as we speak. There are hundreds of millions of dollars remaining from our initial $2.65 billion package, and the House is on the verge of passing billions more. The administration needs to get this money to the people who need it.

The recovery process in Iowa has been very challenging. The infrastructure demands are great. Cities like Aplington-Parkersburg lost their high school, Waverly-Shell Rock lost elementary schools. Wastewater treatment facilities throughout my district and necessary improvements to infrastructure are not being met.

This funding will provide critical assistance to people in need all over this country. I pledge to fight and continue these efforts to rebuild Iowa and other areas of the country until we finally achieve the victory of recovery.

Mr. HASTINGS of Washington. Mr. Speaker, before I yield to the distinguished ranking member of the Rules Committee, I yield myself 30 seconds.

Mr. Speaker, I am talking about unvetted earmarks in this bill, and I would be happy to yield to my friend from Massachusetts if he would tell me that he has, and stake his reputation, and he is a very valuable member of this committee, that there are no unvetted earmarks in this massive bill.

I will yield to the gentleman if he will give me a ''yes'' or ''no'' answer.

Mr. MCGOVERN. I thank the gentleman.

I can simply say to the gentleman, all of my earmarks are vetted. I hope yours are. I mean, there is a process here. The deal is that——

Mr. HASTINGS of Washington. Reclaiming my time. Reclaiming my time, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Washington controls the time.

Mr. HASTINGS of Washington. Mr. Speaker, I asked the gentleman about unvetted earmarks, and his response was only his. I was talking about earmarks that everybody else would make, and the gentleman couldn't answer me.

With that, Mr. Speaker, I yield to the gentleman from California (Mr. DREIER), the ranking member of the Rules Committee.

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

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

I have to say that it is very sad that we are here at this point, having gone through the past several Congresses with the then-minority maligning us for not having completed our work. In the last Congress, I am happy we were able to actually pass out of the House 11 appropriations bills. In this Congress, one appropriations bill, this session of Congress has passed out of the House. It is unfortunate having been maligned so viciously for such a long period of time that here we are using a structure which is one that was used only once in the 109th Congress, and it is a structure that denies any Member an opportunity to provide even the slightest opportunity for an amendment. No motion to recommit, no substitute, no amendment at all.

This is actually concurring in a Senate amendment with an amendment which is a procedure that has now been used 15 times in this Congress to completely subvert the rights of the minority to do anything, to have, as I say, one bite at the apple. It saddens me that we are doing that again.

And I think back to the promises that were made 2 years ago right now when we were in the midst of the 2006 campaign. We were promised that if we in fact allowed NANCY PELOSI to become Speaker of the House of Representatives, it would be a whole new day and the kind of horrible action that we had seen in the past would be history.

What we were told, Mr. Speaker, is we would not see closed rules. This happens to be the 63rd closed rule that we have had in this Congress, the largest number of closed rules, again preventing any Member from having any opportunity to offer any amendment at all. Not one single amendment allowed, and this is the 63rd closed rule. Mr. Speaker, never before in the 230-year history of the Republic have we had the number of closed rules that we have had in the 110th Congress.

And then you look at the promises for things like not meeting after 10 p.m. in the Rules Committee. Last night we met right up until midnight. You look at all of these promises that were made, and it is sad that the only statement that I regularly hear from my good friends on the other side of the aisle is how horrible we were.

I was privileged to serve as chairman of the Rules Committee, and we continue to hear, well, you did this and how horrible it was when you were chairman of the Rules Committee.

Mr. Speaker, they never once talk about the promises that were made to be different. I never, never thought that they would be as bad as they have been when it comes to this process of deliberation. Frankly, where we are right now with this rule for consideration of this measure is exactly that, denying any opportunity whatsoever. And again, it is the 15th time in this Congress where we have concurred in a Senate amendment with an amendment which again shuts out—and, by the way, we never, we never contemplated doing this, Mr. Speaker, in the consideration of an appropriations bill. Appropriations bills, as we all know, are regularly considered under by and large a completely open process.

Having said that, I will say, and we had our exchange with the distinguished chairman of the Appropriations Committee last night, there are some things in this bill that I am very, very happy about. My distinguished colleague from North Carolina, VIRGINIA FOXX, along with our colleagues MIKE PENCE, TOM PRICE and others, and I was privileged to be here on one occasion, they were here virtually every single day during the month of August. Why? Well, to refresh the memories of our colleagues, Mr. Speaker, and yours as well, at the very end of the month of July just as Congress was getting ready to leave for the month of August, we were arguing that we should in fact have a debate and a vote on considering a wide range of proposals that the American people had said that we should at least have a vote on that would allow us to see the price of gasoline come down, that would allow us to see the cost of the price of natural gas come down, and allow us to vigorously pursue important alternative energy sources—wind, solar, biodiesel, green crude, nuclear. We said in late July that we should have a debate and we should not leave the Congress, we should not leave Washington until we completed that.

And so on the last day, by a one-vote margin, the minority was denied an opportunity to be able to even speak, to even address this issue. So we all know what happened right after. Even when the gavel came down and by a one-vote margin the majority chose to cut off specials orders that would have simply been an opportunity to talk about the need for looking at alternative energy sources and allowing for exploration on the Outer Continental Shelf and ANWR and other areas, what happened, well, Members on our side of the aisle took to the well, when the lights were dim and there were only tourists who were here in the Chamber. Mr. Speaker, that went on during the entire month of August. During the entire month of August.

And the American people were able to come in, fill this Chamber, even though the lights were out and the microphones weren't working, and Members on our side, led by VIRGINIA FOXX and the others whom I have mentioned, they talked about the need for us to have an all-of-the-above solution to the problem of high gasoline prices and overall high energy prices.

We are still dealing with that serious problem. I see my fellow Angeleno, JANE HARMAN, here. In Southern California, we pay very high prices for gasoline and people drive great distances. I know that her constituents, just as mine are, are very, very concerned about high gasoline prices. They still want to see the cost of gasoline go down and do what we can to get gasoline costs down and deal with transportation and a wide range of other issues.

□ 1245

I was really struck when, over that August break, Santa Barbara's County Board of Supervisors—Santa Barbara, California, and to refresh your memory, Mr. Speaker, 39 years ago, one of the most horrendous oil spills took place off the coast of Santa Barbara. Seals, birds, it killed, all kinds of devastation, because of this horrible oil spill that took place 39 years ago.

And yet, Mr. Speaker, what has happened is the members of the Santa Barbara County Board of Supervisors have recognized that the technology that exists in 2008 is dramatically advanced from that that existed 39 years ago when we saw that horrible oil spill. They know that today we have safety valves and lots of other advances that have been made that will work to ensure that we would not see that kind of accident.

And so what has happened, even in Santa Barbara County, California, the County Board of Supervisors voted to allow exploration in the Outer Continental Shelf. They said that they don't have the power to do it, but they voted in favor of doing that.

And so, Mr. Speaker, I've got to say that one of the good things in this measure is that we are going to, with its passage, see the expiration of that moratorium that was put into place following the Santa Barbara oil spill in 1969. It's existed for a long period of time, but the American people recognize that we can, in an environmentally sound way, in a safe way, engage in this kind of responsible exploration.

I also want to say that as we look at this overall energy issue, there are many other things that need to be addressed that are not being addressed. Yes, we are taking some of these things in a piecemeal way. Why? Because both Democrats and Republicans alike have heard from their constituents about the need to deal with high energy costs and so some of these things are being addressed.

But we have been arguing, Mr. BOEHNER and others, that we need to have this all-of-the-above solution. And so I want to say again to my colleague, VIRGINIA FOXX, and to the others who virtually every single day during the month of August, came here, stood in a dark Chamber without the benefit of a microphone talking to a place filled with tourists who were here and getting a very, very positive response, thank them for continuing to keep this issue in behalf of the American people on the forefront, in the forefront in this debate.

I will say that again there are other items in this measure that are important. But one thing that I find particularly troubling is the date at which time this continuing resolution will expire. I happen to believe that, as we look at the economic challenges that we are facing, and we all know that we've had meetings with the Secretary of the Treasury and the Chairman of the Federal Reserve and a wide range of other people who are involved in trying to responsibly deal with a rescue package that we are going to have to face, I have grave concerns about what I've seen, but it is an issue which we need to address. Creating American jobs and getting the economy growing is the single most important thing that we can do to deal with the fiscal crisis that we face right now. Economic growth is the key. And that's why I'm troubled with this March 6, 2009, expiration date, Mr. Speaker.

Why? Because by virtue of our taking this action, we, I believe, will, for all intents and purposes, not have a chance to vote on a very, very important agreement, a trade agreement that is designed to pry open new markets, to create jobs right here in the United States of America. And I'm talking, first and foremost, about the very important Colombia Free Trade Agreement.

Now, Mr. Speaker, we all know that the State of Ohio is a State that has suffered from the economic slowdown. There are great products that are made in Ohio, in Illinois and other States that have been suffering. Caterpillar tractors, Whirlpool washing machines and refrigerators and all. Those things could be sold in great numbers to the 40 million consumers in Colombia, tariff-free, if we were to actually pass the Colombia Free Trade Agreement. Unfortunately, extending this continuing resolution to March of next year, I believe, will play a big role in diminishing the prospect for a so-called lame duck session that would allow us to do that.

This is a slap, not only at Colombia, our strongest ally on the South American continent, but at all of Latin America, and, Mr. Speaker, it is a slap at any country in the world that might be contemplating embarking on negotiations with the United States of America in its attempt to deal with this.

Ms. KAPTUR. Will the gentleman yield?

Mr. DREIER. I would be happy to yield to my friend from Ohio.

Ms. KAPTUR. I thank the gentleman for yielding. Since you mentioned the State of Ohio, I thought I should just state for the record that the vast numbers of people in our State do not favor the extension of NAFTA to Colombia. Indeed, the entire Catholic and Christian communities as well or other organized against this agreement because of the horrendous treatment of Afro-Colombians on the northwestern side of Colombia, as well as the massive killing of labor leaders, the largest number in the world, more than all other countries, combined. So we place human life first, and I just wanted to thank the gentleman, but I don't think you should use the State of Ohio in your argument about Colombia trade. I thank you for yielding to me.

Mr. DREIER. Mr. Speaker, I thank my friend for her very thoughtful contribution, and let me just respond to a couple of points.

First and foremost, I place human life first, at the top. And so I think it's

absolutely essential, I would say to my friend from Ohio, that she know that that is priority number 1. Human rights are priority number 1. And the fact is, we have seen Colombia, as a nation, in a 5-year period of time, go through a more positive transformation than any nation in modern history. And the fact that the Colombian Government, under President Uribe, has stood up and fought very, very vigorously in behalf of bringing to justice those who have been responsible for any killings. The demobilization, taking people who have been part of the FARC and the paramilitaries and bringing them into society, Democrats and Republicans alike have seen that time and time again as I have in two recent trips that I have taken to Colombia.

I want to say, Mr. Speaker, the reason I mentioned the State of Ohio is that I want to do everything that I possibly can to create more good jobs for the constituents of Ms. KAPTUR and other Ohioans throughout the State. Whirlpool is a very important Ohio company, and this agreement will allow workers for Whirlpool to create products that can be sold into Colombia.

And so all I'm arguing, Mr. Speaker, is that by virtue of having this date, it is a slap at the American worker and it is undermining our chance to get this economy growing again by prying open these new markets so that we can export our goods and services into the country.

Mr. Speaker, again, there are good things in this measure, but I am strongly opposed to this rule, the structure around which we are considering it.

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

Mr. Speaker, let me just rise to associate myself with the remarks of my colleague from Ohio (Ms. KAPTUR) on the Colombia Free Trade Agreement. Colombia continues to be the most dangerous place in the world to be a member of a union. It is number 2 in the number of internally displaced people, the largest number of internally displaced people, second in the world. And extrajudicial killings by security forces are on the rise.

So if we're going to have a trade agreement, and human rights matters, then I don't think it's too much to ask the Colombian security forces to stop killing and targeting its workers.

Mr. DREIER. Will the gentleman yield?

Mr. MCGOVERN. I yield to my friend for 30 seconds.

Mr. DREIER. I thank my friend, and say that all we're asking for is a vote on this issue. I understand that the gentleman has a different view on this question, Mr. Speaker. It's very clear that he does.

I happen to believe that humans rights are very, very important, and we should recognize that enhancing the economies of both the United States and Colombia will help in that effort.

All we're saying is that we've been denied a vote, something that has never happened since the 1974 Trade Act was put into place under this structure, and by virtue of having this March 6, 2009, date, we're denying even a chance for a vote because I suspect we won't have a lame duck session.

Mr. MCGOVERN. I would also disagree that a Colombia Free Trade agreement is going to help create more jobs in Ohio or Massachusetts or anywhere else for that matter.

Mr. Speaker, I also, going back to what the gentleman from Washington State had talked about earlier, he mentioned stuffing in unvetted earmarks. I've been going through the bill here, and I found that the ranking Republican member of the Rules Committee has a number of earmarks, too. You may want to check with him whether or not he vetted them and whether they went through the proper process. I assume they did, because I would not expect anything less from him. But I want to point out again that as you go through this bill, you see a number of earmarks that are attributed directly to the Republicans.

Mr. Speaker, at this time I would like to yield 1 minute to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I would simply point out to the gentleman who was expressing concern about earmarks in the Defense bill, that if this CR represented the CR that I wanted to bring to the House floor, it would not contain the Defense bill. The original CR that I brought forward did not contain the Defense bill. The Defense bill was added at the express request of the minority and at the express request of the Secretary of Defense who wrote us the following letter:

''I understand that there is a consideration in the House to not include full year funding for the Department of Defense in the fiscal year 2009 continuing resolution.

''While I understand that some have expressed policy concerns with the bill, I believe it is critical for the orderly operation of the Department of Defense that Congress pass a full year fiscal 09 Defense appropriation bill in order to avoid the significant negative effects of having to operate under a continuing resolution.

''Accordingly, I urge you to include such an appropriation bill in the final continuing resolution.''

When you make concessions such as we did to this letter, I'm sorry if the clock doesn't give us enough time to do so in a pristinely orderly fashion, but we simply had to move this forward to keep the government open.

Mr. HASTINGS of Washington. Mr. Speaker, what is the time on both sides?

The SPEAKER pro tempore. The gentleman from Washington has 6 minutes remaining, and the gentleman from Massachusetts has 14 minutes remaining.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, the normal process for appropriation bills are for them to come to the House floor and be debated under an open rule with the earmarks that are in the bill being open for everybody to look at them.

Now I find it rather interesting, when other Members were talking I saw my friend and his staff from Massachusetts frantically going through this 1,100 page bill to try to find earmarks. Well, if we'd gone through normal process, we would have known what those earmarks are. I have always said that I am one that is not necessarily opposed to them, but I think there ought to be transparency to this whole process. And there hasn't been any transparency, because only one, Mr. Speaker, only one of the appropriation bills was passed by the House, and that was not done under an open rule.

Had we had the normal process, all these earmarks would have been vetted, asked about, explained and so forth. But here we are, 1 hour to debate this 1,100-page bill of which there are three appropriation bills a part of this CR, and no real process to look at what the earmarks are. That's my whole point. Nothing more than that.

Yet because we aren't going through the regular order as we say, open process, in fact we go through 63 closed rules, Members don't have an opportunity to find out how the taxpayers' money is being spent on particular earmarks that all Members of this House have an opportunity to put in these bills. Mr. Speaker, I just wonder what the qualms are over there. It's their process, they run this place, and it hasn't been open.

I reserve my time.

Mr. MCGOVERN. Mr. Speaker, I yield myself 30 seconds.

I would just say that the American people can see what earmarks exist in this bill and who is responsible for those earmarks because it is open. What the gentleman is complaining about is he can't play politics with some of the earmarks on the floor today.

The other thing is, I will restate what the chairman of the Appropriations Committee said. The reason why the Defense appropriations bill is in this continuing resolution is because of the request of the Republican administration.

Having said that, Mr. Speaker, I would like to yield 3 minutes to the gentlewoman from California (Ms. HARMAN).

Ms. HARMAN. I thank the gentleman for yielding. He is one of the most conscientious Members of this House, and I enjoy being his partner and working together.

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Mr. Speaker, there is much to admire and support in this Continuing Appropriations Act. As usual, Chairmen MURTHA and EDWARDS have crafted excellent Defense and MilCon-VA appropriations bills. Disaster relief and

LIHEAP funding are critical to support, and I'm aware of many other efforts by Chairman OBEY to make this CR help those in need.

But the act contains two huge flaws which I would like to speak to this morning. First, the homeland security portion of the bill effectively allows some funding for the hastily erected and legally suspect National Applications Office, or NAO. The NAO is intended to make feed from U.S. defense intelligence satellites, our most powerful spy satellites, available to DHS and, in the future, to State and local law enforcement. The specific capabilities of these satellites are classified, but I can say that their ability to capture detailed visual data about activities on the ground is truly stunning.

Before we stand up a new office to turn these powerful satellites toward America, I believe there must be a comprehensive legal framework in place to protect the rights and liberties of Americans. As we speak, that comprehensive framework does not exist.

I agree with the GAO, which recently completed a study of the NAO, and concluded that ''DHS has not fully justified its certification that the NAO complies with applicable laws.'' The GAO says there are significant unresolved legal and policy issues regarding the use of satellite images in law enforcement. There are weak management controls to ensure compliance with the law, and unaddressed privacy and civil liberty concerns.

Second, on a different topic, Mr. Speaker, I am dismayed, as are many of my constituents, that this act allows the moratorium on drilling in the Outer Continental Shelf to lapse. That moratorium has been in place for two decades in Republican and Democratic administrations and Republican and Democratic Congresses.

I know that this lapse is not the favored outcome of many in my party, and I recognize that a new President could reverse it, but that doesn't mean we should signal we are ready even now to impose drilling as close as 3 miles off our coasts when a State does not want that drilling. I am aware that the Republican Governor in my State does not want that drilling.

According to the Bush administration's own Energy Information Administration, if we open the entire Outer Continental Shelf for drilling tomorrow, we could expect an increased domestic production of 200,000 barrels of oil per day by 2030. The world consumes around 80 million barrels of oil per day today, and so the impact on oil prices from such a minuscule increase would be, and I quote the Bush administration, ''insignificant.''

And what do we risk for this ''insignificant'' increase in supply? Well, we risk thousands of miles of environmentally sensitive and economically indispensable coastline in California, South Carolina, Florida and elsewhere, and we increase our carbon footprint. These are not risks we should take, Mr. Speaker.

Mr. HASTINGS of Washington. I reserve my time.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, on behalf of the people of the State of Texas, and all of my colleagues that have been working on the devastation that we experienced in Hurricane Ike, I say thank you to our leadership and chairman of the Appropriations Committee and my colleague, Chairman OBEY, and the staff, because disasters always need the benevolence and the friendship of the American people. And I thank you very much for your concern about the people in the Midwest and on the gulf region who have suffered, through no fault of their own.

And so this is what our newspaper looks like every day for the last 10 days. The picture is one of a gentleman, 80 years old, Roy Krause in my district, with a tree protruding out of his house. His wife is in the hospital, no lights, no place to go. Galveston and regions around are suffering. And so I am very pleased that we can see the light at the end of the tunnel.

This rule is necessary so that we can begin to help people. The $6.5 billion in CDBG money, one-third of it will be out of Washington, into the hands of the State of Texas, in 60 days. We have thousands of people returning as evacuees with no place to live; $400 billion for Economic Development Agency because we have businesses whose lights are still out; $800 million to FEMA that could help our businesses that have suffered business interruption.

I met a couple as I was giving out MREs and water and ice. They had just come back from being evacuated. They are on hourly wages. They don't know how they're going to pay their rents.

Social services block grants, $600 million. Because of our utility company, CenterPoint, we have hospital and nursing homes today without power and electricity. Those hospitals cannot dry out because they don't have power. And so this grant that we will have will be necessary.

The Army Corps of Engineers, we don't have levees. I'm grateful for the levees. We have bayous that overran themselves and flooded people. So we are grateful for this, $200,000 in an earmark that I was able to secure for predisaster work and $1 million for flooding.

But the real crux is human needs. We need this money now. And in addition to this legislation, I'm glad that we are taking care of our veterans, many of whom were displaced because of the hurricane, homeless veterans, people who were about to transition to a better life, then got wiped out.

Yes, we need moneys for the Red Cross, and I support the $150 million that they need, but I really want this money to get to our people.

And finally let me say, some of this devastation comes about because our utility companies were too worried about profits than performance, and so I have 180 schools that are out because of lack of power. I'm glad this bill will provide moneys from FEMA for public buildings to help them rebuild.

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

Mr. MCGOVERN. I yield the gentlewoman an additional 30 seconds.

Ms. JACKSON-LEE of Texas. But let me say this to my colleagues, we have got to address the crumbling infrastructure in America.

The PUC of Texas ordered our utility company to precut limbs, to rebuild their power lines, to make them metal. They did not do it, and now we have close to 800,000 people without power still, not because we are trying to get more than we expect after a disaster, but it is because we have poor performance. Our trees are down. They are confused. They don't have an organized special needs list. My nursing homes are without power. My hospitals are without power.

I'll be writing legislation to correct this immediately and provide penalties for those who cannot provide service.

Mr. Speaker, I rise today in support of H.R. 2638, the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act. Although this legislation does not include the important legislative and policy language I sought to help my fellow Houstonians and Texans on the road to recovery from the devastation of Hurricane Ike, it does appropriate $22.9 billion in disaster assistance, which will help communities in Texas and across the nation rebuild, rejuvenate their local economies, and take steps to fortify ourselves from future disasters.

I have been working diligently and tirelessly to prepare for the devastation wreaked by Hurricane Ike since September 11, and I have been in Houston nearly every day since Hurricane Ike hit landfall to assist my constituents and my fellow Texans respond to and recover from the widespread impact. The government should not abrogate its responsibility over the general welfare of its citizens, and all levels of government (federal, state, and local) must do a better job of coordinating and ensuring that relief is delivered in a timely and efficient manner. I am optimistic that this bipartisan legislation does that by assisting the victims and states affected by Hurricane Ike, especially in Texas, get on the road to recovery.

I worked with Chairman OBEY and my fellow Texan colleagues to appropriate $7.9 billion in disaster relief funds for FEMA so that this Agency can continue helping communities recover from Hurricane Ike by using these funds for emergency housing, school repairs, debris removal, infrastructure improvements, emergency protective measures, utility repairs, and water facilities. I also worked to provide $6.5 billion in Community Development Block Grants (CDBGs), which are flexible grants that help communities recover from disasters by providing temporary housing, repairing and replacing damaged homes and public infrastructure, and stimulating economic development activities. I also worked to include $600 million in social services block grants to provide

states with flexible sources of funding to address emerging needs ranging from food assistance to urgent healthcare needs. We also have appropriated $1.3 billion to the Army Corps of Engineers to repair damage to infrastructure, especially bayous, drainage channels, and levees to bolster flood control efforts. Furthermore, we have appropriated $799 million for loans and technical assistance by the Small Business Administration (SBA) to businesses and homeowners who have been hit hard and need increased assistance. This legislation also includes assistance for emergency highway relief, levees in New Orleans, wildfires, economic development assistance, international disasters, and international food aid.

While Hurricane Ike has left an enormous amount of devastation, it has brought out the amazing unity, strength and resilience that Texans and Americans possess. Whether rich or poor, black or white, young or old, Democrat or Republican, everyone has been working together to rebuild and move forward. This is a great testament to the insurmountable American spirit.

More than 60 Americans and over 28 Texans have died as a result of Hurricane Ike. In addition, the hurricane has caused millions of dollars of damage in Houston and Galveston and billions of dollars damage throughout the Nation. After touring the devastation throughout the Houston and Galveston area, it is clear that the funds I helped secure for FEMA and CDBG grants are needed to help residents with recovery efforts in Houston and throughout Texas.

As a senior Member of the House Homeland Security Committee, which has oversight over FEMA and DHS, I saw firsthand the waste, fraud, and abuse that occurred in the response and recovery effort to Hurricane Katrina. Furthermore, the almost exclusive use of major, national contractors marginalized and excluded small, minority, and local contractors from participating in the cleanup and rebuilding of New Orleans in particular. This exclusion of small, minority, and local contractors cannot be allowed to occur again in the response and recovery effort in Houston and throughout Texas. I am committed to exercising my oversight over funds appropriated to DHS and FEMA to ensure that they utilize, small, minority, and local businesses that must play an integral role in the recovery and rebuilding of their communities.

Furthermore, the response efforts to Hurricane Ike in Texas, unfortunately similar to Hurricane Katrina in Louisiana but to a smaller extent, revealed breakdowns in communication between the state and local government on the one hand and FEMA and the Federal Government on the other hand. These communication failures resulted in unnecessary and avoidable delays in deploying vital resources to individuals and families in need. I look forward to hearing from the panelists on how we can increase the role that FEMA can play in the response and recovery efforts to natural disasters in order to ensure the most expeditious and efficient decision-making process possible. Whether it be through legislation or simply improved preparation and communication, we must take concrete steps to ensure that in the ongoing recovery effort, bureaucratic barriers are eliminated and minimized and that resources are deployed to individuals and families in need efficaciously.

Nearly 6 million people nationwide and over 2.5 million Texas residents lost electricity and approximately ⅓ Houstonians still have not regained power. This is unacceptable. CenterPoint, and to a smaller extent Entergy, have demonstrated that their utility infrastructure is lacking and insufficient to deal with a disaster of this magnitude. Clearly, we need to invest substantial funds to improve our electric grids to ensure that the disparate impact on vulnerable populations such as the elderly, disabled, and impoverished, are corrected and are never allowed to reoccur. Furthermore, I am drafting legislation to ensure that utility companies who ignore recommendations to upgrade their power infrastructure and fail to prepare for natural disasters face both civil and criminal liability for their negligent actions.

Also, nearly 1 million people evacuated before Hurricane Ike and tens of thousands of Houstonians and Texans are facing a major housing crisis that must be addressed. The City of Houston will need over $2 billion for emergency shelters, temporary housing, removal of debris, emergency protective measures, and repairs for infrastructure, schools, and water facilities. The City of Houston also estimates that it will require over $300 million in CDBG grants for permanent housing to address this housing crisis. I am confident that I will have the strong support of my congressional colleagues in my efforts to ensure that Houston and Texas receives the funds it so desperately needs on the road to recovery.

Also, the procedure for reimbursement of uninsured home damage is extremely cumbersome and slow and must be streamlined to assist families on the path to recovery. The current steps which allow for applicants to be rejected by the Small Business Administration (SBA) after they have registered with FEMA and have had their homes inspected and their losses assessed is broken and must be fixed.

Although I support the additional support of our troops included in the Defense Appropriations portion of this legislation, I still must reluctantly oppose allowing President Bush to continue a war which the American people also oppose by failing to impose timelines for withdrawal. However this legislation also restores the crucial American priorities shortchanged by the President's proposed budget, this legislation restores vital homeland security programs, life-saving medical research, education for our children, financial aid for secondary studies, energy independence, and services for seniors.

Throughout this year, the Democratic-led Congress has worked to restore these critical programs, and this omnibus appropriations bill represents the final rejection of the President's misguided budget cuts. Instead, this legislation provides funding for medical research, health care access, and rural hospitals. It increases funding for K–12 education, student aid, and vocational education. This legislation invests in our Nation's first responders, invests in highway infrastructure, and in a safe future for our children through renewable energy.

Mr. Speaker, it is essential that the Congress, as the direct representatives of the American people, approve appropriations legislation that reflects the priorities of the American people. That is what this bill does. It restores funding, supported by a strong, bipartisan majority, for a wide variety of American needs. Even as the President asks for billions more to fund a war that the majority of Americans do not support, he proposes to essentially freeze most domestic funding.

In addition, I am pleased to have been able to secure funding for a number of projects benefiting the citizens of the 18th congressional district of Texas such as $1 million for Harris County Flood Control District, $200,000 for City of Houston, and $200,000 for FEMA Pre-Disaster Mitigation. These funds will be crucial to ensure the havoc wreaked by Hurricane Ike is not repeated.

Mr. Speaker, while I am pleased with many of the provisions of this legislation, this legislation contains some language which is unacceptable to me, and is unacceptable to the American people. My colleagues and I in the House of Representatives have tried, numerous times, to provide funds for the troops in Iraq specifically linked to a requirement for the immediate commencement of the redeployment of U.S. forces.

As lawmakers continue to debate U.S. policy in Iraq, our heroic young men and women continue to willingly sacrifice life and limb on the battlefield. Our troops in Iraq did everything we asked them to do. We sent them overseas to fight an army; they are now caught in the midst of an insurgent civil war and continuing political upheaval. The United States will not and should not permanently prop up the Iraqi government and military. U.S. military involvement in Iraq will come to an end, and, when U.S. forces leave, the responsibility for securing their nation will fall to Iraqis themselves. However, whether or not my colleagues agree that the time has come to withdraw our American forces from Iraq, I believe that all of us in Congress should be of one accord that our troops deserve our sincere thanks and congratulations.

Mr. Speaker, we have already lost over 4,100 American lives and $500 billion in taxpayer dollars in Iraq. We have occupied the country for over four years. And our President continues to push a strategy devoid of clear direction and visible targets, while rejecting congressional calls to solidify an exit strategy.

In November 2006, the American people clearly stated that they did not want to see an endless conflict in Iraq; they went to the polls and elected a new, Democratic Congress to lead our nation out of Iraq. I am proud to be a member of the Congressional class that listens and adheres to the will of the American people, as we did when both houses of Congress approved Iraq Supplemental bills that instituted a timetable for U.S. withdrawal. We need a new direction, because we owe our brave, fighting men and women so much more. Washington made a mistake in going to war. It is time for politicians to admit that mistake and fix it before any more lives are lost.

This Congress will not, as the previous Republican Congress did, continue to rubber stamp what we believe to be an ill-conceived war. As we continue to receive reports on the situation in Iraq, it is important that we continue to look forward, to the future of Iraq beyond a U.S. military occupation.

Despite the multitude of mistakes perpetrated by President Bush and former Defense Secretary Rumsfeld, our troops have achieved a military success in ousting Saddam Hussein and assisting the Iraqis in administering a democratic election and electing a democratic government. However, only the Iraqi government can secure a lasting peace. Time and time again, the Iraqi government

has demonstrated an inability to deliver on the political benchmarks that they themselves agreed were essential to achieving national reconciliation. Continuing to put the lives of our soldiers and our national treasury in the hands of what by most informed accounts, even by members of the Bush Administration, is an ineffective central Iraqi government is irresponsible and contrary to the wishes of the overwhelming majority of the American people.

Our nation has already paid a heavy price in Iraq. Over 4,100 American soldiers have died. In addition, more than 30,600 have been wounded in the Iraq war since it began in March 2003. This misguided, mismanaged, and misrepresented war has claimed too many lives of our brave servicemen; its depth, breadth, and scope are without precedent in American history. In addition, the U.S. is spending an estimated $10 billion per month in Iraq. This $10 billion a month translates into $329,670,330 per day, $13,736,264 per hour, $228,938 per minute, and $3,816 per second. Ultimately, many estimate that Bush's misadventure in Iraq will cost over $1 trillion.

Mr. Speaker, this House previously passed legislation providing our brave soldiers in Iraq with the resources they need, while requiring that the President begin to redeploy our troops. We have worked tirelessly to keep our soldiers and our nation safe. The open-ended war funding provided by this legislation is not the will of the American people, and I am proud to stand here, on their behalf, and oppose this legislation.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New Hampshire (Mr. HODES).

Mr. HODES. Mr. Speaker, I thank the gentleman for yielding me the time.

I want to commend Chairman OBEY and members of the Appropriations Committee for working together to bring this continuing resolution to the floor today.

One area I want to specifically address is LIHEAP, the Low-Income Heating Assistance Program. Thousands of the people I represent in New Hampshire are staring out at a cold winter ahead and record-high home heating oil prices. This continuing resolution provides $5.1 billion for the heating assistance program. While this is a record amount of funding for the program, it unfortunately will do little more than provide the same amount of fuel to the same number of families as New Hampshire covered last year, leaving thousands of families with no assistance at all. I am deeply disappointed that we could not find more to help meet the needs of families in my district and in districts around this country.

What this lack of funding will mean is that many eligible families for this program will not be able to receive assistance to keep their homes warm this winter. I will reluctantly support what is before us because this crisis is too important for us to come home empty-handed this winter.

But I want to express my frustration that we cannot find more funding for the families in New Hampshire and around the country who will not be able to get critical heating assistance this winter. Many folks are going to have to choose between heating their homes and feeding their families.

This week, Congress is discussing and debating the proposed $700 billion bailout of Wall Street. It is bitterly ironic that this Congress will shortchange families struggling to keep their homes warm this winter but still find money to bail out Wall Street.

As we debate the administration's financial package this week and contemplate their reckless disregard for the welfare of the American people, Members and leaders on both sides of the aisle should think long and hard about spending $700 billion of taxpayer money on bad Wall Street debt, while millions of our own taxpayers will not be able to heat their homes this winter.

Mr. HASTINGS of Washington. Mr. Speaker, I'm pleased to yield 2½ minutes to the gentleman from New York (Mr. WALSH), a valuable member of the Appropriations Committee, who is leaving the Congress after this term.

Mr. WALSH of New York. Mr. Speaker, I thank my good friend from Washington for yielding me the time.

I am very disappointed. After the disappointment of moving to minority in the year 2007, I took some solace in the fact that the three highest elected Democratic leaders are all members of the Appropriations Committee, and I thought that they would work the will of the committee within the committee.

I am disappointed that in my last year as a member of the Appropriations Committee this majority has not seen fit to bring one regular spending bill before the House of Representatives.

It is no secret that I do not always agree with the current President on spending levels, but even if I did, he is brought into the process only after we complete our work. He has been a primary consideration throughout this process, and that's why we haven't worked our will.

In short, we gave up a fight without a fight, and that disappoints me, and that should disappoint those we represent.

We gave up without letting the Appropriations Committee work its will, without letting the membership of the House work its will.

The Senate is the Senate. We have no control over what happens or, more likely, what doesn't happen over there, but we do have control over whether or not the House gets its job done, and quite frankly, that did not happen this year.

So here we are, punting on second down.

Having said that, Mr. Speaker, I must say that as I reflect on my 20 years here, 16 of those on the Appropriations Committee, 12 of those as a subcommittee Chair on this, I believe, the greatest committee of the House of Representatives, there's been much more satisfaction than disappointment.

As this is probably the last time I will address this body on a pending appropriations bill, I respectfully ask my Chair and the members of the committee to in the future restore regular order and protect the prerogatives of this committee. It is of signal importance to the Congress that the Appropriations Committee perform its will.

Mr. MCGOVERN. Mr. Speaker, if I could yield myself 30 seconds, I just want to say to the gentleman from New York (Mr. WALSH) that it has been a pleasure and honor to serve with him in the Congress, and I think I speak for Democrats and Republicans when I say that we will miss him.

Mr. Speaker, at this time, I would like to ask the gentleman from Washington whether he has any other speakers.

Mr. HASTINGS of Washington. Mr. Speaker, I have no other requests for time.

Mr. MCGOVERN. Neither do I, so I reserve my time.

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

Mr. Speaker, I'm going to urge my colleagues to vote ''no'' on the previous question because, by defeating the previous question, I will move to amend the rule to ensure that the Congress will not adjourn, Mr. Speaker, until a comprehensive energy legislation bill has been enacted.

What this means, Mr. Speaker, is passing an all-of-the-above energy plan that, in addition to drilling offshore, we need to open the Arctic National Wildlife Refuge, or ANWR, and shale oil reserves in other parts of our country. We also need to extend renewable energy incentives. We need to streamline approval of new refining capacity in the United States and nuclear power facilities in the United States, and we need to encourage advanced research and development of clean coal, coal-to-liquid, and carbon sequestration technologies.

And finally, we need to minimize drawn-out legal challenges that unreasonably delay and prevent actual domestic energy production, because I had mentioned earlier, Mr. Speaker, that while the offshore is now open on October 1 to exploration, I'm almost sure that the lawsuits will ensue. The bill that I will be amending this rule to contemplate takes care of that provision.

So, Mr. Speaker, I ask unanimous consent to have the text of the amendment and extraneous materials inserted into the RECORD prior to a vote on the previous question.

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

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I'm going to ask my colleagues now to vote ''no'' on the previous question so that we can simply amend the rule and take up this legislation.

With that, I yield back the balance of my time.

Mr. MCGOVERN. How much time do I have, Mr. Speaker?

The SPEAKER pro tempore. The gentleman from Massachusetts has 4 minutes remaining.

Mr. MCGOVERN. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, it's important that we pass this continuing resolution for a number of reasons. One is it contains money for LIHEAP. With the high cost of energy, we need to make sure that people have the emergency assistance so they can heat their homes, so they don't have to choose between heating their homes and their medication, or heating their homes and food.

□ 1315

We need to support this bill because it has money to help combat hunger—which unfortunately, under this administration's watch, has gotten worse in this country. There are people in the United States who are hungry, and that is something that every one of us should be ashamed of.

We need to pass this bill because it contains money for disaster relief. We have had hurricanes in Florida and Texas. We have had floods in Iowa. People are in need of assistance from the Federal Government to help rebuild. Why anybody would want to hold that up is beyond me.

We need to support this bill because it supports our troops. And we need to support this bill because it supports our veterans. We have a lot of talk around here about how we have to support our troops and veterans, and yet here we have an effort to try to block a bill that will do just that.

Mr. Speaker, this bill is about keeping the government running. And I gotta tell you, I, for one, am glad that this bill will take us into March because hopefully in March we will have a different leadership in the White House; we will be moving in a vastly different direction than the one this President and his Republican allies in this Congress have taken us over the last 8 years. We are in a fiscal mess. Our economy is on the verge of collapse as a result of the incompetence and the inability of this administration to lead us in the right direction.

Enough. Enough.

It is time for us to move forward. It is time for us to get this work done. I would urge a ''yes'' vote on the previous question and a ''yes'' vote on the rule.

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

AMENDMENT TO H. RES. 1488 OFFERED BY MR. HASTINGS OF WASHINGTON

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

SEC. 4. It shall not be in order in the House to consider a concurrent resolution providing for an adjournment of either House of Congress until comprehensive energy legislation has been enacted into law that includes provisions designed to—

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

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

(C) extend expiring renewable energy incentives;

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

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

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

——

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

Because the vote today may look bad for the Democratic majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's ''American Congressional Dictionary'': ''If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business.''

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: ''Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

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

The SPEAKER pro tempore. The question is on ordering the previous question.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of the resolution, if ordered; and the motion to suspend the rules with regard to S. 3001.

The vote was taken by electronic device, and there were—yeas 231, nays 198, not voting 4, as follows:

[Roll No. 629]

YEAS—231

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)

Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—198

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

NOT VOTING—4

Bishop (UT)
Boyda (KS)
Cubin
Rush

□ 1344

Messrs. GARRETT of New Jersey, GILCHREST and CHILDERS changed their vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 228, nays 202, not voting 3, as follows:

[Roll No. 630]

YEAS—228

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—202

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

NOT VOTING—3

Bishop (UT)
Cubin
Hirono

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded that there are 2 minutes remaining in this vote.

□ 1353

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 for:

Ms. HIRONO. Madam Speaker, on rollcall No. 630, had I been present, I would have voted "yea."

FURTHER MESSAGE FROM THE SENATE

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

H.R. 923. An act to provide for the investigation of certain unsolved civil rights crimes, and for other purposes.

H.R. 1199. An act to extend the grant program for drug-endangered children.

The message also announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1343. An act to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act, and for other purposes.

DUNCAN HUNTER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the Senate bill, S. 3001, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. SKELTON) that the House suspend the rules and pass the Senate bill, S. 3001, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 392, nays 39, not voting 2, as follows:

[Roll No. 631]

YEAS—392

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

NAYS—39

Baldwin
Blumenauer
Campbell (CA)
Capuano
Conyers
Davis (IL)
DeFazio
Delahunt
Duncan
Edwards (MD)
Ellison
Flake
Frank (MA)
Gilchrest
Gutierrez
Hinchey
Jackson (IL)
Jackson-Lee (TX)
Kucinich
Lee
Lewis (GA)
Markey
Meeks (NY)
Michaud
Moore (WI)
Olver
Paul
Payne
Schakowsky
Serrano
Speier
Stark
Tierney
Towns
Velázquez
Waters
Watson
Welch (VT)
Woolsey

NOT VOTING—2

Bishop (UT)
Cubin

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded there are less than 2 minutes remaining on this vote.

□ 1402

Messrs. PAYNE, DAVIS of Illinois, GUTIERREZ, MARKEY, CAPUANO, DELAHUNT and MEEKS of New York and Ms. WATERS changed their vote from "yea" to "nay."

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONSOLIDATED SECURITY, DISASTER ASSISTANCE, AND CONTINUING APPROPRIATIONS ACT, 2009

Mr. OBEY. Mr. Speaker, pursuant to House Resolution 1488, I call up the bill (H.R. 2638) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes, with a Senate amendment thereto, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. ROSS). The Clerk will designate the Senate amendment.

The text of the Senate amendment is as follows:

Senate amendment:

In the Senate of the United States, July 26, 2007.

Resolved, That the bill from the House of Representatives (H.R. 2638) entitled "An Act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes.", do pass with the following *Amendment:* Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2008, for the Department of Homeland Security and for other purposes, namely:

TITLE I

DEPARTMENT OF HOMELAND SECURITY

DEPARTMENTAL MANAGEMENT AND OPERATIONS

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

For necessary expenses of the Office of the Secretary of Homeland Security, as authorized

by section 102 of the Homeland Security Act of 2002 (6 U.S.C. 112), and executive management of the Department of Homeland Security, as authorized by law, $100,000,000: Provided, That not to exceed $40,000 shall be for official reception and representation expenses: Provided further, That $15,000,000 shall not be available for obligation until the Secretary certifies and reports to the Committees on Appropriations of the Senate and the House of Representatives that the Department has revised Departmental guidance with respect to relations with the Government Accountability Office to specifically provide for: (1) expedited timeframes for providing the Government Accountability Office with access to records not to exceed 20 days from the date of request; (2) expedited timeframes for interviews of program officials by the Government Accountability Office after reasonable notice has been furnished to the Department by the Government Accountability Office; and (3) a significant streamlining of the review process for documents and interview requests by liaisons, counsel, and program officials, consistent with the objective that the Government Accountability Office be given timely and complete access to documents and agency officials: Provided further, That the Secretary shall make the revisions to Departmental guidance with respect to relations with the Government Accountability Office in consultation with the Comptroller General of the United States.

OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

For necessary expenses of the Office of the Under Secretary for Management, as authorized by sections 701 through 705 of the Homeland Security Act of 2002 (6 U.S.C. 341 through 345), $234,883,000, of which not to exceed $3,000 shall be for official reception and representation expenses: Provided, That of the total amount, $6,000,000 shall remain available until expended solely for the alteration and improvement of facilities, tenant improvements, and relocation costs to consolidate Department headquarters operations; and $88,000,000 shall remain available until expended for the Consolidated Headquarters Project.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), $30,076,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), and Department-wide technology investments, $321,100,000; of which $82,400,000 shall be available for salaries and expenses; and of which $238,700,000, to remain available until expended, shall be available for development and acquisition of information technology equipment, software, services, and related activities for the Department of Homeland Security, of which $97,300,000 shall be for the National Center for Critical Information Processing and Storage: Provided, That none of the funds appropriated shall be used to support or supplement the appropriations provided for the United States Visitor and Immigrant Status Indicator Technology project or the Automated Commercial Environment.

ANALYSIS AND OPERATIONS

For necessary expenses for information analysis and operations coordination activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), $306,000,000, to remain available until September 30, 2009, of which not to exceed $5,000 shall be for official reception and representation expenses: Provided, That the Director of Operations Coordination shall encourage rotating State and local fire service representation at the National Operations Center.

OFFICE OF THE FEDERAL COORDINATOR FOR GULF COAST REBUILDING

For necessary expenses of the Office of the Federal Coordinator for Gulf Coast Rebuilding, $3,000,000: Provided, That $1,000,000 shall not be available for obligation until the Committees on Appropriations of the Senate and the House of Representatives receive an expenditure plan for fiscal year 2008.

OFFICE OF INSPECTOR GENERAL

OPERATING EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $95,211,000, of which not to exceed $150,000 may be used for certain confidential operational expenses, including the payment of informants, to be expended at the direction of the Inspector General: Provided, That the Inspector General shall investigate decisions made regarding, and the policy of the Federal Emergency Management Agency relating to, formaldehyde in trailers in the Gulf Coast region, the process used by the Federal Emergency Management Agency for collecting, reporting, and responding to health and safety concerns of occupants of housing supplied by the Federal Emergency Management Agency (including such housing supplied through a third party), and whether the Federal Emergency Management Agency adequately addressed public health and safety issues of households to which the Federal Emergency Management Agency provides disaster housing (including whether the Federal Emergency Management Agency adequately notified recipients of such housing, as appropriate, of potential health and safety concerns and whether the institutional culture of the Federal Emergency Management Agency properly prioritizes health and safety concerns of recipients of assistance from the Federal Emergency Management Agency), and submit a report to Congress relating to that investigation, including any recommendations.

TITLE II

SECURITY, ENFORCEMENT, AND INVESTIGATIONS

U.S. CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For necessary expenses for enforcement of laws relating to border security, immigration, customs, and agricultural inspections and regulatory activities related to plant and animal imports; purchase and lease of up to 4,500 (2,400 for replacement only) police-type vehicles; and contracting with individuals for personal services abroad; $6,601,058,000; of which $230,316,000 shall remain available until September 30, 2009, to support software development, equipment, contract services, and the implementation of inbound lanes and modification to vehicle primary processing lanes at ports of entry; of which $15,000,000 shall be used to procure commercially available technology in order to expand and improve the risk-based approach of the Department of Homeland Security to target and inspect cargo containers under the Secure Freight Initiative and the Global Trade Exchange; of which $3,093,000 shall be derived from the Harbor Maintenance Trust Fund for administrative expenses related to the collection of the Harbor Maintenance Fee pursuant to section 9505(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 9505(c)(3)) and notwithstanding section 1511(e)(1) of the Homeland Security Act of 2002 (6 U.S.C. 551(e)(1)); of which not to exceed $45,000 shall be for official reception and representation expenses; of which not less than $226,740,000 shall be for Air and Marine Operations; of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account; of which not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations; of which $40,000,000 shall be utilized to develop and implement a Model Ports of Entry program and provide resources necessary for 200 additional U.S. Customs and Border Protection officers at the 20 United States international airports that have the highest number of foreign visitors arriving annually as determined pursuant to the most recent data collected by U.S. Customs and Border Protection available on the date of enactment of this Act, to provide a more efficient and welcoming international arrival process in order to facilitate and promote business and leisure travel to the United States while also improving security; and of which not to exceed $1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security: Provided, That for fiscal year 2008, the overtime limitation prescribed in section 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 267(c)(1)) shall be $35,000; and notwithstanding any other provision of law, none of the funds appropriated by this Act may be available to compensate any employee of U.S. Customs and Border Protection for overtime, from whatever source, in an amount that exceeds such limitation, except in individual cases determined by the Secretary of Homeland Security, or the designee of the Secretary, to be necessary for national security purposes, to prevent excessive costs, or in cases of immigration emergencies.

AUTOMATION MODERNIZATION

For expenses for customs and border protection automated systems, $476,609,000, to remain available until expended, of which not less than $316,969,000 shall be for the development of the Automated Commercial Environment: Provided, That of the total amount made available under this heading, $216,969,000 may not be obligated for the Automated Commercial Environment until the Committees on Appropriations of the Senate and the House of Representatives receive a plan for expenditure prepared by the Secretary of Homeland Security that includes:

(1) a detailed accounting of the program's progress to date relative to system capabilities or services, system performance levels, mission benefits and outcomes, milestones, cost targets, and program management capabilities;

(2) an explicit plan of action defining how all funds are to be obligated to meet future program commitments, with the planned expenditure of funds linked to the milestone-based delivery of specific capabilities, services, performance levels, mission benefits and outcomes, and program management capabilities;

(3) a listing of all open Government Accountability Office and Office of Inspector General recommendations related to the program and the status of Department of Homeland Security actions to address the recommendations, including milestones for fully addressing them;

(4) a certification by the Chief Financial Officer of the Department that the program has been reviewed and approved in accordance with the investment management process of the Department, and that the process fulfills all capital planning and investment control requirements and reviews established by the Office of Management and Budget, including Circular A–11, part 7;

(5) a certification by the Chief Information Officer of the Department that an independent validation and verification agent has and will continue to actively review the program;

(6) a certification by the Chief Information Officer of the Department that the system architecture of the program is sufficiently aligned with the information systems enterprise architecture of the Department to minimize future rework, including a description of all aspects of the architectures that were and were not assessed in making the alignment determination, the date of the alignment determination, any known areas of misalignment along with the associated risks and corrective actions to address any such areas;

(7) a certification by the Chief Procurement Officer of the Department that the plans for the program comply with the Federal acquisition rules, requirements, guidelines, and practices, and a description of the actions being taken to address areas of non-compliance, the risks associated with them along with any plans for addressing these risks and the status of their implementation;

(8) a certification by the Chief Information Officer of the Department that the program has a risk management process that regularly identifies, evaluates, mitigates, and monitors risks throughout the system life cycle, and communicates high-risk conditions to agency and department heads, as well as a listing of all the program's high risks and the status of efforts to address them; and

(9) a certification by the Chief Human Capital Officer of the Department that the human capital needs of the program are being strategically and proactively managed, and that current human capital capabilities are sufficient to execute the plans discussed in the report.

BORDER SECURITY FENCING, INFRASTRUCTURE, AND TECHNOLOGY

For expenses for customs and border protection fencing, infrastructure, and technology, $1,000,000,000, to remain available until expended: Provided, That of the amount provided under this heading, $500,000,000 shall not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure, prepared by the Secretary of Homeland Security and submitted within 90 days after the date of enactment of this Act, that includes:

(1) a detailed accounting of the program's progress to date relative to system capabilities or services, system performance levels, mission benefits and outcomes, milestones, cost targets, and program management capabilities;

(2) an explicit plan of action defining how all funds are to be obligated to meet future program commitments, with the planned expenditure of funds linked to the milestone-based delivery of specific capabilities, services, performance levels, mission benefits and outcomes, and program management capabilities;

(3) a listing of all open Government Accountability Office and Office of Inspector General recommendations related to the program and the status of Department of Homeland Security actions to address the recommendations, including milestones for fully addressing them;

(4) a certification by the Chief Financial Officer of the Department that the program has been reviewed and approved in accordance with the investment management process of the Department, and that the process fulfills all capital planning and investment control requirements and reviews established by the Office of Management and Budget, including Circular A–11, part 7;

(5) a certification by the Chief Information Officer of the Department that an independent validation and verification agent has and will continue to actively review the program;

(6) a certification by the Chief Information Officer of the Department that the system architecture of the program is sufficiently aligned with the information systems enterprise architecture of the Department to minimize future rework, including a description of all aspects of the architectures that were and were not assessed in making the alignment determination, the date of the alignment determination, any known areas of misalignment along with the associated risks and corrective actions to address any such areas;

(7) a certification by the Chief Procurement Officer of the Department that the plans for the program comply with the Federal acquisition rules, requirements, guidelines, and practices, and a description of the actions being taken to address areas of non-compliance, the risks associated with them along with any plans for addressing these risks and the status of their implementation;

(8) a certification by the Chief Information Officer of the Department that the program has a risk management process that regularly identifies, evaluates, mitigates, and monitors risks throughout the system life cycle, and communicates high-risk conditions to agency and department heads, as well as a listing of all the program's high risks and the status of efforts to address them;

(9) a certification by the Chief Human Capital Officer of the Department that the human capital needs of the program are being strategically and proactively managed, and that current human capital capabilities are sufficient to execute the plans discussed in the report;

(10) a description of initial plans for securing the Northern border and United States maritime border; and

(11) which is reviewed by the Government Accountability Office.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For necessary expenses for the operations, maintenance, and procurement of marine vessels, aircraft, unmanned aircraft systems, and other related equipment of the air and marine program, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs, the operations of which include the following: the interdiction of narcotics and other goods; the provision of support to Federal, State, and local agencies in the enforcement or administration of laws enforced by the Department of Homeland Security; and at the discretion of the Secretary of Homeland Security, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts, $488,947,000, to remain available until expended: Provided, That no aircraft or other related equipment, with the exception of aircraft that are one of a kind and have been identified as excess to United States Customs and Border Protection requirements and aircraft that have been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of Homeland Security during fiscal year 2008 without the prior approval of the Committees on Appropriations of the Senate and the House of Representatives.

CONSTRUCTION

For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs and immigration, $274,863,000, to remain available until expended; of which $40,200,000 shall be for the Advanced Training Center.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For necessary expenses for enforcement of immigration and customs laws, detention and removals, and investigations; and purchase and lease of up to 3,790 (2,350 for replacement only) police-type vehicles; $4,401,643,000, of which not to exceed $7,500,000 shall be available until expended for conducting special operations under section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081); of which not to exceed $15,000 shall be for official reception and representation expenses; of which not to exceed $1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security; of which not less than $102,000 shall be for promotion of public awareness of the child pornography tipline; of which not less than $203,000 shall be for Project Alert; of which not less than $5,400,000 shall be used to facilitate agreements consistent with section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)); and of which not to exceed $11,216,000 shall be available to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled illegal aliens: Provided, That none of the funds made available under this heading shall be available to compensate any employee for overtime in an annual amount in excess of $35,000, except that the Secretary of Homeland Security, or the designee of the Secretary, may waive that amount as necessary for national security purposes and in cases of immigration emergencies: Provided further, That of the total amount provided, $15,770,000 shall be for activities to enforce laws against forced child labor in fiscal year 2008, of which not to exceed $6,000,000 shall remain available until expended.

FEDERAL PROTECTIVE SERVICE

The revenues and collections of security fees credited to this account shall be available until expended for necessary expenses related to the protection of federally-owned and leased buildings and for the operations of the Federal Protective Service: Provided, That the Secretary of Homeland Security and the Director of the Office of Management and Budget shall certify in writing to the Committees on Appropriations of the Senate and the House of Representatives no later than November 1, 2007, that the operations of the Federal Protective Service will be fully funded in fiscal year 2008 through revenues and collection of security fees: Provided further, That a certification shall be provided no later than February 10, 2008, for fiscal year 2009: Provided further, That the Secretary of Homeland Security shall ensure that the workforce of the Federal Protective Service includes not fewer than 1,200 Commanders, Police Officers, Inspectors, and Special Agents engaged on a daily basis in protecting Federal buildings (under this heading referred to as ''in-service'') contingent on the availability of sufficient revenue in collections of security fees in this account for this purpose: Provided further, That the Secretary of Homeland Security and the Director of the Office of Management and Budget shall adjust fees as necessary to ensure full funding of not fewer than 1,200 in-service Commanders, Police Officers, Inspectors, and Special Agents at the Federal Protective Service.

AUTOMATION MODERNIZATION

For expenses of immigration and customs enforcement automated systems, $15,000,000, to remain available until expended: Provided, That of the funds made available under this heading, $5,000,000 may not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive a plan for expenditure prepared by the Secretary of Homeland Security.

CONSTRUCTION

For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs and immigration, $16,250,000, to remain available until expended.

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

For necessary expenses of the Transportation Security Administration related to providing civil aviation security services pursuant to the Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 597; 49 U.S.C. 40101 note), $5,042,559,000, to remain available until September 30, 2009, of which not to exceed $10,000 shall be for official reception and representation expenses: Provided, That of the total amount made available under this heading, not to exceed $4,074,889,000 shall be for screening operations, of which $529,400,000 shall be available only for procurement and installation of checked baggage explosive detection systems; and not to exceed $967,445,000 shall be for aviation security direction and enforcement: Provided further, That security service fees authorized under section 44940 of title 49, United States Code, shall be credited to this appropriation as

offsetting collections and shall be available only for aviation security: Provided further, That the sum herein appropriated from the General Fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2008, so as to result in a final fiscal year appropriation from the General Fund estimated at not more than $2,332,344,000: Provided further, That any security service fees collected in excess of the amount made available under this heading shall become available during fiscal year 2009: Provided further, That Members of the United States House of Representatives and United States Senate, including the leadership; and the heads of Federal agencies and commissions, including the Secretary, Under Secretaries, and Assistant Secretaries of the Department of Homeland Security; the United States Attorney General and Assistant Attorneys General and the United States attorneys; and senior members of the Executive Office of the President, including the Director of the Office of Management and Budget; shall not be exempt from Federal passenger and baggage screening.

SURFACE TRANSPORTATION SECURITY

For necessary expenses of the Transportation Security Administration related to providing surface transportation security activities, $41,413,000, to remain available until September 30, 2009.

TRANSPORTATION THREAT ASSESSMENT AND CREDENTIALING

For necessary expenses for the development and implementation of screening programs of the Office of Transportation Threat Assessment and Credentialing, $67,490,000, to remain available until September 30, 2009.

TRANSPORTATION SECURITY SUPPORT

For necessary expenses of the Transportation Security Administration related to providing transportation security support and intelligence pursuant to the Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 597; 49 U.S.C. 40101 note), $521,515,000, to remain available until September 30, 2009: Provided, That of the funds appropriated under this heading, $20,000,000 may not be obligated until the Secretary of Homeland Security submits to the Committees on Appropriations of the Senate and the House of Representatives a strategic plan required for checkpoint technologies as described in the joint explanatory statement of managers accompanying the fiscal year 2007 conference report (H. Rept. 109–699): Provided further, That this plan shall be submitted no later than 60 days after the date of enactment of this Act.

FEDERAL AIR MARSHALS

For necessary expenses of the Federal Air Marshals, $722,000,000.

UNITED STATES COAST GUARD

OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the United States Coast Guard not otherwise provided for; purchase or lease of not to exceed 25 passenger motor vehicles, which shall be for replacement only; payments pursuant to section 156 of Public Law 97–377 (42 U.S.C. 402 note; 96 Stat. 1920); and recreation and welfare; $5,930,545,000, of which $340,000,000 shall be for defense-related activities; of which $24,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); and of which not to exceed $10,000 shall be for official reception and representation expenses: Provided, That none of the funds made available by this or any other Act shall be available for administrative expenses in connection with shipping commissioners in the United States: Provided further, That none of the funds made available by this Act shall be for expenses incurred for yacht documentation under section 12109 of title 46, United States Code, except to the extent fees are collected from yacht owners and credited to this appropriation.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the environmental compliance and restoration functions of the United States Coast Guard under chapter 19 of title 14, United States Code, $12,079,000, to remain available until expended.

RESERVE TRAINING

For necessary expenses of the Coast Guard Reserve, as authorized by law; operations and maintenance of the reserve program; personnel and training costs; and equipment and services; $126,883,000.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

(INCLUDING RESCISSIONS OF FUNDS)

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto; and maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law; $1,048,068,000, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); of which $9,200,000 shall be available until September 30, 2012, to acquire, repair, renovate, or improve vessels, small boats, and related equipment; of which $173,600,000 shall be available until September 30, 2010, for other equipment; of which $37,897,000 shall be available until September 30, 2010, for shore facilities and aids to navigation facilities; of which $505,000 shall be available for personnel related costs; and of which $770,079,000 shall be available until September 30, 2012, for the Integrated Deepwater Systems program: Provided, That no funds shall be available for procurements related to the acquisition of additional major assets as part of the Integrated Deepwater Systems program not already under contract until an Alternatives Analysis has been completed by an independent qualified third party: Provided further, That no funds contained in this Act shall be available for procurement of the third National Security Cutter until an Alternatives Analysis has been completed by an independent qualified third party: Provided further, That the Commandant of the Coast Guard is authorized to dispose of surplus real property, by sale or lease, and the proceeds shall be credited to this appropriation as offsetting collections and shall be available until September 30, 2010: Provided further, That of amounts made available under this heading in Public Law 109–90, $48,787,000 for the Offshore Patrol Cutter are rescinded: Provided further, That of the amounts made available under this heading in Public Law 109–295, $8,000,000 for the Fast Response Cutter (FRC–A) are rescinded: Provided further, That the Secretary shall submit an expenditure plan to the Committees on Appropriations of the Senate and the House of Representatives within 60 days after the date of enactment of this Act for funds made available for the Integrated Deepwater Program, that: (1) defines activities, milestones, yearly costs, and life-cycle costs for each procurement of a major asset; (2) identifies life-cycle staffing and training needs of Coast Guard project managers and of procurement and contract staff; (3) includes a certification by the Chief Human Capital Officer of the Department that current human capital capabilities are sufficient to execute the plans discussed in the report; (4) identifies individual project balances by fiscal year, including planned carryover into fiscal year 2009 by project; (5) identifies operational gaps for all Deepwater assets and an explanation of how funds provided in this Act address the shortfalls between current operational capabilities and requirements; (6) includes a listing of all open Government Accountability Office and Office of Inspector General recommendations related to the program and the status of Coast Guard actions to address the recommendations, including milestones for fully addressing them; (7) includes a certification by the Chief Financial Officer of the Department that the program has been reviewed and approved in accordance with the investment management process of the Department, and that the process fulfills all capital planning and investment control requirements and reviews established by the Office of Management and Budget, including Circular A–11, part 7; (8) identifies competition to be conducted in each procurement; (9) includes a certification by the head of contracting activity for the Coast Guard and the Chief Procurement Officer of the Department that the plans for the program comply with the Federal acquisition rules, requirements, guidelines, and practices, and a description of the actions being taken to address areas of non-compliance, the risks associated with them along with plans for addressing these risks and the status of their implementation; (10) identifies the use of independent validation and verification; and (11) is reviewed by the Government Accountability Office: Provided further, That the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives, in conjunction with the President's fiscal year 2009 budget, a review of the Revised Deepwater Implementation Plan that identifies any changes to the plan for the fiscal year; an annual performance comparison of Deepwater assets to pre-Deepwater legacy assets; a status report of legacy assets; a detailed explanation of how the costs of legacy assets are being accounted for within the Deepwater program; and the earned value management system gold card data for each Deepwater asset: Provided further, That the Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives a comprehensive review of the Revised Deepwater Implementation Plan every five years, beginning in fiscal year 2011, that includes a complete projection of the acquisition costs and schedule for the duration of the plan through fiscal year 2027: Provided further, That the Secretary shall annually submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time that the President's budget is submitted under section 1105(a) of title 31, United States Code, a future-years capital investment plan for the Coast Guard that identifies for each capital budget line item—

(1) the proposed appropriation included in that budget;

(2) the total estimated cost of completion;

(3) projected funding levels for each fiscal year for the next five fiscal years or until project completion, whichever is earlier;

(4) an estimated completion date at the projected funding levels; and

(5) changes, if any, in the total estimated cost of completion or estimated completion date from previous future-years capital investment plans submitted to the Committees on Appropriations of the Senate and the House of Representatives: Provided further, That the Secretary shall ensure that amounts specified in the future-years capital investment plan are consistent to the maximum extent practicable with proposed appropriations necessary to support the programs, projects, and activities of the Coast Guard in the President's budget as submitted under section 1105(a) of title 31, United States Code, for that fiscal year: Provided further, That any inconsistencies between the capital investment plan and proposed appropriations shall be identified and justified.

ALTERATION OF BRIDGES

For necessary expenses for alteration or removal of obstructive bridges, as authorized by section 6 of the Truman-Hobbs Act (33 U.S.C. 516), $16,000,000, to remain available until expended.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses for applied scientific research, development, test, and evaluation; and for maintenance, rehabilitation, lease, and operation of facilities and equipment; as authorized

by law; $25,583,000, to remain available until expended, of which $500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)): Provided, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries for expenses incurred for research, development, testing, and evaluation.

RETIRED PAY

For retired pay, including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, payment for career status bonuses, concurrent receipts and combat-related special compensation under the National Defense Authorization Act, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,184,720,000, to remain available until expended.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase of not to exceed 645 vehicles for police-type use, which shall be for replacement only, and hire of passenger motor vehicles; purchase of motorcycles made in the United States; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director of the Secret Service; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; payment of per diem or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee requires an employee to work 16 hours per day or to remain overnight at a post of duty; conduct of and participation in firearms matches; presentation of awards; travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations of the Senate and the House of Representatives; research and development; grants to conduct behavioral research in support of protective research and operations; and payment in advance for commercial accommodations as may be necessary to perform protective functions; $1,392,171,000, of which not to exceed $25,000 shall be for official reception and representation expenses; of which not to exceed $100,000 shall be to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; of which $2,366,000 shall be for forensic and related support of investigations of missing and exploited children; and of which $6,000,000 shall be a grant for activities related to the investigations of missing and exploited children and shall remain available until expended: Provided, That up to $18,000,000 provided for protective travel shall remain available until September 30, 2009: Provided further, That the United States Secret Service is authorized to obligate funds in anticipation of reimbursements from Federal agencies and entities, as defined in section 105 of title 5, United States Code, receiving training sponsored by the James J. Rowley Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available under this heading at the end of the fiscal year.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For necessary expenses for acquisition, construction, repair, alteration, and improvement of facilities, $3,725,000, to remain available until expended.

TITLE III

PROTECTION, PREPAREDNESS, RESPONSE, AND RECOVERY

NATIONAL PROTECTION AND PROGRAMS DIRECTORATE

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the immediate Office of the Under Secretary for National Protection and Programs, the National Protection Planning Office, support services for business operations and information technology, and facility costs, $30,000,000: Provided, That of the amount provided, $15,000,000 shall not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve in full an expenditure plan by program, project, and activity; prepared by the Secretary of Homeland Security that has been reviewed by the Government Accountability Office.

INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY

For necessary expenses for infrastructure protection and information security programs and activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) or subtitle J of title VIII of the Homeland Security Act of 2002, as added by this Act, $527,099,000, of which $497,099,000 shall remain available until September 30, 2009, and of which, $2,000,000 shall be to carry out subtitle J of title VIII of the Homeland Security Act of 2002, as added by this Act: Provided, That $10,043,000 shall be for the Office of Bombing Prevention and not more than $26,100,000 shall be for the Next Generation Network.

UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR TECHNOLOGY

For necessary expenses for the development of the United States Visitor and Immigrant Status Indicator Technology project, as authorized by section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a), $362,000,000, to remain available until expended: Provided, That of the total amount made available under this heading, $100,000,000 may not be obligated for the United States Visitor and Immigrant Status Indicator Technology project until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure prepared by the Secretary of Homeland Security that includes:

(1) a detailed accounting of the program's progress to date relative to system capabilities or services, system performance levels, mission benefits and outcomes, milestones, cost targets, and program management capabilities;

(2) an explicit plan of action defining how all funds are to be obligated to meet future program commitments, with the planned expenditure of funds linked to the milestone-based delivery of specific capabilities, services, performance levels, mission benefits and outcomes, and program management capabilities;

(3) a listing of all open Government Accountability Office and Office of Inspector General recommendations related to the program and the status of Department of Homeland Security actions to address the recommendations, including milestones for fully addressing them;

(4) a certification by the Chief Financial Officer of the Department that the program has been reviewed and approved in accordance with the investment management process of the Department, and that the process fulfills all capital planning and investment control requirements and reviews established by the Office of Management and Budget, including Circular A–11, part 7;

(5) a certification by the Chief Information Officer of the Department that an independent validation and verification agent has and will continue to actively review the program;

(6) a certification by the Chief Information Officer of the Department that the system architecture of the program is sufficiently aligned with the information systems enterprise architecture of the Department to minimize future rework, including a description of all aspects of the architectures that were and were not assessed in making the alignment determination, the date of the alignment determination, any known areas of misalignment along with the associated risks and corrective actions to address any such areas;

(7) a certification by the Chief Procurement Officer of the Department that the plans for the program comply with the Federal acquisition rules, requirements, guidelines, and practices, and a description of the actions being taken to address areas of non-compliance, the risks associated with them along with any plans for addressing these risks and the status of their implementation;

(8) a certification by the Chief Information Officer of the Department that the program has a risk management process that regularly identifies, evaluates, mitigates, and monitors risks throughout the system life cycle, and communicates high-risk conditions to agency and department heads, as well as a listing of all the program's high risks and the status of efforts to address them;

(9) a certification by the Chief Human Capital Officer of the Department that the human capital needs of the program are being strategically and proactively managed, and that current human capital capabilities are sufficient to execute the plans discussed in the report; and

(10) which is reviewed by the Government Accountability Office.

OFFICE OF HEALTH AFFAIRS

For the necessary expenses of the Office of Health Affairs, $115,000,000; of which $20,817,000 is for salaries and expenses; and of which $94,183,000 is for biosurveillance, biowatch, chemical response, and related activities for the Department of Homeland Security, to remain available until September 30, 2009: Provided, That not to exceed $3,000 shall be for official reception and representation expenses.

FEDERAL EMERGENCY MANAGEMENT AGENCY

MANAGEMENT AND ADMINISTRATION

For necessary expenses for management and administration, $678,600,000, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), and the Post-Katrina Emergency Management Reform Act of 2006 (Public Law 109–295; 120 Stat. 1394): Provided, That not to exceed $3,000 shall be for official reception and representation expenses: Provided further, That $426,020,000 shall be for Operations Activities: Provided further, That $216,580,000 shall be for Management Activities: Provided further, That $6,000,000 shall be for the Office of the National Capital Region Coordination: Provided further, That for purposes of planning, coordination, execution, and decisionmaking related to mass evacuation during a disaster, the Governors of the State of West Virginia and the Commonwealth of Pennsylvania, or their designees, shall be incorporated into efforts to integrate the activities of Federal, State, and local governments in the National Capital Region, as defined in section 882 of Public Law 107–296, the Homeland Security Act of 2002: Provided further, That of the total amount made available under this heading, $30,000,000 shall be for Urban Search and Rescue Teams, of which not to exceed $1,600,000 may be made available for administrative costs: Provided further, That of the total amount made available under this heading, $1,000,000 shall be to develop a web-

based version of the National Fire Incident Reporting System that will ensure that fire-related data can be submitted and accessed by fire departments in real time: Provided further, That not later than 30 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency shall, as appropriate, update training practices for all customer service employees, employees in the Office of General Counsel, and other appropriate employees of the Federal Emergency Management Agency relating to addressing health concerns of recipients of assistance from the Federal Emergency Management Agency.

STATE AND LOCAL PROGRAMS

For grants, contracts, cooperative agreements, and other activities, including grants to State and local governments for terrorism prevention activities, notwithstanding any other provision of law, $3,130,500,000, which shall be allocated as follows:

(1) $525,000,000 for formula-based grants and $375,000,000 for law enforcement terrorism prevention grants, to be allocated in accordance with section 1014 of the USA PATRIOT ACT (42 U.S.C. 3714): Provided, That not to exceed 3 percent of these amounts shall be available for program administration: Provided further, That the application for grants shall be made available to States within 45 days after the date of enactment of this Act; that States shall submit applications within 90 days after the grant announcement; and the Federal Emergency Management Agency shall act within 90 days after receipt of an application: Provided further, That, in the event established timeframes detailed in the preceding proviso for departmental actions are missed, funding for the Immediate Office of the Deputy Secretary shall be reduced by $1,000 per day until such actions are executed: Provided further, That not less than 80 percent of any grant under this paragraph to a State shall be made available by the State to local governments within 60 days after the receipt of the funds; except in the case of Puerto Rico, where not less than 50 percent of any grant under this paragraph shall be made available to local governments within 60 days after the receipt of the funds.

(2) $1,836,000,000 for discretionary grants, as determined by the Secretary of Homeland Security, of which—

(A) $820,000,000 shall be for use in high-threat, high-density urban areas, of which $20,000,000 shall be available for assistance to organizations (as described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax section 501(a) of such code) determined by the Secretary to be at high-risk of a terrorist attack;

(B) $50,000,000 shall be for the Regional Catastrophic Preparedness Grants;

(C) $400,000,000 shall be for infrastructure protection grants related to port security pursuant to 46 U.S.C. 70107;

(D) $16,000,000 shall be for infrastructure protection grants related to trucking industry security;

(E) $12,000,000 shall be for infrastructure protection grants related to intercity bus security;

(F) $400,000,000 shall be for infrastructure protection grants related to intercity rail passenger transportation (as defined in section 24102 of title 49, United States Code), freight rail, and transit security;

(G) $50,000,000 shall be for infrastructure protection grants related to buffer zone protection;

(H) $40,000,000 shall be available for the Commercial Equipment Direct Assistance Program;

(I) $33,000,000 shall be for the Metropolitan Medical Response System; and

(J) $15,000,000 shall be for Citizens Corps:

Provided, That not to exceed 3 percent of subparagraphs (A)–(J) shall be available for program administration: Provided further, That for grants under subparagraphs (A), (B), and (J), the application for grants shall be made available to States within 45 days after the date of enactment of this Act; that States shall submit applications within 90 days after the grant announcement; and that the Federal Emergency Management Agency shall act within 90 days after receipt of an application: Provided further, That, in the event established timeframes detailed in the preceding proviso for departmental actions are missed, funding for the Immediate Office of the Deputy Secretary shall be reduced by $1,000 per day until such actions are executed: Provided further, That no less than 80 percent of any grant under this paragraph to a State shall be made available by the State to local governments within 60 days after the receipt of the funds: Provided further, That for grants under subparagraphs (C) through (G), the applications for such grants shall be made available to eligible applicants not later than 75 days after the date of enactment of this Act, eligible applicants shall submit applications not later than 45 days after the date of the grant announcement, and the Federal Emergency Management Agency shall act on such applications not later than 60 days after the date on which such an application is received: Provided further, That, in the event established timeframes detailed in the preceding proviso for departmental actions are missed, funding for the Immediate Office of the Deputy Secretary shall be reduced by $1,000 per day until such actions are executed.

(3) $294,500,000 for training, exercises, technical assistance, and other programs.

(4) $100,000,000 for grants under the Interoperable Emergency Communications Grants Program established under title XVIII of the Homeland Security Act of 2002: Provided, That the amounts appropriated to the Department of Homeland Security for discretionary spending in this Act shall be reduced on a pro rata basis by the percentage necessary to reduce the overall amount of such spending by $100,000,000:

Provided further, That none of the grants provided under this heading shall be used for the construction or renovation of facilities, except for a minor perimeter security project, not to exceed $1,000,000, as determined necessary by the Secretary of Homeland Security: Provided further, That the preceding proviso shall not apply to grants under subparagraphs (B), (C), (F), and (G) of paragraph (2) of this heading: Provided further, That funds appropriated for law enforcement terrorism prevention grants under paragraph (1) of this heading and discretionary grants under paragraph (2)(A) of this heading shall be available for operational costs, to include personnel overtime and overtime associated with the Federal Emergency Management Agency certified training, as needed: Provided further, That the Government Accountability Office shall report on the validity, relevance, reliability, timeliness, and availability of the risk factors (including threat, vulnerability, and consequence) used by the Secretary of Homeland Security and an analysis of the Department's policy of ranking States, cities, and other grantees by tiered groups, for the purpose of allocating grants funded under this heading, and the application of those factors in the allocation of funds to the Committees on Appropriations of the Senate and the House of Representatives on its findings not later than 45 days after the date of enactment of this Act: Provided further, That within seven days after the date of enactment of this Act, the Secretary of Homeland Security shall provide the Government Accountability Office with the risk methodology and other factors that will be used to allocate grants funded under this heading: Provided further, That not later than 15 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency shall submit to the Committee on Appropriations and the Committee on Homeland Security and Governmental Affairs of the Senate a report detailing the actions taken as of that date, and any actions the Administrator will take, regarding the response of the Federal Emergency Management Agency to concerns over formaldehyde exposure, which shall include a description of any disciplinary or other personnel actions taken, a detailed policy for responding to any reports of potential health hazards posed by any materials provided by the Federal Emergency Management Agency (including housing, food, water, or other materials), and a description of any additional resources needed to implement such policy: Provided further, That the Administrator of the Federal Emergency Management Agency, in conjunction with the head of the Office of Health Affairs of the Department of Homeland Security, the Director of the Centers for Disease Control and Prevention, and the Administrator of the Environmental Protection Agency, shall design a program to scientifically test a representative sample of travel trailers and mobile homes provided by the Federal Emergency Management Agency, and surplus travel trailers and mobile homes to be sold or transferred by the Federal government on or after the date of enactment of this Act, for formaldehyde and, not later than 15 days after the date of enactment of this Act, submit to the Committee on Appropriations and the Committee on Homeland Security and Governmental Affairs of the Senate a report regarding the program designed, including a description of the design of the testing program and the quantity of and conditions under which trailers and mobile homes shall be tested and the justification for such design of the testing: Provided further, That in order to protect the health and safety of disaster victims, the testing program designed under the previous proviso shall provide for initial short-term testing, and longer-term testing, as required: Provided further, That not later than 45 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency, in conjunction with the head of the Office of Health Affairs of the Department of Homeland Security, the Director of the Centers for Disease Control and Prevention, and the Administrator of the Environmental Protection Agency, shall, at a minimum, complete the initial short-term testing described in the previous proviso: Provided further, That, to the extent feasible, the Administrator of the Federal Emergency Management Agency shall use a qualified contractor residing or doing business primarily in the Gulf Coast Area to carry out the testing program designed under this heading: Provided further, That, not later than 30 days after the date that the Administrator of the Federal Emergency Management Agency completes the short-term testing under this heading, the Administrator of the Federal Emergency Management Agency, in conjunction with the head of the Office of Health Affairs of the Department of Homeland Security, the Director of the Centers for Disease Control and Prevention, and the Administrator of the Environmental Protection Agency, shall submit to the Committee on Appropriations and the Committee on Homeland Security and Governmental Affairs of the Senate a report describing the results of the testing, analyzing such results, providing an assessment of whether there are any health risks associated with the results and the nature of any such health risks, and detailing the plans of the Administrator of the Federal Emergency Management Agency to act on the results of the testing, including any need to relocate individuals living in the trailers or mobile homes provided by the Federal Emergency Management Agency or otherwise assist individuals affected by the results, plans for the sale or transfer of any trailers or mobile homes (which shall be made in coordination with the Administrator of General Services), and plans to conduct further testing: Provided further, That after completing longer-term testing under this heading, the Administrator of the Federal Emergency Management Agency, in conjunction with the head of the Office of Health Affairs of the Department of Homeland Security, the Director

of the Centers for Disease Control and Prevention, and the Administrator of the Environmental Protection Agency, shall submit to the Committee on Appropriations and the Committee on Homeland Security and Governmental Affairs of the Senate a report describing the results of the testing, analyzing such results, providing an assessment of whether any health risks are associated with the results and the nature of any such health risks, incorporating any additional relevant information from the shorter-term testing completed under this heading, and detailing the plans and recommendations of the Administrator of the Federal Emergency Management Agency to act on the results of the testing.

FIREFIGHTER ASSISTANCE GRANTS

For necessary expenses for programs authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), $700,000,000: Provided, That not to exceed five percent of this amount shall be available for program administration: Provided further, That funds shall be allocated as follows: (1) $560,000,000 shall be available to carry out section 33 of that Act (15 U.S.C. 2229), to remain available until September 30, 2009; and (2) $140,000,000 shall be available to carry out section 34 of that Act (15 U.S.C. 2229a).

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

For necessary expenses for emergency management performance grants, as authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), and Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), $300,000,000: Provided, That total administrative costs shall not exceed three percent of the total appropriation.

RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

The aggregate charges assessed during fiscal year 2008, as authorized in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (42 U.S.C. 5196e), shall not be less than 100 percent of the amounts anticipated by the Department of Homeland Security necessary for its radiological emergency preparedness program for the next fiscal year: Provided, That the methodology for assessment and collection of fees shall be fair and equitable and shall reflect costs of providing such services, including administrative costs of collecting such fees: Provided further, That fees received under this heading shall be deposited in this account as offsetting collections and will become available for authorized purposes on October 1, 2008, and remain available until expended.

UNITED STATES FIRE ADMINISTRATION

For necessary expenses of the United States Fire Administration, as authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) and the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), $43,300,000.

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $1,700,000,000, to remain available until expended: Provided, That of the total amount provided, $13,500,000 shall be transferred to the Department of Homeland Security Office of Inspector General for audits and investigations related to disasters, subject to section 503 of this Act: Provided further, That up to $48,000,000 and 250 positions may be transferred to ''Management and Administration'', Federal Emergency Management Agency, for management and administration functions, subject to section 503 of this Act.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For activities under section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5162), $875,000, of which $580,000 is for administrative expenses to carry out the direct loan program and $295,000 is for the cost of direct loans: Provided, That gross obligations for the principal amount of direct loans shall not exceed $25,000,000: Provided further, That the cost of modifying such loans shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a).

FLOOD MAP MODERNIZATION FUND

For necessary expenses under section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), $200,000,000, and such additional sums as may be provided by State and local governments or other political subdivisions for cost-shared mapping activities under section 1360(f)(2) of such Act, to remain available until expended: Provided, That total administrative costs shall not exceed three percent of the total appropriation.

NATIONAL FLOOD INSURANCE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), and the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), $145,000,000, which is available as follows: (1) not to exceed $45,642,000 for salaries and expenses associated with flood mitigation and flood insurance operations; and (2) not to exceed $99,358,000 for flood hazard mitigation, which shall be derived from offsetting collections assessed and collected under section 1307 of the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), to remain available until September 30, 2009, including up to $34,000,000 for flood mitigation expenses under section 1366 of that Act, which amount shall be available for transfer to the National Flood Mitigation Fund until September 30, 2009: Provided, That in fiscal year 2008, no funds shall be available from the National Flood Insurance Fund in excess of: (1) $70,000,000 for operating expenses; (2) $773,772,000 for commissions and taxes of agents; (3) such sums as are necessary for interest on Treasury borrowings; and (4) $90,000,000 for flood mitigation actions with respect to severe repetitive loss properties under section 1361A of that Act (42 U.S.C. 4102a) and repetitive insurance claims properties under section 1323 of that Act (42 U.S.C. 4030), which shall remain available until expended: Provided further, That total administrative costs shall not exceed four percent of the total appropriation.

NATIONAL FLOOD MITIGATION FUND

(INCLUDING TRANSFER OF FUNDS)

Notwithstanding subparagraphs (B) and (C) of subsection (b)(3), and subsection (f), of section 1366 of the National Flood Insurance Act of 1968, $34,000,000 (42 U.S.C. 4104c), to remain available until September 30, 2009, for activities designed to reduce the risk of flood damage to structures pursuant to such Act, of which $34,000,000 shall be derived from the National Flood Insurance Fund.

NATIONAL PRE-DISASTER MITIGATION FUND

For a pre-disaster mitigation grant program under title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.), $120,000,000, to remain available until expended: Provided, That grants made for pre-disaster mitigation shall be awarded on a competitive basis subject to the criteria in section 203(g) of such Act (42 U.S.C. 5133(g)): Provided further, That total administrative costs shall not exceed three percent of the total appropriation.

EMERGENCY FOOD AND SHELTER

To carry out an emergency food and shelter program pursuant to title III of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11331 et seq.), $153,000,000, to remain available until expended: Provided, That total administrative costs shall not exceed 3.5 percent of the total appropriation.

TITLE IV

RESEARCH AND DEVELOPMENT, TRAINING, AND SERVICES

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

For necessary expenses for citizenship and immigration services, $50,523,000: Provided, That of the total, $20,000,000 provided to address backlogs of security checks associated with pending applications and petitions shall not be available for obligation until the Secretary of Homeland Security and the United States Attorney General submit to the Committees on Appropriations of the Senate and the House of Representatives a plan to eliminate the backlog of security checks that establishes information sharing protocols to ensure United States Citizenship and Immigration Services has the information it needs to carry out its mission.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, including materials and support costs of Federal law enforcement basic training; purchase of not to exceed 117 vehicles for police-type use and hire of passenger motor vehicles; expenses for student athletic and related activities; the conduct of and participation in firearms matches and presentation of awards; public awareness and enhancement of community support of law enforcement training; room and board for student interns; a flat monthly reimbursement to employees authorized to use personal mobile phones for official duties; and services as authorized by section 3109 of title 5, United States Code; $221,076,000, of which up to $43,910,000 for materials and support costs of Federal law enforcement basic training shall remain available until September 30, 2009; of which $300,000 shall remain available until expended for Federal law enforcement agencies participating in training accreditation, to be distributed as determined by the Federal Law Enforcement Training Center for the needs of participating agencies; and of which not to exceed $12,000 shall be for official reception and representation expenses: Provided, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: Provided further, That section 1202(a) of Public Law 107–206 (42 U.S.C. 3771 note) as amended by Public Law 109–295 (120 Stat. 1374) is further amended by striking ''December 31, 2007'' and inserting ''December 31, 2011''.

ACQUISITIONS, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For acquisition of necessary additional real property and facilities, construction, and ongoing maintenance, facility improvements, and related expenses of the Federal Law Enforcement Training Center, $44,470,000, to remain available until expended: Provided, That the Center is authorized to accept reimbursement to this appropriation from government agencies requesting the construction of special use facilities.

SCIENCE AND TECHNOLOGY

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Office of the Under Secretary for Science and Technology and for management and administration of programs and activities, as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), $140,632,000: Provided, That not to exceed $3,000 shall be for official reception and representation expenses.

RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

For necessary expenses for science and technology research, including advanced research

projects; development; test and evaluation; acquisition; and operations; as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.); $697,364,000, to remain available until expended; and of which $103,814,000 shall be for necessary expenses of the field laboratories and assets of the Science and Technology Directorate.

DOMESTIC NUCLEAR DETECTION OFFICE

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Domestic Nuclear Detection Office and for management and administration of programs and activities, $32,000,000: Provided, That not to exceed $3,000 shall be for official reception and representation expenses.

RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

For necessary expenses for radiological and nuclear research, development, testing, evaluation and operations, $336,000,000, to remain available until expended, of which $10,000,000 shall be available to support the implementation of the Securing the Cities initiative at the level requested in the President's budget.

SYSTEMS ACQUISITION

For expenses for the Domestic Nuclear Detection Office acquisition and deployment of radiological detection systems in accordance with the global nuclear detection architecture, $182,000,000, to remain available until September 30, 2010, of which $30,000,000 shall be available to support the implementation of the Securing the Cities initiative at the level requested in the President's budget: Provided, That none of the funds appropriated under this heading shall be obligated for full-scale procurement of Advanced Spectroscopic Portal Monitors until the Secretary of Homeland Security has certified through a report to the Committees on Appropriations of the Senate and the House of Representatives that a significant increase in operational effectiveness will be achieved.

TITLE V

GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. None of the funds available in this Act shall be available to carry out section 872 of Public Law 107–296.

SEC. 503. (a) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2008, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by either of the Committees on Appropriations of the Senate or the House of Representatives for a different purpose; or (5) contracts out any function or activity for which funding levels were requested for Federal full-time equivalents in the object classification tables contained in the fiscal year 2008 Budget Appendix for the Department of Homeland Security, as modified by the joint explanatory statement accompanying this Act; unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2008, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for programs, projects, or activities through a reprogramming of funds in excess of $5,000,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by the Congress; or (3) results from any general savings from a reduction in personnel that would result in a change in existing programs, projects, or activities as approved by the Congress; unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(c) Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Homeland Security by this Act or provided by previous appropriations Acts may be transferred between such appropriations, but no such appropriations, except as otherwise specifically provided, shall be increased by more than 10 percent by such transfers: Provided, That any transfer under this section shall be treated as a reprogramming of funds under subsection (b) of this section and shall not be available for obligation unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such transfer.

(d) Notwithstanding subsections (a), (b), and (c) of this section, no funds shall be reprogrammed within or transferred between appropriations after June 30, except in extraordinary circumstances which imminently threaten the safety of human life or the protection of property.

SEC. 504. None of the funds appropriated or otherwise made available to the Department of Homeland Security may be used to make payments to the ''Department of Homeland Security Working Capital Fund'', except for the activities and amounts allowed in the President's fiscal year 2008 budget, excluding sedan service, shuttle service, transit subsidy, mail operations, parking, and competitive sourcing: Provided, That any additional activities and amounts shall be approved by the Committees on Appropriations of the Senate and the House of Representatives 30 days in advance of obligation.

SEC. 505. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2008 from appropriations for salaries and expenses for fiscal year 2008 in this Act shall remain available through September 30, 2009, in the account and for the purposes for which the appropriations were provided: Provided, That prior to the obligation of such funds, a request shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives for approval in accordance with section 503 of this Act.

SEC. 506. Funds made available by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2008 until the enactment of an Act authorizing intelligence activities for fiscal year 2008.

SEC. 507. The Federal Law Enforcement Training Accreditation Board shall lead the Federal law enforcement training accreditation process, to include representatives from the Federal law enforcement community and non-Federal accreditation experts involved in law enforcement training, to continue the implementation of measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities, and instructors.

SEC. 508. None of the funds in this Act may be used to make a grant allocation, discretionary grant award, discretionary contract award, or to issue a letter of intent totaling in excess of $1,000,000, or to announce publicly the intention to make such an award, unless the Secretary of Homeland Security notifies the Committees on Appropriations of the Senate and the House of Representatives at least three full business days in advance: Provided, That no notification shall involve funds that are not available for obligation: Provided further, That the notification shall include the amount of the award, the fiscal year in which the funds for the award were appropriated, and the account for which the funds are being drawn from: Provided further, That the Federal Emergency Management Agency shall brief the Committees on Appropriations of the Senate and the House of Representatives five full business days in advance of announcing publicly the intention of making an award of formula-based grants; law enforcement terrorism prevention grants; high-threat, high-density urban areas grants; or regional catastrophic preparedness grants.

SEC. 509. Notwithstanding any other provision of law, no agency shall purchase, construct, or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations of the Senate and the House of Representatives, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 510. The Director of the Federal Law Enforcement Training Center shall schedule basic and/or advanced law enforcement training at all four training facilities under the control of the Federal Law Enforcement Training Center to ensure that these training centers are operated at the highest capacity throughout the fiscal year.

SEC. 511. None of the funds appropriated or otherwise made available by this Act may be used for expenses of any construction, repair, alteration, or acquisition project for which a prospectus, if required by the Public Buildings Act of 1959 (40 U.S.C. 3301), has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus.

SEC. 512. None of the funds in this Act may be used in contravention of the applicable provisions of the Buy American Act (41 U.S.C. 10a et seq.).

SEC. 513. (a) None of the funds provided by this or previous appropriations Acts may be obligated for deployment or implementation, on other than a test basis, of the Secure Flight program or any other follow on or successor passenger prescreening program, until the Secretary of Homeland Security certifies, and the Government Accountability Office reports, to the Committees on Appropriations of the Senate and the House of Representatives, that all ten of the conditions contained in paragraphs (1) through (10) of section 522(a) of Public Law 108–334 (118 Stat. 1319) have been successfully met.

(b) The report required by subsection (a) shall be submitted within 90 days after the Secretary provides the requisite certification, and periodically thereafter, if necessary, until the Government Accountability Office confirms that all ten conditions have been successfully met.

(c) Within 90 days of enactment of this Act, the Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives a detailed plan that describes: (1) the dates for achieving key milestones, including the date or timeframes that the Secretary will certify the program under subsection (a); and (2) the methodology to be followed to support the Secretary's certification, as required under subsection (a).

(d) During the testing phase permitted by subsection (a), no information gathered from passengers, foreign or domestic air carriers, or reservation systems may be used to screen aviation

passengers, or delay or deny boarding to such passengers, except in instances where passenger names are matched to a Government watch list.

(e) None of the funds provided in this or previous appropriations Acts may be utilized to develop or test algorithms assigning risk to passengers whose names are not on Government watch lists.

(f) None of the funds provided in this or previous appropriations Acts may be utilized for data or a database that is obtained from or remains under the control of a non-Federal entity: Provided, That this restriction shall not apply to Passenger Name Record data obtained from air carriers.

SEC. 514. None of the funds made available in this Act may be used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448).

SEC. 515. None of the funds appropriated by this Act may be used to process or approve a competition under Office of Management and Budget Circular A–76 for services provided as of June 1, 2004, by employees (including employees serving on a temporary or term basis) of United States Citizenship and Immigration Services of the Department of Homeland Security who are known as of that date as Immigration Information Officers, Contact Representatives, or Investigative Assistants.

SEC. 516. (a) None of the funds appropriated to the United States Secret Service by this Act or by previous appropriations Acts may be made available for the protection of the head of a Federal agency other than the Secretary of Homeland Security: Provided, That the Director of the United States Secret Service may enter into an agreement to perform such service on a fully reimbursable basis.

(b) None of the funds appropriated by this or any other Act to the United States Secret Service shall be made available for the protection of a Federal official, other than persons granted protection under section 3056(a) of title 18, United States Code, and the Secretary of Homeland Security: Provided, That the Director of the United States Secret Service may enter into an agreement to perform such protection on a fully reimbursable basis for protectees not designated under section 3056(a) of title 18, United States Code.

SEC. 517. (a) The Secretary of Homeland Security is directed to research, develop, and procure new technologies to inspect and screen air cargo carried on passenger aircraft at the earliest date possible.

(b) Existing checked baggage explosive detection equipment and screeners shall be utilized to screen air cargo carried on passenger aircraft to the greatest extent practicable at each airport until technologies developed under subsection (a) are available.

(c) The Transportation Security Administration shall report air cargo inspection statistics quarterly to the Committees on Appropriations of the Senate and the House of Representatives, by airport and air carrier, within 45 days after the end of the quarter including any reason for non-compliance with the second proviso of section 513 of the Department of Homeland Security Appropriations Act, 2005 (Public Law 108–334, 118 Stat. 1317).

SEC. 518. None of the funds made available in this Act may be used by any person other than the Privacy Officer appointed under section 222 of the Homeland Security Act of 2002 (6 U.S.C. 142) to alter, direct that changes be made to, delay, or prohibit the transmission to Congress of any report prepared under paragraph (6) of such section.

SEC. 519. No funding provided by this or previous appropriation Acts shall be available to pay the salary of any employee serving as a contracting officer's technical representative (COTR), or anyone acting in a similar or like capacity, who has not received COTR training.

SEC. 520. Except as provided in section 44945 of title 49, United States Code, funds appropriated or transferred to Transportation Security Administration ''Aviation Security'', ''Administration'' and ''Transportation Security Support'' in fiscal years 2004, 2005, 2006, and 2007 that are recovered or deobligated shall be available only for procurement and installation of explosive detection systems for air cargo, baggage, and checkpoint screening systems, subject to notification.

SEC. 521. Section 525(d) of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295; 120 Stat. 1382) shall apply to fiscal year 2008.

(RESCISSION OF FUNDS)

SEC. 522. From the unobligated balances of funds transferred to the Department of Homeland Security when it was created in 2003, excluding mandatory appropriations, $45,000,000 is rescinded, of which $12,000,000 shall be rescinded from Departmental Operations; $12,000,000 shall be rescinded from the Office of State and Local Government Coordination; and $6,000,000 shall be rescinded from the Working Capital Fund.

SEC. 523. Any funds appropriated to United States Coast Guard, ''Acquisition, Construction, and Improvements'' in fiscal years 2002, 2003, 2004, 2005, and 2006 for the 110–123 foot patrol boat conversion that are recovered, collected, or otherwise received as the result of negotiation, mediation, or litigation, shall be available until expended for the Replacement Patrol Boat (FRC–B) program.

SEC. 524. The Department of Homeland Security Working Capital Fund, established, pursuant to section 403 of Public Law 103–356 (31 U.S.C. 501 note), shall continue operations during fiscal year 2008.

SEC. 525. (a) The Federal Emergency Management Agency (FEMA) shall submit a quarterly report to the Committees on Appropriations of the Senate and the House of Representatives detailing the allocation and obligation of funds for ''Disaster Relief'' to include:

(1) status of the Disaster Relief Fund (DRF) including obligations, allocations, and amounts undistributed/unallocated;

(2) allocations, obligations, and expenditures for all open disasters;

(3) information on national flood insurance claims;

(4) obligations, allocations and expenditures by State for unemployment, crisis counseling, inspections, housing assistance, manufactured housing, public assistance and individual assistance;

(5) mission assignment obligations by agency, including:

(A) the amounts reimbursed to other agencies that are in suspense because FEMA has not yet reviewed and approved the documentation supporting the expenditure; and

(B) a disclaimer if the amounts of reported obligations and expenditures do not reflect the status of such obligations and expenditures from a government-wide perspective;

(6) the amount of credit card purchases by agency and mission assignment;

(7) specific reasons for all waivers granted and a description of each waiver;

(8) a list of all contracts that were awarded on a sole source or limited competition basis, including the dollar amount, the purpose of the contract and the reason for the lack of competitive award; and

(9) an estimate of when available appropriations will be exhausted, assuming an average disaster season.

(b) The Secretary of Homeland Security shall at least quarterly obtain from agencies performing mission assignments each such agency's actual obligation and expenditure data and report to the Committees on Appropriations of the Senate and the House of Representatives.

(c) For any request for reimbursement from a Federal agency to the Department of Homeland Security to cover expenditures under the Stafford Act (42 U.S.C. 5121 et seq.), or any mission assignment orders issued by the Department of Homeland Security for such purposes, the Secretary of Homeland Security shall take appropriate steps to ensure that each agency is periodically reminded of Department of Homeland Security policies on—

(1) the detailed information required in supporting documentation for reimbursements, and

(2) the necessity for timeliness of agency billings.

(d) Notwithstanding section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c), projects relating to Hurricanes Katrina and Rita for which the non-Federal share of assistance under that section is funded by amounts appropriated to the Community Development Fund under chapter 9 of title I of division B of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148; 119 Stat. 2779) or chapter 9 of title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 472) shall not be subject to any precertification requirements.

SEC. 526. Within 45 days after the close of each month, the Chief Financial Officer of the Department of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a monthly budget and staffing report that includes total obligations, on-board versus funded full-time equivalent staffing levels, and the number of contract employees by office.

SEC. 527. Section 532(a) of Public Law 109–295 is amended by striking ''2007'' and inserting ''2008''.

SEC. 528. The Federal Law Enforcement Training Center instructor staff shall be classified as inherently governmental for the purpose of the Federal Activities Inventory Reform Act of 1998 (31 U.S.C. 501 note).

SEC. 529. None of the funds provided in this Act may be used to alter or reduce operations within the Civil Engineering Program of the Coast Guard nationwide, including the civil engineering units, facilities, design, and construction centers, maintenance and logistics command centers, and the Coast Guard Academy, except as specifically authorized by a statute enacted after the date of enactment of this Act.

SEC. 530. EXTENSION OF THE IMPLEMENTATION DEADLINE FOR THE WESTERN HEMISPHERE TRAVEL INITIATIVE. Subparagraph (A) of section 7209(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note) is amended by striking ''This plan shall be implemented not later than three months after the Secretary of State and the Secretary of Homeland Security make the certifications required in subsection (B), or June 1, 2009, whichever is earlier.'' and inserting ''Such plan may not be implemented earlier than the date that is the later of 3 months after the Secretary of State and the Secretary of Homeland Security make the certification required in subparagraph (B) or June 1, 2009.''.

SEC. 531. Section 550 of the Department of Homeland Security Appropriations Act, 2007 (6 U.S.C. 121 note) is amended by adding at the end the following:

''(h) This section shall not preclude or deny any right of any State or political subdivision thereof to adopt or enforce any regulation, requirement, or standard of performance with respect to chemical facility security that is more stringent than a regulation, requirement, or standard of performance issued under this section, or otherwise impair any right or jurisdiction of any State with respect to chemical facilities within that State, unless there is an actual conflict between this section and the law of that State.''.

SEC. 532. None of the funds provided in this Act under the heading ''Office of the Chief Information Officer'' shall be used for data center

development other than for the National Center for Critical Information Processing and Storage until the Chief Information Officer certifies that the National Center for Critical Information Processing and Storage is fully utilized as the Department's primary data storage center at the highest capacity throughout the fiscal year.

SEC. 533. None of the funds in this Act shall be used to reduce the United States Coast Guard's Operations Systems Center mission or its government-employed or contract staff levels.

SEC. 534. (a) Notwithstanding section 503 of this Act, up to $25,000,000 from prior year balances currently available to the Transportation Security Administration may be transferred to ''Transportation Threat Assessment and Credentialing'' for the Secure Flight program.

(b) In carrying out the transfer authority under subsection (a), the Transportation Security Administration shall not utilize any prior year balances from the following programs: screener partnership program; explosive detection system purchase; explosive detection system installation; checkpoint support; aviation regulation and other enforcement; air cargo; and air cargo research and development: Provided, That any funds proposed to be transferred under this section shall not be available for obligation until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure for such funds that is submitted by the Secretary of Homeland Security: Provided further, That the plan shall be submitted simultaneously to the Government Accountability Office for review consistent with its ongoing assessment of the Secure Flight Program as mandated by section 522(a) of Public Law 108–334 (118 Stat. 1319).

SEC. 535. DISASTER ASSISTANCE FOR SCHOOLS. (a) DEFINITIONS.—In this section—

(1) the term ''Administrator'' means the Administrator of the Federal Emergency Management Agency;

(2) the term ''covered assistance'' means assistance—

(A) provided under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172);

(B) to be used to—

(i) repair, restore, reconstruct, or replace school facilities; or

(ii) replace lost contents of a school; and

(C) for damage caused by Hurricane Katrina of 2005 or Hurricane Rita of 2005; and

(3) the term ''local educational agency'' has the meaning given that term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(b) ASSISTANCE TO SCHOOLS.—

(1) IN GENERAL.—A local educational agency that has applied for covered assistance before the date of enactment of this Act may request that such assistance (including any eligible costs discovered after the date of the estimate of eligible costs under section 406(e)(1)(A) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(e)(1)(A)) and any cost that was determined to be an eligible cost after an appeal or review) be provided in a single payment.

(2) DISBURSEMENT OF ASSISTANCE.—Not later than 30 days after the date that a local educational agency makes a request under paragraph (1), the Administrator shall provide in a single payment any covered assistance for any eligible cost that was approved by the Administrator on or before the date of that request.

(3) FLOOD INSURANCE REDUCTION.—For any covered assistance provided under paragraph (2), the Administrator shall make not more than 1 reduction under section 406(d) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(d)) in the amount of assistance provided.

(c) ALTERNATE USE.—For any covered assistance provided under subsection (b)(2), the amount of that assistance shall not be reduced under section 406(c)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(c)(1)).

(d) APPLICABILITY.—This section shall apply to any covered assistance provided on or after the date of enactment of this Act.

SEC. 536. TECHNICAL CORRECTIONS. (a) IN GENERAL.—

(1) REDESIGNATIONS.—Chapter 27 of title 18, United States Code, is amended by redesignating section 554 added by section 551(a) of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295; 120 Stat. 1389) (relating to border tunnels and passages) as section 555.

(2) TABLE OF SECTIONS.—The table of sections for chapter 27 of title 18, United States Code, is amended by striking the item relating to section 554, ''Border tunnels and passages'', and inserting the following:

''555. Border tunnels and passages.''.

(b) CRIMINAL FORFEITURE.—Section 982(a)(6) of title 18, United States Code, is amended by striking ''554'' and inserting ''555''.

(c) DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.—Section 551(d) of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295; 120 Stat. 1390) is amended in paragraphs (1) and (2)(A) by striking ''554'' and inserting ''555''.

SEC. 537. SEXUAL ABUSE. Sections 2241, 2242, 2243, and 2244 of title 18, United States Code, are each amended by striking ''the Attorney General'' each place that term appears and inserting ''the head of any Federal department or agency''.

SEC. 538. PLAN FOR THE CONTROL AND MANAGEMENT OF ARUNDO DONAX. (a) DEFINITIONS.—In this section:

(1) ARUNDO DONAX.—The term ''Arundo donax'' means a tall perennial reed commonly known as ''Carrizo cane'', ''Spanish cane'', ''wild cane'', and ''giant cane''.

(2) PLAN.—The term ''plan'' means the plan for the control and management of Arundo donax developed under subsection (b).

(3) RIVER.—The term ''River'' means the Rio Grande River.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

(b) DEVELOPMENT OF PLAN.—

(1) IN GENERAL.—The Secretary shall develop a plan for the control and management of Arundo donax along the portion of the River that serves as the international border between the United States and Mexico.

(2) COMPONENTS.—In developing the plan, the Secretary shall address—

(A) information derived by the Secretary of Agriculture and the Secretary of the Interior from ongoing efforts to identify the most effective biological, mechanical, and chemical means of controlling and managing Arundo donax;

(B) past and current efforts to understand—

(i) the ecological damages caused by Arundo donax; and

(ii) the dangers Arundo donax poses to Federal and local law enforcement;

(C) any international agreements and treaties that need to be completed to allow for the control and management of Arundo donax on both sides of the River;

(D) the long-term efforts that the Secretary considers to be necessary to control and manage Arundo donax, including the cost estimates for the implementation of the efforts; and

(E) whether a waiver of applicable Federal environmental laws (including regulations) is necessary.

(3) CONSULTATION.—The Secretary shall develop the plan in consultation with the Secretary of Agriculture, the Secretary of the Interior, the Secretary of State, the Chief of Engineers, and any other Federal and State agencies that have appropriate expertise regarding the control and management of Arundo donax.

(c) REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit the plan to—

(1) the Committees on the Judiciary of the Senate and the House of Representatives; and

(2) the Committees on Appropriations of the Senate and the House of Representatives.

SEC. 539. REPORTING OF WASTE, FRAUD, AND ABUSE. Not later than 30 days after the date of enactment of this Act—

(1) the Secretary of Homeland Security shall establish and maintain on the homepage of the website of the Department of Homeland Security, a direct link to the website of the Office of Inspector General of the Department of Homeland Security; and

(2) the Inspector General of the Department of Homeland Security shall establish and maintain on the homepage of the website of the Office of Inspector General a direct link for individuals to anonymously report waste, fraud, or abuse.

SEC. 540. The Secretary of Homeland Security shall require that all contracts of the Department of Homeland Security that provide award fees link such fees to successful acquisition outcomes (which outcomes shall be specified in terms of cost, schedule, and performance).

SEC. 541. None of the funds made available to the Office of the Secretary and Executive Management under this Act may be expended for any new hires by the Department of Homeland Security that are not verified through the basic pilot program required under section 401 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

SEC. 542. None of the funds made available in this Act for U.S. Customs and Border Protection or any agency or office within the Department of Homeland Security may be used to prevent an individual from importing a prescription drug from Canada if—

(1) such individual is not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(g))); and

(2) such drug—

(A) complies with sections 501, 502, and 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351, 352, and 355); and

(B) is not—

(i) a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); or

(ii) a biological product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262).

SEC. 543. PROHIBITION ON USE OF FUNDS FOR RULEMAKING RELATED TO PETITIONS FOR ALIENS. None of the funds made available in this Act may be used by the Secretary of Homeland Security or any delegate of the Secretary to issue any rule or regulation which implements the Notice of Proposed Rulemaking related to Petitions for Aliens To Perform Temporary Nonagricultural Services or Labor (H–2B) set out beginning on 70 Federal Register 3984 (January 27, 2005).

SEC. 544. None of the funds appropriated or otherwise made available by this Act may be obligated or expended by the Secretary of Homeland Security to remove offenses from the list of criminal offenses disqualifying individuals from receiving a Transportation Worker Identification Credential under section 1572.103 of title 49, Code of Federal Regulations.

SEC. 545. (a)(1)(A) None of the funds appropriated or otherwise made available by this Act may be used to make any payment in connection with a contract awarded through a congressional initiative unless the contract is awarded using competitive procedures in accordance with the requirements of section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253), section 2304 of title 10, United States Code, and the Federal Acquisition Regulation.

(B) Except as provided in paragraph (3), none of the funds appropriated or otherwise made available by this Act may be used to make any payment in connection with a contract awarded through a congressional initiative unless more than one bid is received for such contract.

(2) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be awarded by grant or cooperative agreement through a congressional initiative unless the process used to award such grant or cooperative agreement uses competitive procedures to select the grantee or award recipient. Except as provided in paragraph (3), no such grant may be awarded unless applications for such grant or cooperative agreement are received from two or more applicants that are not from the same organization and do not share any financial, fiduciary, or other organizational relationship.

(3)(A) If the Secretary of Homeland Security does not receive more than one bid for a contract under paragraph (1)(B) or does not receive more than one application from unaffiliated applicants for a grant or cooperative agreement under paragraph (2), the Secretary may waive such bid or application requirement if the Secretary determines that the contract, grant, or cooperative agreement is essential to the mission of the Department of Homeland Security.

(b)(1) Not later than December 31, 2008, the Secretary of Homeland Security shall submit to Congress a report on congressional initiatives for which amounts were appropriated during fiscal year 2008.

(2) The report submitted under paragraph (1) shall include with respect to each contract and grant awarded through a congressional initiative—

(A) the name of the recipient of the funds awarded through such contract or grant;

(B) the reason or reasons such recipient was selected for such contract or grant; and

(C) the number of entities that competed for such contract or grant.

(3) The report submitted under paragraph (1) shall be made publicly available through the Internet website of the Department of Homeland Security.

(c) In this section:

(1) The term ''congressional initiative'' means a provision of law or a directive contained within a committee report or joint statement of managers of an appropriations Act that specifies—

(A) the identity of a person or entity selected to carry out a project, including a defense system, for which funds are appropriated or otherwise made available by that provision of law or directive and that was not requested by the President in a budget submitted to Congress; and

(B) the amount of the funds appropriated or otherwise made available for such project.

(2) The term ''executive agency'' has the meaning given such term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

SEC. 546. BORDER SECURITY REQUIREMENTS FOR LAND AND MARITIME BORDERS OF THE UNITED STATES. (a) OPERATIONAL CONTROL OF THE UNITED STATES BORDERS.—The President shall ensure that operational control of all international land and maritime borders is achieved.

(b) ACHIEVING OPERATIONAL CONTROL.—The Secretary of Homeland Security shall establish and demonstrate operational control of 100 percent of the international land and maritime borders of the United States, including the ability to monitor such borders through available methods and technology.

(1) STAFF ENHANCEMENTS FOR BORDER PATROL.—The United States Customs and Border Protection Border Patrol may hire, train, and report for duty additional full-time agents. These additional agents shall be deployed along all international borders.

(2) STRONG BORDER BARRIERS.—The United States Customs and Border Protection Border Patrol may:

(A) Install along all international borders of the United States vehicle barriers;

(B) Install along all international borders of the United States ground-based radar and cameras; and

(C) Deploy for use along all international borders of the United States unmanned aerial vehicles, and the supporting systems for such vehicles;

(c) PRESIDENTIAL PROGRESS REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter, the President shall submit a report to Congress detailing the progress made in funding, meeting or otherwise satisfying each of the requirements described under paragraphs (1) and (2).

(2) PROGRESS NOT SUFFICIENT.—If the President determines that sufficient progress is not being made, the President shall include in the report required under paragraph (1) specific funding recommendations, authorization needed, or other actions that are or should be undertaken by the Secretary of Homeland Security.

(d) APPROPRIATIONS FOR SECURING LAND AND MARITIME BORDERS OF THE UNITED STATES.—Any funds appropriated under division B of this Act shall be used to ensure operational control is achieved for all international land and maritime borders of the United States.

SEC. 547. IMPROVEMENTS TO THE EMPLOYMENT ELIGIBILITY VERIFICATION BASIC PILOT PROGRAM. Of the amounts appropriated for border security and employment verification improvements under section 1003 of Division B, $60,000,000 shall be made available to—

(1) ensure that State and local programs have sufficient access to, and are sufficiently coordinated with, the Federal Government's Employment Eligibility Verification System;

(2) ensure that such system has sufficient capacity to timely and accurately—

(A) register employers in States with employer verification requirements;

(B) respond to inquiries by employers; and

(C) enter into memoranda of understanding with States to ensure responses to subparagraphs (A) and (B); and

(3) develop policies and procedures to ensure protection of the privacy and security of personally identifiable information and identifiers contained in the basic pilot program, including appropriate privacy and security training for State employees;

(4) ensure that the Office for Civil Rights and Civil Liberties of the Department of Justice has sufficient capacity to conduct audits of the Federal Government's Employment Eligibility Verification System to assess employer compliance with System requirements, including the applicable Memorandum of Understanding;

(5) these amounts are designated as an emergency requirement pursuant to section 204 of S. Con. Res. 21 (110th Congress).

SEC. 548. IN-LIEU CONTRIBUTION. The Administrator of the Federal Emergency Management Agency shall authorize a large in-lieu contribution under section 406(c)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(c)(1)) to the Peebles School in Iberia Parish, Louisiana for damages relating to Hurricane Katrina of 2005 or Hurricane Rita of 2005, notwithstanding section 406(c)(1)(C) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(c)(1)(C)).

SEC. 549. NATIONAL STRATEGY ON CLOSED CIRCUIT TELEVISION SYSTEMS. (a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security shall—

(1) develop a national strategy for the effective and appropriate use of closed circuit television to prevent and respond to acts of terrorism, which shall include—

(A) an assessment of how closed circuit television and other public surveillance systems can be used most effectively as part of an overall terrorism preparedness, prevention, and response program, and its appropriate role in such a program;

(B) a comprehensive examination of the advantages and limitations of closed circuit television and, as appropriate, other public surveillance technologies;

(C) best practices on camera use and data storage;

(D) plans for coordination between the Federal Government and State and local governments, and the private sector—

(i) in the development and use of closed circuit television systems; and

(ii) for Federal assistance and support for State and local utilization of such systems;

(E) plans for pilot programs or other means of determining the real-world efficacy and limitations of closed circuit televisions systems;

(F) an assessment of privacy and civil liberties concerns raised by use of closed circuit television and other public surveillance systems, and guidelines to address such concerns; and

(G) an assessment of whether and how closed circuit television systems and other public surveillance systems are effectively utilized by other democratic countries in combating terrorism; and

(2) provide to the Committees on Homeland Security and Governmental Affairs, Appropriations, and the Judiciary of the Senate and the Committees on Homeland Security, Appropriations, and the Judiciary of the House of Representatives a report that includes—

(A) the strategy required under paragraph (1);

(B) the status and findings of any pilot program involving closed circuit televisions or other public surveillance systems conducted by, in coordination with, or with the assistance of the Department of Homeland Security up to the time of the report; and

(C) the annual amount of funds used by the Department of Homeland Security, either directly by the Department or through grants to State, local, or tribal governments, to support closed circuit television and the public surveillance systems of the Department, since fiscal year 2004.

(b) CONSULTATION.—In preparing the strategy and report required under subsection (a), the Secretary of Homeland Security shall consult with the Attorney General, the Chief Privacy Officer of the Department of Homeland Security, and the Officer for Civil Rights and Civil Liberties of the Department of Homeland Security.

SEC. 550. SECURE HANDLING OF AMMONIUM NITRATE.—(a) IN GENERAL.—Title VIII of the Homeland Security Act of 2002 (6 U.S.C. 361 et seq.) is amended by adding at the end the following:

"Subtitle J—Secure Handling of Ammonium Nitrate

"SEC. 899A. DEFINITIONS.

''In this subtitle:

''(1) AMMONIUM NITRATE.—The term 'ammonium nitrate' means—

''(A) solid ammonium nitrate that is chiefly the ammonium salt of nitric acid and contains not less than 33 percent nitrogen by weight; and

''(B) any mixture containing a percentage of ammonium nitrate that is equal to or greater than the percentage determined by the Secretary under section 899B(b).

''(2) AMMONIUM NITRATE FACILITY.—The term 'ammonium nitrate facility' means any entity that produces, sells or otherwise transfers ownership of, or provides application services for ammonium nitrate.

''(3) AMMONIUM NITRATE PURCHASER.—The term 'ammonium nitrate purchaser' means any person who buys and takes possession of ammonium nitrate from an ammonium nitrate facility.

"SEC. 899B. REGULATION OF THE SALE AND TRANSFER OF AMMONIUM NITRATE.

''(a) IN GENERAL.—The Secretary shall regulate the sale and transfer of ammonium nitrate by an ammonium nitrate facility in accordance with this subtitle to prevent the misappropriation or use of ammonium nitrate in an act of terrorism.

''(b) AMMONIUM NITRATE MIXTURES.—Not later than 90 days after the date of the enactment of this subtitle, the Secretary, in consultation with the heads of appropriate Federal departments and agencies (including the Secretary of Agriculture), shall, after notice and an opportunity for comment, establish a threshold percentage for ammonium nitrate in a substance.

''(c) REGISTRATION OF OWNERS OF AMMONIUM NITRATE FACILITIES.—

''(1) REGISTRATION.—The Secretary shall establish a process by which any person that—

''(A) owns an ammonium nitrate facility is required to register with the Department; and

''(B) registers under subparagraph (A) is issued a registration number for purposes of this subtitle.

''(2) REGISTRATION INFORMATION.—Any person applying to register under paragraph (1) shall submit to the Secretary—

''(A) the name, address, and telephone number of each ammonium nitrate facility owned by that person;

''(B) the name of the person designated by that person as the point of contact for each such facility, for purposes of this subtitle; and

''(C) such other information as the Secretary may determine is appropriate.

''(d) REGISTRATION OF AMMONIUM NITRATE PURCHASERS.—

''(1) REGISTRATION.—The Secretary shall establish a process by which any person that—

''(A) intends to be an ammonium nitrate purchaser is required to register with the Department; and

''(B) registers under subparagraph (A) is issued a registration number for purposes of this subtitle.

''(2) REGISTRATION INFORMATION.—Any person applying to register under paragraph (1) as an ammonium nitrate purchaser shall submit to the Secretary—

''(A) the name, address, and telephone number of the applicant; and

''(B) the intended use of ammonium nitrate to be purchased by the applicant.

''(e) RECORDS.—

''(1) MAINTENANCE OF RECORDS.—The owner of an ammonium nitrate facility shall—

''(A) maintain a record of each sale or transfer of ammonium nitrate, during the two-year period beginning on the date of that sale or transfer; and

''(B) include in such record the information described in paragraph (2).

''(2) SPECIFIC INFORMATION REQUIRED.—For each sale or transfer of ammonium nitrate, the owner of an ammonium nitrate facility shall—

''(A) record the name, address, telephone number, and registration number issued under subsection (c) or (d) of each person that takes possession of ammonium nitrate, in a manner prescribed by the Secretary;

''(B) if applicable, record the name, address, and telephone number of each individual who takes possession of the ammonium nitrate on behalf of the person described in subparagraph (A), at the point of sale;

''(C) record the date and quantity of ammonium nitrate sold or transferred; and

''(D) verify the identity of the persons described in subparagraphs (A) and (B), as applicable, in accordance with a procedure established by the Secretary.

''(3) PROTECTION OF INFORMATION.—In maintaining records in accordance with paragraph (1), the owner of an ammonium nitrate facility shall take reasonable actions to ensure the protection of the information included in such records.

''(f) EXEMPTION FOR EXPLOSIVE PURPOSES.—The Secretary may exempt from this subtitle a person producing, selling, or purchasing ammonium nitrate exclusively for use in the production of an explosive under a license issued under chapter 40 of title 18, United States Code.

''(g) CONSULTATION.—In carrying out this section, the Secretary shall consult with the Secretary of Agriculture, States, and appropriate private sector entities, to ensure that the access of agricultural producers to ammonium nitrate is not unduly burdened.

''(h) DATA CONFIDENTIALITY.—

''(1) IN GENERAL.—Notwithstanding section 552 of title 5, United States Code, or the USA PATRIOT ACT (Public Law 107–56; 115 Stat. 272), and except as provided in paragraph (2), the Secretary may not disclose to any person any information obtained under this subtitle.

''(2) EXCEPTION.—The Secretary may disclose any information obtained by the Secretary under this subtitle to—

''(A) an officer or employee of the United States, or a person that has entered into a contract with the United States, who has a need to know the information to perform the duties of the officer, employee, or person; or

''(B) to a State agency under section 899D, under appropriate arrangements to ensure the protection of the information.

''(i) REGISTRATION PROCEDURES AND CHECK OF TERRORIST SCREENING DATABASE.—

''(1) REGISTRATION PROCEDURES.—

''(A) GENERALLY.—The Secretary shall establish procedures to efficiently receive applications for registration numbers under this subtitle, conduct the checks required under paragraph (2), and promptly issue or deny a registration number.

''(B) INITIAL SIX-MONTH REGISTRATION PERIOD.—The Secretary shall take steps to maximize the number of registration applications that are submitted and processed during the six-month period described in section 899F(e).

''(2) CHECK OF TERRORIST SCREENING DATABASE.—

''(A) CHECK REQUIRED.—The Secretary shall conduct a check of appropriate identifying information of any person seeking to register with the Department under subsection (c) or (d) against identifying information that appears in the terrorist screening database of the Department.

''(B) AUTHORITY TO DENY REGISTRATION NUMBER.—If the identifying information of a person seeking to register with the Department under subsection (c) or (d) appears in the terrorist screening database of the Department, the Secretary may deny issuance of a registration number under this subtitle.

''(3) EXPEDITED REVIEW OF APPLICATIONS.—

''(A) IN GENERAL.—Following the six-month period described in section 899F(e), the Secretary shall, to the extent practicable, issue or deny registration numbers under this subtitle not later than 72 hours after the time the Secretary receives a complete registration application, unless the Secretary determines, in the interest of national security, that additional time is necessary to review an application.

''(B) NOTICE OF APPLICATION STATUS.—In all cases, the Secretary shall notify a person seeking to register with the Department under subsection (c) or (d) of the status of the application of that person not later than 72 hours after the time the Secretary receives a complete registration application.

''(4) EXPEDITED APPEALS PROCESS.—

''(A) REQUIREMENT.—

''(i) APPEALS PROCESS.—The Secretary shall establish an expedited appeals process for persons denied a registration number under this subtitle.

''(ii) TIME PERIOD FOR RESOLUTION.—The Secretary shall, to the extent practicable, resolve appeals not later than 72 hours after receiving a complete request for appeal unless the Secretary determines, in the interest of national security, that additional time is necessary to resolve an appeal.

''(B) CONSULTATION.—The Secretary, in developing the appeals process under subparagraph (A), shall consult with appropriate stakeholders.

''(C) GUIDANCE.—The Secretary shall provide guidance regarding the procedures and information required for an appeal under subparagraph (A) to any person denied a registration number under this subtitle.

''(5) RESTRICTIONS ON USE AND MAINTENANCE OF INFORMATION.—

''(A) IN GENERAL.—Any information constituting grounds for denial of a registration number under this section shall be maintained confidentially by the Secretary and may be used only for making determinations under this section.

''(B) SHARING OF INFORMATION.—Notwithstanding any other provision of this subtitle, the Secretary may share any such information with Federal, State, local, and tribal law enforcement agencies, as appropriate.

''(6) REGISTRATION INFORMATION.—

''(A) AUTHORITY TO REQUIRE INFORMATION.—The Secretary may require a person applying for a registration number under this subtitle to submit such information as may be necessary to carry out the requirements of this section.

''(B) REQUIREMENT TO UPDATE INFORMATION.—The Secretary may require persons issued a registration under this subtitle to update registration information submitted to the Secretary under this subtitle, as appropriate.

''(7) RE-CHECKS AGAINST TERRORIST SCREENING DATABASE.—

''(A) RE-CHECKS.—The Secretary shall, as appropriate, recheck persons provided a registration number pursuant to this subtitle against the terrorist screening database of the Department, and may revoke such registration number if the Secretary determines such person may pose a threat to national security.

''(B) NOTICE OF REVOCATION.—The Secretary shall, as appropriate, provide prior notice to a person whose registration number is revoked under this section and such person shall have an opportunity to appeal, as provided in paragraph (4).

''SEC. 899C. INSPECTION AND AUDITING OF RECORDS.

''The Secretary shall establish a process for the periodic inspection and auditing of the records maintained by owners of ammonium nitrate facilities for the purpose of monitoring compliance with this subtitle or for the purpose of deterring or preventing the misappropriation or use of ammonium nitrate in an act of terrorism.

''SEC. 899D. ADMINISTRATIVE PROVISIONS.

''(a) COOPERATIVE AGREEMENTS.—The Secretary—

''(1) may enter into a cooperative agreement with the Secretary of Agriculture, or the head of any State department of agriculture or its designee involved in agricultural regulation, in consultation with the State agency responsible for homeland security, to carry out the provisions of this subtitle; and

''(2) wherever possible, shall seek to cooperate with State agencies or their designees that oversee ammonium nitrate facility operations when seeking cooperative agreements to implement the registration and enforcement provisions of this subtitle.

''(b) DELEGATION.—

''(1) AUTHORITY.—The Secretary may delegate to a State the authority to assist the Secretary in the administration and enforcement of this subtitle.

''(2) DELEGATION REQUIRED.—At the request of a Governor of a State, the Secretary shall delegate to that State the authority to carry out functions under sections 899B and 899C, if the Secretary determines that the State is capable of satisfactorily carrying out such functions.

''(3) FUNDING.—Subject to the availability of appropriations, if the Secretary delegates functions to a State under this subsection, the Secretary shall provide to that State sufficient funds to carry out the delegated functions.

''(c) PROVISION OF GUIDANCE AND NOTIFICATION MATERIALS TO AMMONIUM NITRATE FACILITIES.—

''(1) GUIDANCE.—The Secretary shall make available to each owner of an ammonium nitrate

facility registered under section 899B(c)(1) guidance on—

''(A) the identification of suspicious ammonium nitrate purchases or transfers or attempted purchases or transfers;

''(B) the appropriate course of action to be taken by the ammonium nitrate facility owner with respect to such a purchase or transfer or attempted purchase or transfer, including—

''(i) exercising the right of the owner of the ammonium nitrate facility to decline sale of ammonium nitrate; and

''(ii) notifying appropriate law enforcement entities; and

''(C) additional subjects determined appropriate by to prevent the misappropriation or use of ammonium nitrate in an act of terrorism.

''(2) USE OF MATERIALS AND PROGRAMS.—In providing guidance under this subsection, the Secretary shall, to the extent practicable, leverage any relevant materials and programs.

''(3) NOTIFICATION MATERIALS.—

''(A) IN GENERAL.—The Secretary shall make available materials suitable for posting at locations where ammonium nitrate is sold.

''(B) DESIGN OF MATERIALS.—Materials made available under subparagraph (A) shall be designed to notify prospective ammonium nitrate purchasers of—

''(i) the record-keeping requirements under section 899B; and

''(ii) the penalties for violating such requirements.

''SEC. 899E. THEFT REPORTING REQUIREMENT.

''Any person who is required to comply with section 899B(e) who has knowledge of the theft or unexplained loss of ammonium nitrate shall report such theft or loss to the appropriate Federal law enforcement authorities not later than 1 calendar day of the date on which the person becomes aware of such theft or loss. Upon receipt of such report, the relevant Federal authorities shall inform State, local, and tribal law enforcement entities, as appropriate.

''SEC. 899F. PROHIBITIONS AND PENALTY.

''(a) PROHIBITIONS.—

''(1) TAKING POSSESSION.—No person shall take possession of ammonium nitrate from an ammonium nitrate facility unless such person is registered under subsection (c) or (d) of section 899B, or is an agent of a person registered under subsection (c) or (d) of that section.

''(2) TRANSFERRING POSSESSION.—An owner of an ammonium nitrate facility shall not transfer possession of ammonium nitrate from the ammonium nitrate facility to any person who is not registered under subsection (c) or (d) of section 899B, or is not an agent of a person registered under subsection (c) or (d) of that section.

''(3) OTHER PROHIBITIONS.—No person shall—

''(A) buy and take possession of ammonium nitrate without a registration number required under subsection (c) or (d) of section 899B;

''(B) own or operate an ammonium nitrate facility without a registration number required under section 899B(c); or

''(C) fail to comply with any requirement or violate any other prohibition under this subtitle.

''(b) CIVIL PENALTY.—A person that violates this subtitle may be assessed a civil penalty by the Secretary of not more than $50,000 per violation.

''(c) PENALTY CONSIDERATIONS.—In determining the amount of a civil penalty under this section, the Secretary shall consider—

''(1) the nature and circumstances of the violation;

''(2) with respect to the person who commits the violation, any history of prior violations, the ability to pay the penalty, and any effect the penalty is likely to have on the ability of such person to do business; and

''(3) any other matter that the Secretary determines that justice requires.

''(d) NOTICE AND OPPORTUNITY FOR A HEARING.—No civil penalty may be assessed under this subtitle unless the person liable for the penalty has been given notice and an opportunity for a hearing on the violation for which the penalty is to be assessed in the county, parish, or incorporated city of residence of that person.

''(e) DELAY IN APPLICATION OF PROHIBITION.—Paragraphs (1) and (2) of subsection (a) shall apply on and after the date that is 6 months after the date that the Secretary issues of a final rule implementing this subtitle.

''SEC. 899G. PROTECTION FROM CIVIL LIABILITY.

''(a) IN GENERAL.—Notwithstanding any other provision of law, an owner of an ammonium nitrate facility that in good faith refuses to sell or transfer ammonium nitrate to any person, or that in good faith discloses to the Department or to appropriate law enforcement authorities an actual or attempted purchase or transfer of ammonium nitrate, based upon a reasonable belief that the person seeking purchase or transfer of ammonium nitrate may use the ammonium nitrate to create an explosive device to be employed in an act of terrorism (as defined in section 3077 of title 18, United States Code), or to use ammonium nitrate for any other unlawful purpose, shall not be liable in any civil action relating to that refusal to sell ammonium nitrate or that disclosure.

''(b) REASONABLE BELIEF.—A reasonable belief that a person may use ammonium nitrate to create an explosive device to be employed in an act of terrorism under subsection (a) may not solely be based on the race, sex, national origin, creed, religion, status as a veteran, or status as a member of the Armed Forces of the United States of that person.

''SEC. 899H. PREEMPTION OF OTHER LAWS.

''(a) OTHER FEDERAL REGULATIONS.—Except as provided in section 899G, nothing in this subtitle affects any regulation issued by any agency other than an agency of the Department.

''(b) STATE LAW.—Subject to section 899G, this subtitle preempts the laws of any State to the extent that such laws are inconsistent with this subtitle, except that this subtitle shall not preempt any State law that provides additional protection against the acquisition of ammonium nitrate by terrorists or the use of ammonium nitrate in explosives in acts of terrorism or for other illicit purposes, as determined by the Secretary.

''SEC. 899I. DEADLINES FOR REGULATIONS.

''The Secretary—

''(1) shall issue a proposed rule implementing this subtitle not later than 6 months after the date of the enactment of this subtitle; and

''(2) issue a final rule implementing this subtitle not later than 1 year after such date of enactment.

''SEC. 899J. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to the Secretary—

''(1) $2,000,000 for fiscal year 2008; and

''(2) $10,750,000 for each of fiscal years 2009 through 2012.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting after the item relating to section 899 the following:

''Subtitle J—Secure Handling of Ammonium Nitrate

''Sec. 899A. Definitions.
''Sec. 899B. Regulation of the sale and transfer of ammonium nitrate.
''Sec. 899C. Inspection and auditing of records.
''Sec. 899D. Administrative provisions.
''Sec. 899E. Theft reporting requirement.
''Sec. 899F. Prohibitions and penalty.
''Sec. 899G. Protection from civil liability.
''Sec. 899H. Preemption of other laws.
''Sec. 899I. Deadlines for regulations.
''Sec. 899J. Authorization of appropriations.''.

SEC. 552. RISK MANAGEMENT AND ANALYSIS SPECIAL EVENT; 2010 VANCOUVER OLYMPIC AND PARALYMPIC GAMES. As soon as practicable, but not later than 3 months after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Appropriations, the Committee on Homeland Security and Governmental Affairs, and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Appropriations, the Committee on Homeland Security, and the Committee on Transportation and Infrastructure of the House of Representatives a report regarding the plans of the Secretary of Homeland Security relating to—

(1) implementing the recommendations regarding the 2010 Vancouver Olympic and Paralympic Games in the Joint Explanatory Statement of the Committee of Conference on H.R. 5441 (109th Congress), the Department of Homeland Security Appropriations Act, 2007, with specific funding strategies for—

(A) the Multiagency Coordination Center; and

(B) communications exercises to validate communications pathways, test equipment, and support the training and familiarization of personnel on the operations of the different technologies used to support the 2010 Vancouver Olympic and Paralympic Games; and

(2) the feasibility of implementing a program to prescreen individuals traveling by rail between Vancouver, Canada and Seattle, Washington during the 2010 Vancouver Olympic and Paralympic Games, while those individuals are located in Vancouver, Canada, similar to the preclearance arrangements in effect in Vancouver, Canada for certain flights between the United States and Canada.

SEC. 553. IMPROVEMENT OF BARRIERS AT BORDER. Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note) is amended—

(1) in subsection (a), by striking ''Attorney General, in consultation with the Commissioner of Immigration and Naturalization,'' and inserting ''Secretary of Homeland Security''; and

(2) in subsection (b)—

(A) in the subsection heading, by striking ''IN THE BORDER AREA'' and inserting ''ALONG THE BORDER'';

(B) by redesignating paragraphs (1), (2), (3), and (4) as paragraphs (2), (3), (4), and (5), respectively;

(C) in paragraph (2), as redesignated—

(i) in the paragraph heading, by striking ''SECURITY FEATURES'' and inserting ''ADDITIONAL FENCING ALONG SOUTHWEST BORDER''; and

(ii) by striking subparagraphs (A) through (C) and inserting the following:

''(A) REINFORCED FENCING.—In carrying out subsection (a), the Secretary of Homeland Security shall construct reinforced fencing along not less than 700 miles of the southwest border where fencing would be most practical and effective and provide for the installation of additional physical barriers, roads, lighting, cameras, and sensors to gain operational control of the southwest border.

''(B) PRIORITY AREAS.—In carrying out this section, the Secretary of Homeland Security shall—

''(i) identify the 370 miles along the southwest border where fencing would be most practical and effective in deterring smugglers and aliens attempting to gain illegal entry into the United States; and

''(ii) not later than December 31, 2008, complete construction of reinforced fencing along the 370 miles identified under clause (i).

''(C) CONSULTATION.—

''(i) IN GENERAL.—In carrying out this section, the Secretary of Homeland Security shall consult with the Secretary of Interior, the Secretary of Agriculture, States, local governments, Indian tribes, and property owners in the United States to minimize the impact on the environment, culture, commerce, and quality of life for the communities and residents located near the sites at which such fencing is to be constructed.

''(ii) SAVINGS PROVISION.—Nothing in this subparagraph may be construed to—

''(I) create any right of action for a State, local government, or other person or entity affected by this subsection; or

''(II) affect the eminent domain laws of the United States or of any State.

''(D) LIMITATION ON REQUIREMENTS.—Notwithstanding subparagraph (A), nothing in this paragraph shall require the Secretary of Homeland Security to install fencing, physical barriers, roads, lighting, cameras, and sensors in a particular location along an international border of the United States, if the Secretary determines that the use or placement of such resources is not the most appropriate means to achieve and maintain operational control over the international border at such location.''; and

(D) in paragraph (5), as redesignated, by striking ''to carry out this subsection not to exceed $12,000,000'' and inserting ''such sums as may be necessary to carry out this subsection''.

SEC. 554. ACCOUNTABILITY IN GRANT AND CONTRACT ADMINISTRATION. The Department of Homeland Security, through the Federal Emergency Management Agency, shall—

(1) consider implementation, through fair and open competition, of management, tracking and accountability systems to assist in managing grant allocations, distribution, expenditures, and asset tracking; and

(2) consider any efficiencies created through cooperative purchasing agreements.

SEC. 555. None of the funds made available in this Act may be used to destroy or put out to pasture any horse or other equine belonging to the Federal Government that has become unfit for service, unless the trainer or handler is first given the option to take possession of the equine through an adoption program that has safeguards against slaughter and inhumane treatment.

SEC. 556. INTERNATIONAL REGISTERED TRAVELER PROGRAM. Section 7208(k)(3) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1365b(k)(3)) is amended to read as follows:

''(3) INTERNATIONAL REGISTERED TRAVELER PROGRAM.—

''(A) IN GENERAL.—The Secretary of Homeland Security shall establish an international registered traveler program that incorporates available technologies, such as biometrics and e-passports, and security threat assessments to expedite the screening and processing of international travelers, including United States Citizens and residents, who enter and exit the United States. The program shall be coordinated with the US–VISIT program, other pre-screening initiatives, and the Visa Waiver Program within the Department of Homeland Security.

''(B) FEES.—The Secretary may impose a fee for the program established under subparagraph (A) and may modify such fee from time to time. The fee may not exceed the aggregate costs associated with the program and shall be credited to the Department of Homeland Security for purposes of carrying out the program. Amounts so credited shall remain available until expended.

''(C) RULEMAKING.—Within 365 days after the date of enactment of this paragraph, the Secretary shall initiate a rulemaking to establish the program, criteria for participation, and the fee for the program.

''(D) IMPLEMENTATION.—Not later than 2 years after the date of enactment of this paragraph, the Secretary shall establish a phased-implementation of a biometric-based international registered traveler program in conjunction with the US–VISIT entry and exit system, other pre-screening initiatives, and the Visa Waiver Program within the Department of Homeland Security at United States airports with the highest volume of international travelers.

''(E) PARTICIPATION.—The Secretary shall ensure that the international registered traveler program includes as many participants as practicable by—

''(i) establishing a reasonable cost of enrollment;

''(ii) making program enrollment convenient and easily accessible; and

''(iii) providing applicants with clear and consistent eligibility guidelines.''.

SEC. 557. REPORT ON THE PERFORMANCE ACCOUNTABILITY AND STANDARDS SYSTEM OF THE TRANSPORTATION SECURITY ADMINISTRATION. Not later than March 1, 2008, the Transportation Security Administration shall submit a report to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives on the implementation of the Performance Accountability and Standards System, including—

(1) the number of employees who achieved each level of performance;

(2) a comparison between managers and nonmanagers relating to performance and pay increases;

(3) the type and amount of all pay increases that have taken effect for each level of performance; and

(4) the attrition of employees covered by the Performance Accountability and Standards System.

SEC. 558. SHARED BORDER MANAGEMENT. (a) STUDY.—The Comptroller General of the United States shall conduct a study on the Department of Homeland Security's use of shared border management to secure the international borders of the United States.

(b) REPORT.—The Comptroller General shall submit a report to Congress that describes—

(1) any negotiations, plans, or designs conducted by officials of the Department of Homeland Security regarding the practice of shared border management; and

(2) the factors required to be in place for shared border management to be successful.

SEC. 559. Amounts authorized to be appropriated in the Border Law Enforcement Relief Act of 2007 are increased by $50,000,000 for each of the fiscal years 2008 through 2012.

SEC. 560. GAO STUDY OF COST OF FENCING ON THE SOUTHERN BORDER. (a) INQUIRY AND REPORT REQUIRED.—The Comptroller of the United States shall conduct a study examining—

(1) the total amount of money that has been expended, as of June 20, 2007, to construct 90 miles of fencing on the southern border of the United States;

(2) the average cost per mile of the 90 miles of fencing on the southern border as of June 20, 2007;

(3) the average cost per mile of the 370 miles of fencing that the Department of Homeland Security is required to have completed on the southern border by December 31, 2008, which shall include $1,187,000,000 appropriated in fiscal year 2007 for ''border security fencing, technology, and infrastructure'' and the $1,000,000,000 appropriated under this Act under the heading ''Border Security Fencing, Infrastructure, and Technology'';

(4) the total cost and average cost per mile to construct the 700 linear miles (854 topographical miles) of fencing on the southern border required to be constructed under section 102(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as amended by section 3 of the Secure Fence Act of 2006 (Public Law 109–367);

(5) the total cost and average cost per mile to construct the fencing described in paragraph (4) if the double layer fencing requirement were eliminated; and

(6) the number of miles of single layer fencing, if fencing were not accompanied by additional technology and infrastructure such as cameras, sensors, and roads, which could be built with the $1,187,000,000 appropriated in fiscal year 2007 for ''border security fencing, technology, and infrastructure'' and the $1,000,000,000 appropriated under this Act under the heading ''Border Security Fencing, Infrastructure, and Technology''.

(b) SUBMISSION OF REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit a report on the results of the study conducted pursuant to subsection (a) to—

(1) the Committee on Appropriations of the Senate;

(2) the Committee on the Judiciary of the Senate;

(3) the Committee on Appropriations of the House of Representatives; and

(4) the Committee on the Judiciary of the House of Representatives.

SEC. 561. SENSE OF SENATE ON IMMIGRATION.—(a) FINDINGS.—The Senate makes the following findings:

(1) On June 28th, 2007, the Senate, by a vote of 46 to 53, rejected a motion to invoke cloture on a bill to provide for comprehensive immigration reform.

(2) Illegal immigration remains the top domestic issue in the United States.

(3) The people of the United States continue to feel the effects of a failed immigration system on a daily basis, and they have not forgotten that Congress and the President have a duty to address the issue of illegal immigration and the security of the international borders of the United States.

(4) People from across the United States have shared with members of the Senate their wide ranging and passionate opinions on how best to reform the immigration system.

(5) There is no consensus on an approach to comprehensive immigration reform that does not first secure the international borders of the United States.

(6) There is unanimity that the Federal Government has a responsibility to, and immediately should, secure the international borders of the United States.

(7) Border security is an integral part of national security.

(8) The greatest obstacle the Federal Government faces with respect to the people of the United States is a lack of trust that the Federal Government will secure the international borders of the United States.

(9) This lack of trust is rooted in the past failures of the Federal Government to uphold and enforce immigration laws and the failure of the Federal Government to secure the international borders of the United States.

(10) Failure to uphold and enforce immigration laws has eroded respect for those laws and eliminated the faith of the people of the United States in the ability of their elected officials to responsibly administer immigration programs.

(11) It is necessary to regain the trust of the people of the United States in the competency of the Federal Government to enforce immigration laws and manage the immigration system.

(12) Securing the borders of the United States would serve as a starting point to begin to address other issues surrounding immigration reform on which there is not consensus.

(13) Congress has not fully funded some interior and border security activities that it has authorized.

(14) The President of the United States can initiate emergency spending by designating certain spending as ''emergency spending'' in a request to the Congress.

(15) The lack of security on the international borders of the United States rises to the level of an emergency.

(16) The Border Patrol are apprehending some, but not all, individuals from countries that the Secretary of State has determined have repeatedly provided support for acts of international terrorism who cross or attempt to cross illegally into the United States.

(17) The Federal Bureau of Investigation is investigating a human smuggling ring that has been bringing Iraqis and other Middle Eastern individuals across the international borders of the United States.

(b) SENSE OF SENATE.—It is the sense of Senate that—

(1) the Federal Government should work to regain the trust of the people of the United States in its ability of the Federal Government to secure the international borders of the United States;

(2) in order to restore the credibility of the Federal Government on this critical issue, the Federal Government should prove its ability to enforce immigration laws by taking actions such as securing the border, stopping the flow of illegal immigrants and drugs into the United States, and creating a tamper-proof biometric identification card for foreign workers; and

(3) the President should request emergency spending that fully funds—

(A) existing interior and border security authorizations that have not been funded by Congress; and

(B) the border and interior security initiatives contained in the bill to provide for comprehensive immigration reform and for other purposes (S. 1639) introduced in the Senate on June 18, 2007.

SEC. 562. ENSURING THE SAFETY OF AGRICULTURAL IMPORTS.—(a) FINDINGS.—Congress makes the following findings:

(1) The Food and Drug Administration, as part of its responsibility to ensure the safety of food and other imports, maintains a presence at 91 of the 320 points of entry into the United States.

(2) United States Customs and Border Protection personnel are responsible for monitoring imports and alerting the Food and Drug Administration to suspicious material entering the United States at the remaining 229 points of entry.

(b) REPORT.—The Commissioner of U.S. Customs and Border Protection shall submit a report to Congress that describes the training of U.S. Customs and Border Protection personnel to effectively assist the Food and Drug Administration in monitoring our Nation's food supply.

SEC. 563. (a) STUDY ON IMPLEMENTATION OF VOLUNTARY PROVISION OF EMERGENCY SERVICES PROGRAM.—

(1) Not later than 180 days after the date of the enactment of this Act, the Administrator of the Transportation Security Administration shall conduct a study on the implementation of the voluntary provision of emergency services program established pursuant to section 44944(a) of title 49, United States Code (referred to in this section as the ''program'').

(2) As part of the study required by paragraph (1), the Administrator shall assess the following:

(A) Whether training protocols established by air carriers and foreign air carriers include training pertinent to the program and whether such training is effective for purposes of the program.

(B) Whether employees of air carriers and foreign air carriers responsible for implementing the program are familiar with the provisions of the program.

(C) The degree to which the program has been implemented in airports.

(D) Whether a helpline or other similar mechanism of assistance provided by an air carrier, foreign air carrier, or the Transportation Security Administration should be established to provide assistance to employees of air carriers and foreign air carriers who are uncertain of the procedures of the program.

(3) In making the assessment required by paragraph (2)(C), the Administrator may make use of unannounced interviews or other reasonable and effective methods to test employees of air carriers and foreign air carriers responsible for registering law enforcement officers, firefighters, and emergency medical technicians as part of the program.

(4)(A) Not later than 60 days after the completion of the study required by paragraph (1), the Administrator shall submit to Congress a report on the findings of such study.

(B) The Administrator shall make such report available to the public by Internet web site or other appropriate method.

(b) PUBLICATION OF REPORT PREVIOUSLY SUBMITTED.—The Administrator shall make available to the public on the Internet web site of the Transportation Security Administration or the Department of Homeland Security the report required by section 554(b) of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295).

(c) MECHANISM FOR REPORTING PROBLEMS.—The Administrator shall develop a mechanism on the Internet web site of the Transportation Security Administration or the Department of Homeland Security by which first responders may report problems with or barriers to volunteering in the program. Such mechanism shall also provide information on how to submit comments related to volunteering in the program.

(d) AIR CARRIER AND FOREIGN AIR CARRIER DEFINED.—In this section, the terms ''air carrier'' and ''foreign air carrier'' have the meaning given such terms in section 40102 of title 49, United States Code.

SEC. 564. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than $5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that the contractor or grantee has no unpaid Federal tax assessments, that the contractor or grantee has entered into an installment agreement or offer in compromise that has been accepted by the IRS to resolve any unpaid Federal tax assessments, or, in the case of unpaid Federal tax assessments other than for income, estate, and gift taxes, that the liability for the unpaid assessments is the subject of a non-frivolous administrative or judicial appeal. For purposes of the preceding sentence, the certification requirement of part 52.209–5 of the Federal Acquisition Regulation shall also include a requirement for a certification by a prospective contractor of whether, within the three-year period preceding the offer for the contract, the prospective contractor—

(1) has or has not been convicted of or had a civil judgment or other judicial determination rendered against the contractor for violating any tax law or failing to pay any tax;

(2) has or has not been notified of any delinquent taxes for which the liability remains unsatisfied; or

(3) has or has not received a notice of a tax lien filed against the contractor for which the liability remains unsatisfied or for which the lien has not been released.

SEC. 565. TRANSPORTATION FACILITY ACCESS CONTROL PROGRAMS.

The Secretary of Homeland Security shall work with appropriate officials of Florida and of other States to resolve the differences between the Transportation Worker Identification Credential program administered by the Transportation Security Administration and existing State transportation facility access control programs.

SEC. 566. None of the funds made available in this Act may be used for planning, testing, piloting, or developing a national identification card.

SEC. 567. ADDITIONAL ASSISTANCE FOR PREPARATION OF PLANS.

Subparagraph (L) of section 33(b)(3) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(b)(3)) is amended to read as follows:

''(L) To fund fire prevention programs, including planning and preparation for wildland fires.''.

SEC. 568. SENSE OF CONGRESS. It is the sense of Congress that sufficient funds should be appropriated to allow the Secretary to increase the number of personnel of U.S. Customs and Border Protection protecting the northern border by 1,517 officers and 788 agents, as authorized by—

(1) section 402 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001 (Public Law 107–56);

(2) section 331 of the Trade Act of 2002 (Public Law 107–210); and

(3) section 5202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458).

SEC. 569. STUDY OF RADIO COMMUNICATIONS ALONG THE INTERNATIONAL BORDERS OF THE UNITED STATES.—(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall conduct a study to determine the areas along the international borders of the United States where Federal and State law enforcement officers are unable to achieve radio communication or where radio communication is inadequate.

(b) DEVELOPMENT OF PLAN.—

(1) IN GENERAL.—Upon the conclusion of the study described in subsection (a), the Secretary shall develop a plan for enhancing radio communication capability along the international borders of the United States.

(2) CONTENTS.—The plan developed under paragraph (1) shall include—

(A) an estimate of the costs required to implement the plan; and

(B) a description of the ways in which Federal, State, and local law enforcement officers could benefit from the implementation of the plan.

SEC. 570. Of the funds provided under this Act or any other Act to United States Citizenship and Immigration Services, not less than $1,000,000 shall be provided for a benefits fraud assessment of the H–1B Visa Program.

SEC. 571. (a) REPORT ON INTERAGENCY OPERATIONAL CENTERS FOR PORT SECURITY.—Not later than 180 days after the date of the enactment of this Act, the Commandant of the Coast Guard shall submit to Congress a report, and make the report available on its website, on the implementation and use of interagency operational centers for port security under section 70107A of title 46, United States Code.

(b) ELEMENTS.—The report required by subsection shall include the following:

(1) A detailed description of the progress made in transitioning Project Seahawk in Charleston, South Carolina, from the Department of Justice to the Coast Guard, including all projects and equipment associated with that project.

(2) A detailed description of that actions being taken to assure the integrity of Project Seahawk and ensure there is no loss in cooperation between the agencies specified in section 70107A(b)(3) of title 46, United State Code.

(3) A detailed description and explanation of any changes in Project Seahawk as of the date of the report, including any changes in Federal, State, or local staffing of that project.

SEC. 572. (a) The amount appropriated by title III for necessary expenses for programs authorized by the Federal Fire Prevention and Control Act of 1974 under the heading ''FIREFIGHTER ASSISTANCE GRANTS'' is hereby increased by $5,000,000 for necessary expenses to carry out the programs authorized under section 34 of that Act (15 U.S.C. 2229a).

(b) The amount appropriated by title III under the heading ''INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY'' is hereby reduced by $5,000,000.

SEC. 573. TSA ACQUISITION MANAGEMENT POLICY. (a) IN GENERAL.—Section 114 of title 49, United States Code, is amended by striking subsection (o) and redesignating subsections (p) through (t) as subsections (o) through (s), respectively.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 180 days after the date of enactment of this Act.

SEC. 574. REPORT ON URBAN AREA SECURITY INITIATIVE. Not later than 180 days after the

date of enactment of this Act, the Government Accountability Office shall submit a report to the appropriate congressional committees which describes the criteria and factors the Department of Homeland Security uses to determine the regional boundaries for Urban Area Security Initiative regions, including a determination if the Department is meeting its goal to implement a regional approach with respect to Urban Area Security Initiative regions, and provides recommendations for how the Department can better facilitate a regional approach for Urban Area Security Initiative regions.

SEC. 575. (a) In this section:

(1) The term ''covered funds'' means funds provided under section 173 of the Workforce Investment Act of 1998 (29 U.S.C. 2918) to a State that submits an application under that section not earlier than May 4, 2007, for a national emergency grant to address the effects of the May 4, 2007, Greensburg, Kansas tornado.

(2) The term ''professional municipal services'' means services that are necessary to facilitate the recovery of Greensburg, Kansas from that tornado, and necessary to plan for or provide basic management and administrative services, which may include—

(A) the overall coordination of disaster recovery and humanitarian efforts, oversight, and enforcement of building code compliance, and coordination of health and safety response units; or

(B) the delivery of humanitarian assistance to individuals affected by that tornado.

(b) Covered funds may be used to provide temporary public sector employment and services authorized under section 173 of such Act to individuals affected by such tornado, including individuals who were unemployed on the date of the tornado, or who are without employment history, in addition to individuals who are eligible for disaster relief employment under section 173(d)(2) of such Act.

(c) Covered funds may be used to provide professional municipal services for a period of not more than 24 months, by hiring or contracting with individuals or organizations (including individuals employed by contractors) that the State involved determines are necessary to provide professional municipal services.

(d) Covered funds expended under this section may be spent on costs incurred not earlier than May 4, 2007.

SEC. 576. DATA RELATING TO DECLARATIONS OF A MAJOR DISASTER. (a) IN GENERAL.—Notwithstanding any other provision of this Act, except as provided in subsection (b), and 30 days after the date that the President determines whether to declare a major disaster because of an event and any appeal is completed, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives, and the Senate Committee on Appropriations, and publish on the website of the Federal Emergency Management Agency, a report regarding that decision, which shall summarize damage assessment information used to determine whether to declare a major disaster.

(b) EXCEPTION.—The Administrator may redact from a report under subsection (a) any data that the Administrator determines would compromise national security.

(c) DEFINITIONS.—In this section—

(1) the term ''Administrator'' means the Administrator of the Federal Emergency Management Agency; and

(2) the term ''major disaster'' has the meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

SEC. 577. NATIONAL TRANSPORTATION SECURITY CENTER OF EXCELLENCE.—If the Secretary of Homeland Security establishes a National Transportation Security Center of Excellence to conduct research and education activities, and to develop or provide professional security training, including the training of transportation employees and transportation professionals, the Mineta Transportation Institute at San Jose State University may be included as a member institution of such Center.

SEC. 578. Of amounts appropriated under section 1003, $100,000,000, with $50,000,000 each to the Cities of Denver, Colorado, and St. Paul, Minnesota, shall be available for State and local law enforcement entities for security and related costs, including overtime, associated with the Democratic National Conventional and Republican National Convention in 2008. Amounts provided by this section are designated as an emergency requirement pursuant to section 204 of S. Con. Res. 21 (110th Congress).

TITLE VI—BORDER LAW ENFORCEMENT RELIEF ACT

SEC. 601. SHORT TITLE.

This title may be cited as the ''Border Law Enforcement Relief Act of 2007''.

SEC. 602. BORDER RELIEF GRANT PROGRAM.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Secretary is authorized to award grants, subject to the availability of appropriations, to an eligible law enforcement agency to provide assistance to such agency to address—

(A) criminal activity that occurs in the jurisdiction of such agency by virtue of such agency's proximity to the United States border; and

(B) the impact of any lack of security along the United States border.

(2) DURATION.—Grants may be awarded under this subsection during fiscal years 2008 through 2012.

(3) COMPETITIVE BASIS.—The Secretary shall award grants under this subsection on a competitive basis, except that the Secretary shall give priority to applications from any eligible law enforcement agency serving a community—

(A) with a population of less than 50,000; and

(B) located no more than 100 miles from a United States border with—

(i) Canada; or

(ii) Mexico.

(b) USE OF FUNDS.—Grants awarded pursuant to subsection (a) may only be used to provide additional resources for an eligible law enforcement agency to address criminal activity occurring along any such border, including—

(1) to obtain equipment;

(2) to hire additional personnel;

(3) to upgrade and maintain law enforcement technology;

(4) to cover operational costs, including overtime and transportation costs; and

(5) such other resources as are available to assist that agency.

(c) APPLICATION.—

(1) IN GENERAL.—Each eligible law enforcement agency seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

(A) describe the activities for which assistance under this section is sought; and

(B) provide such additional assurances as the Secretary determines to be essential to ensure compliance with the requirements of this section.

(d) DEFINITIONS.—For the purposes of this section:

(1) ELIGIBLE LAW ENFORCEMENT AGENCY.—The term ''eligible law enforcement agency'' means a tribal, State, or local law enforcement agency—

(A) located in a county no more than 100 miles from a United States border with—

(i) Canada; or

(ii) Mexico; or

(B) located in a county more than 100 miles from any such border, but where such county has been certified by the Secretary as a High Impact Area.

(2) HIGH IMPACT AREA.—The term ''High Impact Area'' means any county designated by the Secretary as such, taking into consideration—

(A) whether local law enforcement agencies in that county have the resources to protect the lives, property, safety, or welfare of the residents of that county;

(B) the relationship between any lack of security along the United States border and the rise, if any, of criminal activity in that county; and

(C) any other unique challenges that local law enforcement face due to a lack of security along the United States border.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Department of Homeland Security.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated $50,000,000 for each of fiscal years 2008 through 2012 to carry out the provisions of this section.

(2) DIVISION OF AUTHORIZED FUNDS.—Of the amounts authorized under paragraph (1)—

(A) ⅔ shall be set aside for eligible law enforcement agencies located in the 6 States with the largest number of undocumented alien apprehensions; and

(B) ⅓ shall be set aside for areas designated as a High Impact Area under subsection (d).

(f) SUPPLEMENT NOT SUPPLANT.—Amounts appropriated for grants under this section shall be used to supplement and not supplant other State and local public funds obligated for the purposes provided under this title.

SEC. 603. Enforcement of Federal Immigration Law.

Nothing in this title shall be construed to authorize State or local law enforcement agencies or their officers to exercise Federal immigration law enforcement authority.

TITLE VII—BORDER INFRASTRUCTURE AND TECHNOLOGY MODERNIZATION

SEC. 701. SHORT TITLE.

This title may be cited as the ''Border Infrastructure and Technology Modernization Act of 2007''.

SEC. 702. DEFINITIONS.—In this title:

(1) COMMISSIONER.—The term ''Commissioner'' means the Commissioner of United States Customs and Border Protection of the Department of Homeland Security.

(2) MAQUILADORA.—The term ''maquiladora'' means an entity located in Mexico that assembles and produces goods from imported parts for export to the United States.

(3) NORTHERN BORDER.—The term ''northern border'' means the international border between the United States and Canada.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

(5) SOUTHERN BORDER.—The term ''southern border'' means the international border between the United States and Mexico.

SEC. 703. HIRING AND TRAINING OF BORDER AND TRANSPORTATION SECURITY PERSONNEL.—(a) OFFICERS AND AGENTS.—

(1) INCREASE IN OFFICERS AND AGENTS.—Subject to the availability of appropriations, during each of fiscal years 2009 through 2013, the Secretary shall—

(A) increase the number of full-time agents and associated support staff in United States Immigration and Customs Enforcement of the Department of Homeland Security by the equivalent of at least 100 more than the number of such employees as of the end of the preceding fiscal year; and

(B) increase the number of full-time officers, agricultural specialists, and associated support staff in United States Customs and Border Protection by the equivalent of at least 200 more than the number of such employees as of the end of the preceding fiscal year.

(2) WAIVER OF FTE LIMITATION.—The Secretary is authorized to waive any limitation on the number of full-time equivalent personnel assigned to the Department of Homeland Security to fulfill the requirements of paragraph (1).

(b) TRAINING.—As necessary, the Secretary, acting through the Assistant Secretary for the United States Immigration and Customs Enforcement and the Commissioner, shall provide appropriate training for agents, officers, agricultural specialists, and associated support staff of the Department of Homeland Security to utilize new technologies and to ensure that the proficiency levels of such personnel are acceptable to protect the borders of the United States.

SEC. 704. PORT OF ENTRY INFRASTRUCTURE ASSESSMENT STUDY.—(a) REQUIREMENT TO UPDATE.—Not later than January 31 of every other year, the Commissioner, in consultation with the Administrator of General Services shall—

(1) review—

(A) the Port of Entry Infrastructure Assessment Study prepared by the United States Customs Service, the Immigration and Naturalization Service, and the General Services Administration in accordance with the matter relating to the ports of entry infrastructure assessment set forth in the joint explanatory statement on page 67 of conference report 106–319, accompanying Public Law 106–58; and

(B) the nationwide strategy to prioritize and address the infrastructure needs at the land ports of entry prepared by the Department of Homeland Security and the General Services Administration in accordance with the committee recommendations on page 22 of Senate report 108–86, accompanying Public Law 108–90;

(2) update the assessment of the infrastructure needs of all United States land ports of entry; and

(3) submit an updated assessment of land port of entry infrastructure needs to Congress.

(b) CONSULTATION.—In preparing the updated studies required under subsection (a), the Commissioner and the Administrator of General Services shall consult with the Director of the Office of Management and Budget, the Secretary, and affected State and local agencies on the northern and southern borders of the United States.

(c) CONTENT.—Each updated study required in subsection (a) shall—

(1) identify port of entry infrastructure and technology improvement projects that would enhance border security and facilitate the flow of legitimate commerce if implemented;

(2) include the projects identified in the National Land Border Security Plan required by section 805; and

(3) prioritize the projects described in paragraphs (1) and (2) based on the ability of a project—

(A) to enhance the ability of United States Customs and Border Protection to achieve its mission and to support operations;

(B) to fulfill security requirements; and

(C) facilitate trade across the borders of the United States.

(d) PROJECT IMPLEMENTATION.—The Commissioner, as appropriate, shall—

(1) implement the infrastructure and technology improvement projects described in subsection (c) in the order of priority assigned to each project under subsection (c)(3); or

(2) forward the prioritized list of infrastructure and technology improvement projects to the Administrator of General Services for implementation in the order of priority assigned to each project under subsection (c)(3).

(e) DIVERGENCE FROM PRIORITIES.—The Commissioner may diverge from the priority order if the Commissioner determines that significantly changed circumstances, including immediate security needs, changes in infrastructure in Mexico or Canada, or similar concerns, compellingly alter the need for a project in the United States.

SEC. 705. NATIONAL LAND BORDER SECURITY PLAN.—(a) REQUIREMENT FOR PLAN.—Not later than January 31 of every other year, the Secretary, acting through the Commissioner, shall prepare a National Land Border Security Plan and submit such plan to Congress.

(b) CONSULTATION.—In preparing the plan required under subsection (a), the Commissioner shall consult with other appropriate Federal agencies, State and local law enforcement agencies, and private entities that are involved in international trade across the northern or southern border.

(c) VULNERABILITY ASSESSMENT.—

(1) IN GENERAL.—The plan required under subsection (a) shall include a vulnerability, risk, and threat assessment of each port of entry located on the northern border or the southern border.

(2) PORT SECURITY COORDINATORS.—The Secretary, acting through the Commissioner, may establish 1 or more port security coordinators at each port of entry located on the northern border or the southern border—

(A) to assist in conducting a vulnerability assessment at such port; and

(B) to provide other assistance with the preparation of the plan required under subsection (a).

(d) COORDINATION WITH THE SECURE BORDER INITIATIVE.—The plan required under subsection (a) shall include a description of activities undertaken during the previous year as part of the Secure Border Initiative and actions planned for the coming year as part of the Secure Border Initiative.

SEC. 706. EXPANSION OF COMMERCE SECURITY PROGRAMS.—(a) COMMERCE SECURITY PROGRAMS.—(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Commissioner, in consultation with the Secretary, shall develop a plan to expand the size and scope, including personnel needs, of the Customs-Trade Partnership Against Terrorism program or other voluntary programs involving government entities and the private sector to strengthen and improve the overall security of the international supply chain and security along the northern and southern border of the United States.

(2) SOUTHERN BORDER SUPPLY CHAIN SECURITY.—Not later than 1 year after the date of enactment of this Act, the Commissioner shall provide Congress with a plan to improve supply chain security along the southern border, including, where appropriate, plans to implement voluntary programs involving government entities and the private sector to strengthen and improve the overall security of the international supply chain that have been successfully implemented on the northern border.

SEC. 707. PORT OF ENTRY TECHNOLOGY DEMONSTRATION PROGRAM. (a) ESTABLISHMENT.—The Secretary, acting through the Commissioner, shall carry out a technology demonstration program to test and evaluate new port of entry technologies, refine port of entry technologies and operational concepts, and train personnel under realistic conditions.

(b) TECHNOLOGY AND FACILITIES.—

(1) TECHNOLOGY TESTED.—Under the demonstration program, the Commissioner shall test technologies that enhance port of entry operations, including those related to inspections, communications, port tracking, identification of persons and cargo, sensory devices, personal detection, decision support, and the detection and identification of weapons of mass destruction.

(2) FACILITIES DEVELOPED.—At a demonstration site selected pursuant to subsection (c)(3), the Commissioner shall develop any facilities needed to provide appropriate training to Federal law enforcement personnel who have responsibility for border security, including cross-training among agencies, advanced law enforcement training, and equipment orientation to the extent that such training is not being conducted at existing Federal facilities.

(c) DEMONSTRATION SITES.—

(1) NUMBER.—The Commissioner shall carry out the demonstration program at not less than 3 sites and not more than 5 sites.

(2) LOCATION.—Of the sites selected under subsection (c)—

(A) at least 1 shall be located on the northern border of the United States; and

(B) at least 1 shall be located on the southern border of the United States.

(3) SELECTION CRITERIA.—To ensure that 1 of the facilities selected as a port of entry demonstration site for the demonstration program has the most up-to-date design, contains sufficient space to conduct the demonstration program, has a traffic volume low enough to easily incorporate new technologies without interrupting normal processing activity, and can efficiently carry out demonstration and port of entry operations, 1 port of entry selected as a demonstration site may—

(A) have been established not more than 15 years before the date of the enactment of this Act;

(B) consist of not less than 65 acres, with the possibility of expansion onto not less than 25 adjacent acres; and

(C) have serviced an average of not more than 50,000 vehicles per month during the 12 months preceding the date of the enactment of this Act.

(d) RELATIONSHIP WITH OTHER AGENCIES.—The Secretary, acting through the Commissioner, shall permit personnel from appropriate Federal agencies to utilize a demonstration site described in subsection (c) to test technologies that enhance port of entry operations, including those related to inspections, communications, port tracking, identification of persons and cargo, sensory devices, personal detection, decision support, and the detection and identification of weapons of mass destruction.

(e) REPORT.—

(1) REQUIREMENT.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a report on the activities carried out at each demonstration site under the technology demonstration program established under this section.

(2) CONTENT.—The report shall include an assessment by the Commissioner of the feasibility of incorporating any demonstrated technology for use throughout United States Customs and Border Protection.

SEC. 708. AUTHORIZATION OF APPROPRIATIONS. (a) IN GENERAL.—In addition to any funds otherwise available, there are authorized to be appropriated such sums as may be necessary to carry out sections 703, 704, 705, 706, and 707 for fiscal years 2009 through 2013.

(b) INTERNATIONAL AGREEMENTS.—Funds authorized to be appropriated under this title may be used for the implementation of projects described in the Declaration on Embracing Technology and Cooperation to Promote the Secure and Efficient Flow of People and Commerce across our Shared Border between the United States and Mexico, agreed to March 22, 2002, Monterrey, Mexico (commonly known as the Border Partnership Action Plan) or the Smart Border Declaration between the United States and Canada, agreed to December 12, 2001, Ottawa, Canada that are consistent with the provisions of this title.

DIVISION B—BORDER SECURITY

TITLE X—BORDER SECURITY REQUIREMENTS

SEC. 1001. SHORT TITLE.

This division may be cited as the ''Border Security First Act of 2007''.

SEC. 1002. BORDER SECURITY REQUIREMENTS.

(a) REQUIREMENTS.—Not later than 2 years after the date of the enactment of this Act, the President shall ensure that the following are carried out:

(1) OPERATIONAL CONTROL OF THE INTERNATIONAL BORDER WITH MEXICO.—The Secretary of Homeland Security shall establish and demonstrate operational control of 100 percent of the international land border between the United States and Mexico, including the ability to monitor such border through available methods and technology.

(2) STAFF ENHANCEMENTS FOR BORDER PATROL.—The United States Customs and Border Protection Border Patrol shall hire, train, and report for duty 23,000 full-time agents.

(3) STRONG BORDER BARRIERS.—The United States Customs and Border Protection Border Patrol shall—

(A) install along the international land border between the United States and Mexico at least—

(i) 300 miles of vehicle barriers;

(ii) 700 linear miles of fencing as required by the Secure Fence Act of 2006 (Public Law 109–367), as amended by this Act; and

(iii) 105 ground-based radar and camera towers; and

(B) deploy for use along the international land border between the United States and Mexico 4 unmanned aerial vehicles, and the supporting systems for such vehicles.

(4) CATCH AND RETURN.—The Secretary of Homeland Security shall detain all removable aliens apprehended crossing the international land border between the United States and Mexico in violation of Federal or State law, except as specifically mandated by Federal or State law or humanitarian circumstances, and United States Immigration and Customs Enforcement shall have the resources to maintain this practice, including the resources necessary to detain up to 45,000 aliens per day on an annual basis.

(b) PRESIDENTIAL PROGRESS REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter until the requirements under subsection (a) are met, the President shall submit a report to Congress detailing the progress made in funding, meeting, or otherwise satisfying each of the requirements described under paragraphs (1) through (4) of subsection (a), including detailing any contractual agreements reached to carry out such measures.

(2) PROGRESS NOT SUFFICIENT.—If the President determines that sufficient progress is not being made, the President shall include in the report required under paragraph (1) specific funding recommendations, authorization needed, or other actions that are or should be undertaken by the Secretary of Homeland Security.

SEC. 1003. APPROPRIATIONS FOR BORDER SECURITY.

There is hereby appropriated $3,000,000,000 to satisfy the requirements set out in section 1002(a) and, if any amount remains after satisfying such requirements, to achieve and maintain operational control over the international land and maritime borders of the United States, for employment eligibility verification improvements, for increased removal and detention of visa overstays, criminal aliens, aliens who have illegally reentered the United States, and for reimbursement of State and local section 287(g) expenses. These amounts are designated as an emergency requirement pursuant to section 204 of S. Con. Res. 21 (110th Congress).

This Act may be cited as the ''Department of Homeland Security Appropriations Act, 2008''.

MOTION OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer the motion at the desk.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. Obey moves that the House concur in the Senate amendment H.R. 2638 with an amendment.

The text of the House amendment is as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

DIVISION A—CONTINUING APPROPRIATIONS RESOLUTION, 2009
DIVISION B—DISASTER RELIEF AND RECOVERY SUPPLEMENTAL APPROPRIATIONS ACT, 2008
DIVISION C—DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2009
DIVISION D—DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2009
DIVISION E—MILITARY CONSTRUCTION AND VETERANS AFFAIRS APPROPRIATIONS ACT, 2009

SEC. 3. REFERENCES.

Except as expressly provided otherwise, any reference to ''this Act'' or ''this joint resolution'' contained in any division of this Act shall be treated as referring only to the provisions of that division.

SEC. 4. EXPLANATORY STATEMENT.

The explanatory statement regarding this legislation, printed in the House of Representatives section of the Congressional Record on or about September 24, 2008 by the Chairman of the Committee on Appropriations of the House, shall have the same effect with respect to the allocation of funds and implementation of this Act as if it were a joint explanatory statement of a committee of conference.

DIVISION A—CONTINUING APPROPRIATIONS RESOLUTION, 2009

The following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2009, and for other purposes, namely:

SEC. 101. Such amounts as may be necessary, at a rate for operations as provided in the applicable appropriations Acts for fiscal year 2008 and under the authority and conditions provided in such Acts, for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this joint resolution, that were conducted in fiscal year 2008, and for which appropriations, funds, or other authority were made available in the following appropriations Acts: divisions A, B, C, D, F, G, H, J, and K of the Consolidated Appropriations Act, 2008 (Public Law 110–161).

SEC. 102. Rates for operations shall be calculated under section 101 without regard to any amount designated in the applicable appropriations Acts for fiscal year 2008 as an emergency requirement or necessary to meet emergency needs pursuant to any concurrent resolution on the budget, other than the following amounts:

(1) $150,000,000 provided in Public Law 110–252 for ''Department of Health and Human Services—Food and Drug Administration—Salaries and Expenses''.

(2) $143,539,000 provided in division B of Public Law 110–161 for ''Department of Justice—Federal Bureau of Investigation—Salaries and Expenses''.

(3) $110,000,000 provided in Public Law 110–252 for ''Department of Labor—Employment and Training Administration—State Unemployment Insurance and Employment Service Operations'', without regard to the dates specified under such heading.

(4) $272,000,000 of the $575,000,000 provided in division J of Public Law 110–161 for ''Department of State—Administration of Foreign Affairs—Diplomatic and Consular Programs'' in the first paragraph under such heading, and $206,632,000 provided in the last paragraph under such heading.

(5) $76,700,000 provided in subchapter A of chapter 4 of title I of Public Law 110–252 for ''Department of State—Administration of Foreign Affairs—Embassy Security, Construction, and Maintenance''.

SEC. 103. Appropriations made by section 101 shall be available to the extent and in the manner that would be provided by the pertinent appropriations Act.

SEC. 104. No appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during fiscal year 2008.

SEC. 105. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

SEC. 106. Unless otherwise provided for in this joint resolution or in the applicable appropriations Act for fiscal year 2009, appropriations and funds made available and authority granted pursuant to this joint resolution shall be available until whichever of the following first occurs: (1) the enactment into law of an appropriation for any project or activity provided for in this joint resolution; (2) the enactment into law of the applicable appropriations Act for fiscal year 2009 without any provision for such project or activity; or (3) March 6, 2009.

SEC. 107. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 108. Appropriations made and funds made available by or authority granted pursuant to this joint resolution may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing in this joint resolution may be construed to waive any other provision of law governing the apportionment of funds.

SEC. 109. Notwithstanding any other provision of this joint resolution, except section 106, for those programs that would otherwise have high initial rates of operation or complete distribution of appropriations at the beginning of fiscal year 2009 because of distributions of funding to States, foreign countries, grantees, or others, such high initial rates of operation or complete distribution shall not be made, and no grants shall be awarded for such programs funded by this joint resolution that would impinge on final funding prerogatives.

SEC. 110. This joint resolution shall be implemented so that only the most limited funding action of that permitted in the joint resolution shall be taken in order to provide for continuation of projects and activities.

SEC. 111. (a) For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2008, and for activities under the Food and Nutrition Act of 2008, activities shall be continued at the rate to maintain program levels under current law, under the authority and conditions provided in the applicable appropriations Act for fiscal year 2008, to be continued through the date specified in section 106(3).

(b) Notwithstanding section 106, obligations for mandatory payments due on or about the first day of any month that begins after October 2008 but not later than 30 days after the date specified in section 106(3) may continue to be made, and funds shall be available for such payments.

SEC. 112. Amounts made available under section 101 for civilian personnel compensation and benefits in each department and agency may be apportioned up to the rate for operations necessary to avoid furloughs within such department or agency, consistent with the applicable appropriations

Act for fiscal year 2008, except that such authority provided under this section shall not be used until after the department or agency has taken all necessary actions to reduce or defer non-personnel-related administrative expenses.

SEC. 113. Funds appropriated by this joint resolution may be obligated and expended notwithstanding section 10 of Public Law 91–672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 114. Notwithstanding section 101, amounts are provided for ''Department of Agriculture—Food and Nutrition Service—Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)'' at a rate for operations of $6,658,000,000.

SEC. 115. Notwithstanding section 101, amounts are provided for ''Department of Agriculture—Rural Housing Service—Rental Assistance Program'' at a rate for operations of $997,000,000.

SEC. 116. Section 14222(b)(1) of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246) shall not apply through the date specified in section 106(3) of this joint resolution.

SEC. 117. Notwithstanding section 101, amounts are provided for ''Department of Agriculture—Rural Housing Service—Rural Housing Insurance Fund Program Account'', for the cost of unsubsidized guaranteed loans for section 502 borrowers, at the rate necessary to maintain the same principal amount of loan guarantee commitments as made in fiscal year 2008.

SEC. 118. With respect to amounts provided by section 101 for the Department of Agriculture, sections 101 and 104 may not be construed to prohibit the use of such amounts for necessary administrative expenses for programs for which direct spending authority (as defined in section 250(c)(8)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c)(8)(A))) is provided by the Food, Conservation, and Energy Act of 2008 (Public Law 110–246).

SEC. 119. Notwithstanding section 101, amounts are provided for ''Department of Agriculture–Food and Nutrition Service—Commodity Assistance Program'' at a rate for operations of $233,791,000, of which $163,218,000 shall be for carrying out the Commodity Supplemental Food Program.

SEC. 120. Notwithstanding section 101, amounts are provided for ''Department of Commerce—Bureau of the Census—Periodic Censuses and Programs'' at a rate for operations of $2,906,262,000. From such amounts, funds may be used for additional promotion, outreach, and marketing activities.

SEC. 121. Notwithstanding the limitations on administrative expenses in subsections (c)(2) and (c)(3)(A) of section 3005 of the Digital Television Transition and Public Safety Act of 2005 (Public Law 109–171; 120 Stat. 21), the Assistant Secretary (as such term is defined in section 3001(b) of such Act) may expend funds made available under sections 3006, 3008, and 3009 of such Act for additional administrative expenses of the digital-to-analog converter box program established by such section 3005 at a rate not to exceed $180,000,000 through the date specified in section 106(3) of this joint resolution.

SEC. 122. Notwithstanding section 101, amounts are provided for ''Department of Justice—Federal Prison System—Salaries and Expenses'' at a rate for operations of $5,396,615,000.

SEC. 123. Notwithstanding section 101, amounts are provided for ''Department of Justice—General Administration—Detention Trustee'' at a rate for operations of $1,245,920,000.

SEC. 124. Amounts provided by section 101 for the National Aeronautics and Space Administration may be obligated in the account and budget structure set forth in S. 3182 (110th Congress), the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2009, as reported by the Committee on Appropriations of the Senate.

SEC. 125. Section 7(1)(B) of Public Law 106–178 (50 U.S.C. 1701 note) is amended by striking ''January 1, 2012'' and inserting ''July 1, 2016''.

SEC. 126. In addition to amounts otherwise provided by section 101, an additional amount is provided for ''Department of Justice—Legal Activities—Salaries and Expenses, General Legal Activities'' to reimburse the Office of Personnel Management for salaries and expenses associated with the Federal observer program under section 8 of the Voting Rights Act of 1965 (42 U.S.C. 1973f), at a rate for operations of $3,390,000, of which $1,090,000 shall be derived by transfer from amounts provided by section 101 for ''Office of Personnel Management—Salaries and Expenses''.

SEC. 127. Section 14704 of title 40, United States Code, shall be applied by substituting the date specified in section 106(3) of this joint resolution for ''October 1, 2007''.

SEC. 128. Amounts provided by section 101 for ''Department of the Army—Corps of Engineers-Civil—Construction'' for inland waterway major rehabilitation projects shall not be derived from the Inland Waterways Trust Fund.

SEC. 129. (a) Notwithstanding any other provision of this joint resolution, there is appropriated $7,510,000,000 for fiscal year 2009 for ''Department of Energy—Energy Programs—Advanced Technology Vehicles Manufacturing Loan Program Account'' for the cost of direct loans as authorized by section 136(d) of the Energy Independence and Security Act of 2007 (Public Law 110–140; 42 U.S.C. 17013(d)), to remain available until expended. Of such amount, $10,000,000 shall be used for administrative expenses in carrying out the direct loan program. Commitments for direct loans using such amount shall not exceed $25,000,000,000 in total loan principal. The cost of such direct loans, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

(b) The amount provided by this section is designated as an emergency requirement and necessary to meet emergency needs pursuant to section 204(a) of S. Con. Res. 21 (110th Congress) and section 301(b)(2) of S. Con. Res. 70 (110th Congress), the concurrent resolutions on the budget for fiscal years 2008 and 2009.

(c) Section 136 of the Energy Independence and Security Act of 2007 (Public Law 110–140; 42 U.S.C. 17013) is amended as follows:

(1) In subsection (d)(1), by adding at the end the following: ''The loans shall be made through the Federal Financing Bank, with the full faith and credit of the United States Government on the principal and interest. The full credit subsidy shall be paid by the Secretary using appropriated funds.''.

(2) In subsection (e), by striking ''The Secretary shall issue regulations that require that,'' and inserting the following: ''Not later than 60 days after the enactment of the Continuing Appropriations Resolution, 2009, the Secretary shall promulgate an interim final rule establishing regulations that the Secretary deems necessary to administer this section and any loans made by the Secretary pursuant to this section. Such interim final rule shall require that,''.

(3) By adding at the end the following new subsection:

''(j) APPOINTMENT AND PAY OF PERSONNEL.—(1) The Secretary may use direct hiring authority pursuant to section 3304(a)(3) of title 5, United States Code, to appoint such professional and administrative personnel as the Secretary deems necessary to the discharge of the Secretary's functions under this section.

''(2) The rate of pay for a person appointed pursuant to paragraph (1) shall not exceed the maximum rate payable for GS-15 of the General Schedule under chapter 53 such title 5.

''(3) The Secretary may retain such consultants as the Secretary deems necessary to the discharge of the functions required by this section, pursuant to section 31 of the Office of Federal Procurement Policy Act (41 U.S.C. 427).''.

SEC. 130. (a) In addition to the amounts otherwise provided by section 101 for ''Department of Energy—Energy Programs—Energy Efficiency and Renewable Energy'' for weatherization assistance under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.), there is appropriated $250,000,000 for an additional amount for fiscal year 2009, to remain available until expended.

(b) The amount provided by this section is designated as an emergency requirement and necessary to meet emergency needs pursuant to section 204(a) of S. Con. Res. 21 (110th Congress) and section 301(b)(2) of S. Con. Res. 70 (110th Congress), the concurrent resolutions on the budget for fiscal years 2008 and 2009.

SEC. 131. In addition to the amounts otherwise provided by section 101, an additional amount is provided for ''Department of the Treasury—Internal Revenue Service—Taxpayer Services'' to meet the requirements of the Economic Stimulus Act of 2008 (Public Law 110–185), at a rate for operations of $67,900,000.

SEC. 132. In addition to the amounts otherwise provided by section 101, an additional amount is provided for ''Executive Office of the President—Office of Administration—Salaries and Expenses'' for e-mail restoration activities, at a rate for operations of $5,700,000.

SEC. 133. Notwithstanding section 101, amounts are provided for ''Executive Office of the President—Office of Administration—Presidential Transition Administrative Support'' to carry out the Presidential Transition Act of 1963 (3 U.S.C. 102 note) at a rate for operations of $8,000,000. Such funds may be transferred to other accounts that provide funding for offices within the Executive Office of the President and the Office of the Vice President in this joint resolution or any other Act, to carry out such purposes.

SEC. 134. Notwithstanding any other provision of this joint resolution, except section 106, the District of Columbia may expend local funds for programs and activities under the heading ''District of Columbia Funds'' for such programs and activities under title IV of S. 3260 (110th Congress), as reported by the Committee on Appropriations of the Senate, at the rate set forth under ''District of Columbia Funds'' as included in the Fiscal Year 2009 Proposed Budget and Financial Plan submitted to the Congress by the District of Columbia on June 9, 2008.

SEC. 135. Notwithstanding section 101, amounts are provided for ''Federal Payment for Emergency Planning and Security Costs in the District of Columbia'' for a direct Federal payment to the District of Columbia, at a rate for operations of $15,000,000.

SEC. 136. In addition to the amounts otherwise provided by section 101, an additional amount is provided for ''Federal Communications Commission—Salaries and Expenses'' for consumer education associated with the transition to digital television occurring on February 17, 2009, at a rate for operations of $20,000,000.

SEC. 137. Notwithstanding section 101, amounts are provided for ''General Services Administration—Expenses, Presidential Transition'' to carry out the Presidential Transition Act of 1963 (3 U.S.C. 102 note) at a rate for operations of $8,520,000, of which not to exceed $1,000,000 is for activities authorized by paragraphs (8) and (9) of section 3(a) of such Act.

SEC. 138. Notwithstanding section 101, amounts are provided for ''General Services Administration—Allowances and Office Staff for Former Presidents'' to carry out the provisions of the Act of August 25, 1958 (3 U.S.C. 102 note) at a rate for operations of $2,682,000.

SEC. 139. Notwithstanding section 101, the limitation on gross obligations applicable under the heading ''National Credit Union Administration—Central Liquidity Facility'' in division D of Public Law 110–161 shall be the amount authorized by section 307(a)(4)(A) of the Federal Credit Union Act (12 U.S.C. 1795f(a)(4)(A)).

SEC. 140. Notwithstanding section 101, amounts are provided to carry out section 504(d) of title 39, United States Code, as amended by section 603(a) of the Postal Accountability and Enhancement Act (Public Law 109–435), at a rate for operations of $14,043,000, to be derived by transfer from the Postal Service Fund.

SEC. 141. Notwithstanding section 101, amounts are provided to carry out section 8G(f)(6) of the Inspector General Act of 1978 (5 U.S.C. App.), as added by section 603(b)(3) of the Postal Accountability and Enhancement Act (Public Law 109–435), at a rate for operations of $233,440,000, to be derived by transfer from the Postal Service Fund.

SEC. 142. (a) The adjustment in rates of basic pay for employees under the statutory pay systems that takes effect in fiscal year 2009 under sections 5303 and 5304 of title 5, United States Code, shall be an increase of 3.9 percent, and this adjustment shall apply to civilian employees in the Department of Homeland Security. Such adjustment shall be effective as of the first day of the first applicable pay period beginning on or after January 1, 2009.

(b) The adjustment in rates of basic pay for the statutory pay systems that take place in fiscal year 2009 under sections 5344 and 5348 of title 5, United States Code, shall be no less than the percentage in subsection (a) as employees in the same location whose rates of basic pay are adjusted pursuant to the statutory pay systems under section 5303 and 5304 of such title 5. Prevailing rate employees at locations where there are no employees whose pay is increased pursuant to sections 5303 and 5304 of such title 5 and prevailing rate employees described in section 5343(a)(5) of such title 5 shall be considered to be located in the pay locality designated as ''Rest of US'' pursuant to section 5304 of such title 5 for purposes of this subsection.

(c) Funds used to carry out this section shall be paid from appropriations which are made to each applicable department or agency for salaries and expenses for fiscal year 2009.

(d) The provisions of this section shall apply notwithstanding any other provision of this joint resolution.

SEC. 143. Section 401(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) shall be applied by substituting the date specified in section 106(3) of this joint resolution for ''the 11-year period beginning on the first day the pilot program is in effect''.

SEC. 144. The requirement set forth in section 610(b) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note) shall continue through the date specified in section 106(3) of this joint resolution.

SEC. 145. Sections 1309(a) and 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a) and 4026) shall each be applied by substituting the date specified in section 106(3) of this joint resolution for ''September 30, 2008''.

SEC. 146. Section 717(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2166(a)) shall be applied by substituting the date specified in section 106(3) of this joint resolution for ''September 30, 2008''.

SEC. 147. The authority provided by section 330 of Public Law 106–291 (43 U.S.C. 1701 note), as amended by section 428 of Public Law 109–54, shall continue in effect through the date specified in section 106(3) of this joint resolution.

SEC. 148. Section 337(a) of division E of Public Law 108–447, as amended by section 420 of division F of Public Law 110–161, shall be applied by substituting the date specified in section 106(3) of this joint resolution for ''September 30, 2008''.

SEC. 149. Section 503(f) of Public Law 109–54 (16 U.S.C. 580d note) shall be applied by substituting the date specified in section 106(3) of this joint resolution for ''September 30, 2008''.

SEC. 150. The authority provided by section 325 of Public Law 108–108 (117 Stat. 1307) shall continue in effect through the date specified in section 106(3) of this joint resolution.

SEC. 151. In addition to the amounts otherwise provided by section 101, an additional amount is provided for ''Department of the Interior—National Park Service—Operation of the National Park System'' for security and visitor safety activities related to the Presidential Inaugural Ceremonies, at a rate for operations of $2,000,000.

SEC. 152. (a) Sections 104, 105, and 433 of division F of Public Law 110–161 shall not apply to amounts provided by this joint resolution.

(b) Nothing in this section amends or shall be construed as amending the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.), including the public comment periods mandated by section 18 of that Act (43 U.S.C. 1344), the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), or any other law or regulation.

SEC. 153. Amounts provided by section 101 for implementation of the Modified Water Deliveries to Everglades National Park shall be made available to the Army Corps of Engineers, which shall immediately carry out Alternative 3.2.2.a to U.S. Highway 41 (the Tamiami Trail) as substantially described in the Limited Reevaluation Report with Integrated Environmental Assessment and addendum, approved August 2008, which, for purposes of this section, is determined to meet the requirements of section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344), including subsection (r), in order to achieve the goals set forth in section 104 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r-8).

SEC. 154. Activities authorized by chapters 2, 3, and 5 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.), including section 246 of such Act, shall continue through the date specified in section 106(3) of this joint resolution.

SEC. 155. (a) In lieu of the amount otherwise provided by section 101 for ''Department of Health and Human Services—Administration for Children and Families—Low-Income Home Energy Assistance'', there is appropriated for such account for making payments under the Low-Income Home Energy Assistance Act of 1981, $5,100,000,000, which shall remain available through September 30, 2009. Of such amount, $4,509,672,000 is for payments under subsections (b) and (d) of section 2602 of such Act and $590,328,000 is for payments under subsection (e) of such section. All but $839,792,000 of the amount provided by this section for such subsections (b) and (d) shall be allocated as though the total appropriation for such payments for fiscal year 2009 was less than $1,975,000,000.

(b) Notwithstanding section 2605(b)(2)(B)(ii) of such Act, a State may use any amount of an allotment from prior appropriations Acts that is available to that State for providing assistance in fiscal year 2009, and any allotment from funds appropriated in this section or in any other appropriations Act for fiscal year 2009, to provide assistance to households whose income does not exceed 75 percent of the State median income.

(c) The amount provided by this section shall be obligated to States within 30 calender days from the date of enactment of this joint resolution.

(d) Of the amount provided by this section, $2,779,672,000 is designated as an emergency requirement and necessary to meet emergency needs pursuant to section 204(a) of S. Con. Res. 21 (110th Congress) and section 301(b)(2) of S. Con. Res. 70 (110th Congress), the concurrent resolutions on the budget for fiscal years 2008 and 2009.

(e) The provisions of this section shall apply notwithstanding any other provision of this joint resolution.

SEC. 156. Notwithstanding section 101, amounts are provided for ''Corporation for National and Community Service—Operating Expenses'' to carry out subtitle E of the National and Community Service Act of 1990 at a rate for operations of $23,782,000.

SEC. 157. (a) Amounts provided by section 101 for ''Department of Health and Human Services—Office of the Secretary—General Departmental Management'' are also available for the purpose of funding the National Commission on Children and Disasters authorized under title VI of division G of Public Law 110–161 (the ''title VI Commission'').

(b) Effective on and after the date of enactment of this joint resolution (1) the National Commission on Children and Disasters established by the Secretary of Health and Human Services under section 1114 of the Social Security Act (the ''section 1114 Commission''), together with its members, personnel, and other resources and obligations, shall be considered to be the title VI Commission and shall no longer be subject to the provisions of such section 1114; and (2) for purposes of any contract entered into by any component of the Department of Health and Human Services in fiscal year 2008 for support of the section 1114 Commission, any reference to the section 1114 Commission shall be deemed to refer to the title VI Commission.

SEC. 158. (a) Notwithstanding section 101, amounts are provided for ''Department of Education–Student Financial Assistance'' at a rate for operations of $18,627,136,000, of which $16,761,000,000 shall be for carrying out subpart 1 of part A of title IV of the Higher Education Act of 1965.

(b) Subparagraph (E) of section 401(b)(8) of the Higher Education Act of 1965 shall not apply to any funds made available under subparagraph (A) of such section through the date specified in section 106(3) of this joint resolution.

SEC. 159. Notwithstanding any other provision of this joint resolution, there is appropriated for payment to the heirs-at-law of Stephanie Tubbs Jones, late a Representative from the State of Ohio, $169,300.

SEC. 160. (a) Notwithstanding any other provision of this joint resolution, there is appropriated for ''Department of Veterans Affairs—Veterans Benefits Administration—Filipino Veterans Equity Compensation Fund'' for payments to eligible persons who served in the Philippines during World War II as authorized, $198,000,000, to remain available until expended.

(b) The amount provided by this section is designated as an emergency requirement and necessary to meet emergency needs pursuant to section 204(a) of S. Con. Res. 21 (110th Congress) and section 301(b)(2) of S. Con. Res. 70 (110th Congress), the concurrent resolutions on the budget for fiscal years 2008 and 2009.

SEC. 161. The authority provided by section 1603(a) of Public Law 109–234 shall continue in effect through the date specified in section 106(3) of this joint resolution.

SEC. 162. Notwithstanding section 235(a)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2195(a)(2)), the authority of subsections (a) through (c) of section 234 of such Act shall remain in effect through the date specified in section 106(3) of this joint resolution.

SEC. 163. Notwithstanding any other provision of this joint resolution, up to $5,000,000 of the amounts appropriated under the heading ''Other Bilateral Economic Assistance—Department of the Treasury—Debt Restructuring'' in Public Law 109–102, in such Act as made applicable to fiscal year 2007 by the Continuing Appropriations Resolution, 2007 (as amended by Public Law 110–5), and in title III of division J of Public Law 110–161, may be used to assist Liberia in buying back its commercial debt through the Debt Reduction Facility of the International Development Association.

SEC. 164. The first proviso under the heading ''Department of State—Migration and Refugee Assistance'' in title III of division J of Public Law 110–161 shall not apply to amounts provided by this joint resolution.

SEC. 165. Notwithstanding section 101 of this joint resolution, the number in the third proviso under the heading ''Military Assistance—Funds Appropriated to the President—Foreign Military Financing Program'' in title IV of division J of Public Law 110–161 shall be deemed to be $670,650,000 and shall apply to the $2,550,000,000 made available for assistance for Israel in fiscal year 2009 under the heading ''Foreign Military Financing Program''.

SEC. 166. Notwithstanding section 101, amounts are provided for ''Department of Transportation—Federal Aviation Administration—Operations'' at a rate for operations of $8,756,800,000, of which not less than $1,099,402,000 shall be available for aviation safety activities.

SEC. 167. Amounts provided by section 101 for ''Department of Transportation—Maritime Administration—Operations and Training'' shall include amounts necessary to satisfy the salaries and benefits of employees of the United States Merchant Marine Academy, to be derived solely from the total amount made available in this joint resolution for the United States Merchant Marine Academy. The Secretary of Transportation shall inform the Committees on Appropriations of the House of Representatives and the Senate of salaries and expenses funding obligated for personnel that had heretofore not been compensated from funds made available under this account.

SEC. 168. Notwithstanding any other provision of this joint resolution, other than section 106, the Secretary of Housing and Urban Development shall obligate funds provided by section 101 at a rate the Secretary determines is necessary to renew, in a timely manner, all section 8 project-based rental assistance contracts. In renewing such contracts, the Secretary may provide for payments to be made beyond the period covered by this joint resolution.

SEC. 169. Section 24(o) of the United States Housing Act of 1937 (42 U.S.C. 1437v(o)) shall be applied by substituting the date specified in section 106(3) of this joint resolution for ''September 30, 2008''.

SEC. 170. Notwithstanding the limitation in the first sentence of section 255(g) of the National Housing Act (12 U.S.C. 1715z-20(g)), the Secretary of Housing and Urban Development may, until the date specified in section 106(3) of this joint resolution, insure and enter into commitments to insure mortgages under section 255 of such Act.

SEC. 171. During the period covered by this joint resolution, commitments to guarantee loans insured under the Mutual Mortgage Insurance Fund, as authorized by the National Housing Act (12 U.S.C. 1701 et seq.), shall not exceed a loan principal of $1,154,000,000 multiplied by the number of days in such period.

SEC. 172. Notwithstanding any other provision of this joint resolution, from funds made available for personnel compensation and benefits or salaries and expenses under any account in title II of division K of Public Law 110–161 (except for ''Office of Inspector General'' and ''Office of Federal Housing Enterprise Oversight—Salaries and Expenses''), up to $15,000,000 may be transferred to ''Working Capital Fund'' for information technology needs for the Federal Housing Administration.

SEC. 173. Amounts provided by section 101 for ''National Transportation Safety Board—Salaries and Expenses'' shall include amounts necessary to make lease payments due in fiscal year 2009 only, on an obligation incurred in 2001 under a capital lease.

SEC. 174. The provisions of title II of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11311 et seq.) shall continue in effect, notwithstanding section 209 of such Act, through the earlier of (1) the date specified in section 106(3) of this joint resolution; or (2) the date of enactment of an authorization Act relating to the McKinney-Vento Homeless Assistance Act.

This division may be cited as the ''Continuing Appropriations Resolution, 2009''.

DIVISION B—DISASTER RELIEF AND RECOVERY SUPPLEMENTAL APPROPRIATIONS ACT, 2008

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2008, and for other purposes, namely:

TITLE I—RELIEF AND RECOVERY FROM NATURAL DISASTERS

CHAPTER 1—AGRICULTURE AND RURAL DEVELOPMENT

DEPARTMENT OF AGRICULTURE

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Office of Inspector General'', $5,000,000, to remain available until expended, for oversight of disaster- and emergency-related funding provided by this chapter.

AGRICULTURAL RESEARCH SERVICE

BUILDINGS AND FACILITIES

For an additional amount for ''Buildings and Facilities'', $5,000,000, to remain available until expended, for the repair and reconstruction of buildings damaged by natural disasters occurring during 2008.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $5,000,000, to remain available through September 30, 2010, for pathogen surveillance and eradication to address confirmed or suspected outbreaks.

NATURAL RESOURCES CONSERVATION SERVICE

EMERGENCY WATERSHED PROTECTION PROGRAM

For an additional amount for the ''Emergency Watershed Protection Program'', $100,000,000, to remain available until expended, for disaster recovery operations.

FARM SERVICE AGENCY

EMERGENCY CONSERVATION PROGRAM

For an additional amount for ''Emergency Conservation Program'', $115,000,000, to remain available until expended.

RURAL DEVELOPMENT PROGRAMS

RURAL DEVELOPMENT DISASTER ASSISTANCE FUND

For grants, and for the cost of direct and guaranteed loans, for authorized activities of agencies of the Rural Development Mission Area, $150,000,000, to remain available until expended, which shall be allocated as follows: $59,000,000 for single and multi-family housing activities; $40,000,000 for community facilities activities; $26,000,000 for utilities activities; and $25,000,000 for business activities: *Provided*, That such funds shall be for areas affected by hurricanes, floods, and other natural disasters occurring during 2008 for which the President declared a major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974: *Provided further*, That the cost of such direct and guaranteed loans, including the cost of modifying loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That the Secretary of Agriculture may reallocate funds made available in this paragraph among the 4 specified activities, if the Secretary notifies the Committees on Appropriations of the House of Representatives and the Senate not less than 15 days prior to such reallocation.

In addition, for an additional amount for grants, and for the cost of direct and guaranteed loans, for authorized activities of the Rural Housing Service, $38,000,000, to remain available until expended, for single and multi-family housing activities: *Provided*, That such funds shall be for areas affected by Hurricanes Katrina and Rita: *Provided further*, That the cost of such direct and guaranteed loans, including the cost of modifying loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

GENERAL PROVISIONS, THIS CHAPTER

(INCLUDING TRANSFERS OF FUNDS)

SEC. 10101. (a) RURAL DEVELOPMENT DISASTER ASSISTANCE FUND.—Hereafter, there is established in the Treasury a fund entitled the ''Rural Development Disaster Assistance Fund''.

(b) PURPOSE AND AVAILABILITY OF FUND.—Subject to subsection (d), amounts in the Rural Development Disaster Assistance Fund shall be available to the Secretary of Agriculture, until expended, to provide additional amounts for authorized activities of agencies of the Rural Development Mission Area in areas affected by a disaster declared by the President or the Secretary of Agriculture. Amounts so provided shall be in addition to any other amounts available to carry out the activity.

(c) WAIVER OF ACTIVITY OR PROJECT LIMITATIONS.—The Secretary of Agriculture may waive any limits on population, income, or cost-sharing otherwise applicable to an activity or project for which amounts in the Rural Development Disaster Assistance Fund will be obligated under subsection (b), except that, if the amounts proposed to be obligated in connection with the disaster would exceed the amount specified in subsection (h), the notification required by that subsection shall include information and justification with regard to any waivers to be granted under this subsection.

(d) TREATMENT OF CERTAIN AMOUNTS IN FUND.—Amounts appropriated directly to the Rural Development Disaster Assistance Fund by this Act or any subsequent Act for a specific purpose shall be available only for that purpose until such time as the transfer

authority provided by subsection (f) takes effect with regard to the amounts. Only subsection (c), including the notification requirements of such subsection, and subsections (g) and (i) apply to amounts described in this subsection.

(e) TRANSFER OF PRIOR APPROPRIATIONS TO FUND.—The Secretary of Agriculture may transfer to the Rural Development Disaster Assistance Fund, and merge with other amounts generally appropriated to the Fund, the available unobligated balance of any amounts that were appropriated before the date of the enactment of this Act for programs and activities of the Rural Development Mission Area to respond to a disaster and were designated by the Congress as an emergency requirement if, in advance of the transfer, the Secretary determines that the unobligated amounts are no longer needed to respond to the disaster for which the amounts were originally appropriated and the Secretary provides a certification of this determination to the Committees on Appropriations of the House of Representatives and the Senate.

(f) TRANSFER OF OTHER APPROPRIATIONS TO FUND.—Unless otherwise specifically provided in an appropriations Act, the Secretary of Agriculture may transfer to or within the Rural Development Disaster Assistance Fund, and merge with other amounts generally appropriated to the Fund, the available unobligated balance of any amounts that are appropriated for fiscal year 2009 or any subsequent fiscal year for programs and activities of the Rural Development Mission Area to respond to a disaster and are designated by the Congress as an emergency requirement if, in advance of the transfer, the Secretary determines that the unobligated amounts are no longer needed to respond to the disaster for which the amounts were originally appropriated and the Secretary provides a certification of this determination to the Committees on Appropriations of the House of Representatives and the Senate. A transfer of unobligated amounts with respect to a disaster may not be made under this subsection until after the end of the two-year period beginning on the date on which the amounts were originally appropriated for that disaster.

(g) ADMINISTRATIVE EXPENSES.—In addition to any other funds available to the Secretary of Agriculture to cover administrative costs, the Secretary may use up to 3 percent of the amounts allocated from the Rural Development Disaster Assistance Fund for a specific disaster to cover administrative costs of Rural Development's State and local offices in the areas affected by the disaster to carry out disaster related activities.

(h) LIMITATION ON PER DISASTER OBLIGATIONS.—Amounts in the Rural Development Disaster Assistance Fund, except for amounts described in subsection (d) that are appropriated to the Fund and obligated in accordance with that subsection, may not be obligated in excess of $1,000,000 for a disaster until at least 15 days after the date on which the Secretary of Agriculture notifies the Committees on Appropriations of the House of Representatives and the Senate of the Secretary's determination to obligate additional amounts and the reasons for the determination. The Secretary may not obligate more than 50 percent of the funds contained in the Rural Development Disaster Assistance Fund for any one disaster unless the Secretary declares that there is a specific and extreme need that additional funds must be provided in response to such disaster at time of the obligation.

(i) QUARTERLY REPORTS.—The Secretary of Agriculture shall submit, on a quarterly basis, to the Committees on Appropriations of the House of Representatives and the Senate a report describing the status of the Rural Development Disaster Assistance Fund and any transactions that have affected the Fund since the previous report.

SEC. 10102. Section 1601 (c)(2) of the Food, Conservation and Energy Act of 2008 (Public Law 110-246) shall apply in implementing section 12033 of such Act.

CHAPTER 2—COMMERCE AND SCIENCE

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

Pursuant to section 703 of the Public Works and Economic Development Act (42 U.S.C. 3233), for an additional amount for ''Economic Development Assistance Programs'', for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure related to the consequences of hurricanes, floods and other natural disasters occuring during 2008 for which the President declared a major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, $400,000,000, to remain available until expended.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for ''Operations, Research, and Facilities'', to improve hurricane track and intensity forecasts for the protection of life and property, $11,000,000, to remain available until September 30, 2009.

In addition, for an additional amount for ''Operations, Research, and Facilities'', for fishery disaster assistance, $75,000,000, to remain available until September 30, 2009: *Provided*, That the National Marine Fisheries Service shall cause such amounts to be distributed among eligible recipients of assistance for fishery resource disasters and commercial fishery failures as declared by the Secretary of Commerce under sections 308(b) and 308(d) of the Interjurisdicitional Fisheries Act (16 U.S.C. 4107) and sections 312(a) and 315 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(a) and 1864).

PROCUREMENT, ACQUISITION, AND CONSTRUCTION

For an additional amount for ''Procurement, Acquisition, and Construction'', to improve hurricane track and intensity forecasts for the protection of life and property, $6,000,000, to remain available until September 30, 2009.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

EXPLORATION CAPABILITIES

For an additional amount for ''Exploration Capabilities'', for necessary expenses for restoration and mitigation of National Aeronautics and Space Administration owned infrastructure and facilities related to the consequences of hurricanes, floods, and other natural disasters occuring during 2008 for which the President declared a major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974, $30,000,000, to remain available until expended with such sums as determined by the Administrator of the National Aeronautics and Space Administration as available to reimburse costs incurred and for transfer to ''Science, Aeronautics and Exploration'' in accordance with section 505 of division B of Public Law 110-161.

CHAPTER 3—ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

CONSTRUCTION

For an additional amount for ''Construction'' for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes, floods and other natural disasters, $1,538,800,000, to remain available until expended: *Provided*, That the Secretary of the Army is directed to use $38,800,000 of the funds appropriated under this heading to address emergency situations at Corps of Engineers projects and rehabilitate and repair damages to Corps projects caused by recent natural disasters: *Provided further*, That the Secretary is directed to use $1,500,000,000 of the funds appropriated under this heading to fund the estimated amount of the non-Federal cash contribution for projects in southeast Louisiana that will be financed in accordance with the provisions of section 103(k) of Public Law 99–662 over a period of 30 years from the date of completion of the project or separable element, with $700,000,000 used for the Lake Pontchartrain and Vicinity project; $350,000,000 used for the West Bank and Vicinity project and $450,000,000 used for elements of the Southeast Louisiana Urban Drainage project that are within the geographic perimeter of the West Bank and Vicinity and Lake Pontchartrain and Vicinity projects: *Provided further*, That the expenditure of funds as provided above may be made without regard to individual amounts or purposes and any reallocation of funds that is necessary to accomplish the established goals is authorized subject to the approval of the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

MISSISSIPPI RIVER AND TRIBUTARIES

For an additional amount for ''Mississippi River and Tributaries'' for recovery from natural disasters, $82,400,000, to remain available until expended, to dredge eligible projects in response to and repair damages to Federal projects caused by recent natural disasters: *Provided*, That $35,000,000 shall be used to reimburse projects where funding was transferred to the Flood Control and Coastal Emergencies account under the provisions of section 5 of the Act of August 18, 1941 (33 U.S.C. 701n): *Provided further*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

OPERATION AND MAINTENANCE

For an additional amount for ''Operation and Maintenance'' to dredge navigation channels and repair other Corps projects related to natural disasters, $740,000,000, to remain available until expended: *Provided*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for ''Flood Control and Coastal Emergencies'', as authorized

by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses relating to the consequences of recent hurricanes and other natural disasters as authorized by law, $415,600,000, to remain available until expended to support emergency operations, repair eligible projects nationwide, and for other activities in response to natural disasters: *Provided*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

CHAPTER 4—FINANCIAL SERVICES AND GENERAL GOVERNMENT

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

CONSTRUCTION AND ACQUISITION

For an additional amount to be deposited in the Federal Buildings Fund, $182,000,000, exclusive of permitted escalation, is authorized and available for the Administrator to proceed with necessary site acquisition, design, and construction for the new courthouse project in Cedar Rapids, Iowa: *Provided*, That the foregoing limits of costs on new construction projects may be exceeded to the extent that savings are effected in other such projects, but not to exceed 10 percent of the amounts provided unless advance approval is obtained from the Committees on Appropriations of a greater amount: *Provided further*, That all funds for direct construction projects shall expire on September 30, 2009 and remain in the Federal Buildings Fund except for funds for projects to which funds for design or other funds have been obligated in whole or in part prior to such date.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $10,000,000, to remain available until September 30, 2009, for grants under section 21 of the Small Business Act (15 U.S.C. 648) to small business development centers to provide technical assistance to small business concerns affected by recent hurricanes, flooding, and other natural disasters in calendar year 2008: *Provided*, That the Administrator of the Small Business Administration shall waive the matching requirement under section 21(a)(4)(A) of such Act for any grant made using funds made available under this heading.

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Office of Inspector General'' for necessary expenses related to the consequences of recent hurricanes and other natural disasters in calendar year 2008, $3,000,000, to remain available until expended.

DISASTER LOANS PROGRAM ACCOUNT

For an additional amount for the ''Disaster Loans Program Account'' for the cost of direct loans authorized by section 7(b) of the Small Business Act, for necessary expenses related to recent hurricanes and other natural disasters, $498,000,000, to remain available until expended: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, for administrative expenses to carry out the direct loan program authorized by section 7(b) in response to recent hurricanes and other natural disasters, including onsite assistance to disaster victims, increased staff at call centers, processing centers, and field inspections teams, and attorneys to assist in loan closings, $288,000,000 to remain available until expended; of which $279,000,000 is for direct administrative expenses of loan making and servicing to carry out the direct loan program, which may be paid to appropriations for Salaries and Expenses; and of which $9,000,000 is for indirect administrative expenses, which may be paid to appropriations for Salaries and Expenses.

CHAPTER 5—HOMELAND SECURITY

DEPARTMENT OF HOMELAND SECURITY

COAST GUARD

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Acquisition, Construction, and Improvements'' for necessary expenses related to the consequences of 2008 natural disasters and flooding, $300,000,000, to remain available until expended: *Provided,* That notwithstanding the transfer limitation contained in section 503 of division E of Public Law 110–161, such funding may be transferred to other Coast Guard appropriations after notification as required in accordance with such section: *Provided further,* That a plan listing all facilities to be reconstructed and restored, with associated costs, shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for ''Disaster Relief'', $7,960,000,000, to remain available until expended: *Provided*, That of the amount provided, up to $98,150,000 may be transferred to the ''Disaster Assistance Direct Loan Program Account'' for the cost of direct loans as authorized under section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184), of which up to $4,200,000 is for administrative expenses to carry out the direct loan program: *Provided further*, That such transfer may be made to subsidize gross obligations for the principal amount of direct loans not to exceed $100,000,000 under section 417 of such Act: *Provided further*, That the cost of modifying such loans shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a): *Provided further*, That of the amount provided, up to $8,000,000 shall be transferred to the ''Department of Homeland Security Office of Inspector General'' for audits and investigations related to disasters.

GENERAL PROVISIONS, THIS CHAPTER

(INCLUDING RESCISSION OF FUNDS)

SEC. 10501. (a) RESCISSION.—Of amounts previously made available from ''Federal Emergency Management Agency—Disaster Relief'' to the State of Mississippi pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974 (42 U.S.C. 5170c) for Hurricane Katrina, an additional $20,000,000 is rescinded.

(b) APPROPRIATION.—For ''Federal Emergency Management Agency—State and Local Programs'', there is appropriated an additional $20,000,000, to remain available until expended, for a grant to the State of Mississippi for an interoperable communications system required in the aftermath of Hurricane Katrina.

SEC. 10502. There is hereby appropriated to the Secretary of the Department of Homeland Security not to exceed $100,000,000, to remain available until September 30, 2009, for payments to the American Red Cross for reimbursement of disaster relief and recovery expenditures and emergency services provided in the United States associated with hurricanes, floods, and other natural disasters occurring in 2008 for which the President declared a major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974, and only to the extent funds are not made available for those activities by other Federal sources: *Provided*, That these funds may be administered by any authorized federal government agency to meet the purposes of this provision and that total administrative costs shall not exceed 3 percent of the total appropriation: *Provided further*, That the Comptroller General shall audit the use of these funds by the American Red Cross.

SEC. 10503. Until such time as preliminary flood insurance rate maps initiated prior to October 1, 2008 are completed and released for public review, preliminary base flood elevations are published in the Federal Register, and the second required local newspaper publication of such base flood elevations is made for the City of St. Louis, St. Charles and St. Louis counties in Missouri, and Madison, Monroe, and St. Clair counties in Illinois, the Administration shall not begin the statutory appeals process in such areas required under section 1363 of the National Flood Insurance Act of 1968.

CHAPTER 6—INTERIOR AND ENVIRONMENT

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for ''Wildland Fire Management'', $135,000,000, to remain available until expended, of which (1) $110,000,000 is for urgent wildland fire suppression activities, including repayments to other accounts from which funds were transferred in fiscal year 2008 for wildfire suppression so that all such transfers for fiscal year 2008 are fully repaid; and (2) $25,000,000 is for burned area rehabilitation.

UNITED STATES FISH AND WILDLIFE SERVICE

CONSTRUCTION

For an additional amount for ''Construction'', $75,000,000, to remain available until expended, for necessary expenses related to the consequences of hurricanes and natural disasters.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

CAPITAL IMPROVEMENT AND MAINTENANCE

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for ''Capital Improvement and Maintenance'', $30,000,000, to remain available until expended, for necessary expenses, including cleanup, related to the consequences of hurricanes, floods and other natural disasters.

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for ''Wildland Fire Management'', $775,000,000, to remain available until expended, of which (1) $500,000,000 shall be available for emergency wildfire suppression and related activities, of which no less than $300,000,000 shall be transferred to Forest Service accounts within 15 days of enactment of this Act so that all such transfers for wildfire suppression in fiscal year 2008 are fully repaid, including $30,000,000 reallocated between programs in the Wildland Fire Management Account; and of which $100,000,000 shall be transferred within 15 days of enactment of this Act to the fund established by section 3 of Public Law 71–319 (16 U.S.C. 576 et seq.) to repay transfers made for previous emergency wildfire suppression activities; (2) $175,000,000 shall be available for hazardous fuels reduction and hazard mitigation activities in

areas at high risk of catastrophic wildfire due to population density and fuel loads, of which $125,000,000 is available for work on State and private lands using all the authorities available to the Forest Service; (3) $75,000,000 is for rehabilitation and restoration of Federal lands and may be transferred to other Forest Service accounts as necessary; and (4) $25,000,000 is for preparedness for retention initiatives in areas at high risk of catastrophic wildfire that face recurrent staffing shortages.

CHAPTER 7—HEALTH AND HUMAN SERVICES AND EDUCATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES

SOCIAL SERVICES BLOCK GRANT

For an additional amount for ''Social Services Block Grant'', $600,000,000, which shall remain available through September 30, 2009, for necessary expenses resulting from hurricanes, floods, and other natural disasters occurring during 2008 for which the President declared a major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974, and from Hurricanes Katrina and Rita, notwithstanding section 2003 and paragraphs (1) and (4) of section 2005(a) of the Social Security Act: *Provided,* That notwithstanding section 2002 of the Social Security Act, the distribution of such amount shall be limited to States directly affected by these events: *Provided further,* That the Secretary of Health and Human Services shall distribute such amount to eligible States based on demonstrated need in accordance with objective criteria that are made available to the public: *Provided further,* That in addition to other uses permitted by title XX of the Social Security Act, funds appropriated under this heading may be used for health services (including mental health services), and for repair, renovation, and construction of health care facilities (including mental health facilities), child care centers, and other social services facilities.

DEPARTMENT OF EDUCATION

SCHOOL IMPROVEMENT PROGRAMS

For an additional amount for ''School Improvement Programs'' for education for homeless children and youths (as defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)), $15,000,000, to remain available through September 30, 2009: *Provided,* That such funds shall be made available, based on demonstrated need, only to local educational agencies whose enrollment of homeless students has increased as a result of hurricanes, floods, and other natural disasters occurring during 2008 for which the President declared a major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974: *Provided further*, That such funds shall be used for the activities described in section 723(d) of such Act (42 U.S.C. 11433(d)) and services provided using such funds shall comply with paragraphs (2) and (3) of section 723(a) of such Act (42 U.S.C. 11433(a)): *Provided further*, That the local educational agency requirements described in paragraphs (3) through (7) of section 722(g) of such Act (42 U.S.C. 11432(g)) shall apply: *Provided further*, That the Secretary of Education shall distribute these funds to such local educational agencies not later than 120 days after the date of the enactment of this Act.

HIGHER EDUCATION DISASTER RELIEF

For an additional amount under part B of title VII of the Higher Education Act of 1965 (''HEA'') for institutions of higher education (as defined in section 101 or section 102(c) of that Act) that are located in an area affected by hurricanes, floods, and other natural disasters occurring during 2008 for which the President declared a major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974, $15,000,000, to remain available through September 30, 2009: *Provided*, That such funds shall be available to the Secretary of Education only for payments to help defray the expenses (which may include lost revenue, reimbursement for expenses already incurred, and construction) incurred by such institutions of higher education that were forced to close, relocate, or whose operations were impaired as a result of damage directly caused by such hurricanes, floods, and other natural disasters occurring during 2008, and for payments to enable such institutions to provide grants to students who attend such institutions for academic years beginning on or after July 1, 2008: *Provided further*, That such payments shall be made in accordance with criteria established by the Secretary and made publicly available without regard to section 437 of the General Education Provisions Act, section 553 of title 5, United States Code, or part B of title VII of the HEA: *Provided further*, That the Secretary shall award funds available under this paragraph not later than 60 days after the date of the enactment of this Act.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 10701. (a) EXTENSION OF WAIVER AUTHORITY.—Section 105 of subtitle A of title IV of division B of Public Law 109–148 (119 Stat. 2797) is amended—

(1) in subsection (b)—

(A) in the first sentence, by striking ''for fiscal year 2007.'' and inserting ''for any of fiscal years 2007 through 2009.''; and

(B) by striking the second sentence; and

(2) in subsection (c)(2), by striking ''for fiscal year 2006 or 2007'' and inserting ''for any fiscal year''.

(b) APPLICATION OF WAIVER AUTHORITY TO AREAS AFFECTED IN 2008.—The authority of the Secretary of Education under section 105 of subtitle A of title IV of division B of Public Law 109–148 (119 Stat. 2797), as amended by subsection (a), may be exercised with respect to an entity in an area affected by hurricanes, floods, and other natural disasters occurring during 2008 for which the President declared a major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974.

SEC. 10702. (a) ALLOCATION AND USE OF CAMPUS-BASED HIGHER EDUCATION ASSISTANCE.—

(1) WAIVER OF MATCHING REQUIREMENTS.—Notwithstanding sections 413C(a)(2) and 443(b)(5) of the Higher Education Act of 1965 (20 U.S.C. 1070b-2(a)(2); 42 U.S.C. 2753(b)(5)), with respect to funds made available for academic year 2009-2010 to an institution of higher education located in an area affected by a 2008 natural disaster, the Secretary shall waive the requirement that a participating institution of higher education provide a non-Federal share or a capital contribution, as the case may be, to match Federal funds provided to the institution for the programs authorized pursuant to subpart 3 of part A and part C of title IV of such Act.

(2) WAIVER OF REALLOCATION RULES.—

(A) AUTHORITY TO REALLOCATE.—Notwithstanding sections 413D(d) and 442(d) of the Higher Education Act of 1965 (20 U.S.C. 1070b-3(d); 42 U.S.C. 2752(d)), the Secretary shall—

(i) reallocate any funds returned under any of those sections that were allocated to institutions of higher education for award year 2008–2009 to an institution of higher education that is eligible under this paragraph; and

(ii) waive the allocation reduction for award year 2009-2010 for an institution returning more than 10 percent of its allocation under any of those sections.

(B) ELIGIBLE INSTITUTIONS FOR REALLOCATION.—An institution of higher education may receive a reallocation of excess allocations under this paragraph if the institution—

(i) participates in the program for which excess allocations are being reallocated; and

(ii) is located in an area affected by a 2008 natural disaster.

(C) BASIS OF REALLOCATION.—The Secretary shall determine the manner in which excess allocations shall be reallocated to institutions under subparagraph (A), and shall give additional consideration to the needs of institutions located in an area affected by a 2008 natural disaster.

(D) ADDITIONAL WAIVER AUTHORITY.—Notwithstanding any other provision of law, in order to carry out this paragraph, the Secretary may waive or modify any statutory or regulatory provision relating to the reallocation of excess allocations under subpart 3 of part A or part C of title IV of the Higher Education Act of 1965 in order to ensure that assistance is received by institutions described in subsection (a)(2)(B).

(b) DEFINITIONS.—In this section:

(1) 2008 NATURAL DISASTER.—The term ''2008 natural disaster'' means a major disaster that the President declared to exist, in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) that was caused by hurricanes, floods, and other natural disasters during calendar year 2008.

(2) AREA AFFECTED BY A 2008 NATURAL DISASTER.—The term ''area affected by a 2008 natural disaster'' means a county or parish that has been designated by the Federal Emergency Management Agency for disaster assistance for individuals and households as a result of a 2008 natural disaster.

(3) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given that term in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

CHAPTER 8—MILITARY CONSTRUCTION

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For an additional amount for ''Military Construction, Army National Guard'', $25,000,000, to remain available until September 30, 2013, for construction due to damages as a result of natural disasters: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military contruction projects not otherwise authorized by law: *Provided further*, That within 30 days of enactment of this Act, the Army National Guard shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this heading.

CHAPTER 9—DEPARTMENT OF STATE AND FOREIGN OPERATIONS

INTERNATIONAL COMMISSIONS

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

CONSTRUCTION

For an additional amount for ''Construction'', for the water quantity program to meet immediate and emergency repair and rehabilitation requirements, $37,500,000, to remain available until expended: *Provided*, That up to $3,000,000 may be transferred to, and merged with, funds available under the heading ''International Boundary and Water Commission—Salaries and Expenses'': *Provided further*, That not later than 60 days after enactment of this Act, the Commission

shall submit to the Committees on Appropriations of the House of Representatives and the Senate a detailed spending plan for funds appropriated under this heading.

CHAPTER 10—TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT

DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

For an additional amount for the Emergency Relief Program as authorized under section 125 of title 23, United States Code, $850,000,000, to remain available until expended: *Provided*, That notwithstanding section 125(d)(1) of such title, the Secretary of Transportation may obligate more than $100,000,000 for eligible expenses in a State in a fiscal year to respond to damage caused by Hurricanes Gustav and Ike.

FEDERAL RAILROAD ADMINISTRATION

RAILROAD REHABILITATION AND REPAIR

For necessary expenses for the Secretary of Transportation to make grants to repair and rehabilitate Class II and Class III railroad infrastructure damaged by hurricanes, floods, and other natural disasters in areas for which the President declared a major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974, $20,000,000, to remain available until expended, and to be awarded to States on a competitive case-by-case basis based on need: *Provided*, That funds available under this heading shall be available for repair and rehabilitation of railroad rights-of-way, bridges, signals, and other infrastructure which is part of the general railroad system of transportation and primarily used by railroads to move freight traffic: *Provided further*, That the maximum Federal share for carrying out a project under this heading shall be 80 percent of the project cost with the non-Federal share provided only in cash, equipment or supplies: *Provided further*, That the Secretary may retain up to one-half of 1 percent of the funds under this heading to fund the oversight by the Administrator of the Federal Railroad Administration of the design and implementation of projects funded by grants made under this heading: *Provided further*, That the provisions of section 24312 of title 49, United States Code, shall apply to grantees assisted under this heading: *Provided further*, That grantees must exhaust all other Federal and State resources prior to seeking assistance under this heading.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC AND INDIAN HOUSING

TENANT-BASED RENTAL ASSISTANCE

For an additional amount for ''Tenant-Based Rental Assistance'', as authorized under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.), not otherwise provided for, $85,000,000, to remain available until expended, for incremental housing assistance, including related administrative expenses, for persons assisted under the Disaster Housing Assistance Program whose assistance would otherwise end on March 1, 2009.

PROJECT-BASED RENTAL ASSISTANCE

For an additional amount to areas impacted by Hurricanes Katrina and Rita for project-based vouchers under section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)), $50,000,000, to remain available until expended.

PUBLIC HOUSING CAPITAL FUND

For an additional amount to be made available to the Secretary of Housing and Urban Development, $15,000,000, notwithstanding any other provision of law, to be used solely for the redevelopment of public housing impacted by Hurricanes Katrina and Rita.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT FUND

For an additional amount for the ''Community Development Fund'', for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure, housing, and economic revitalization in areas affected by hurricanes, floods, and other natural disasters occuring during 2008 for which the President declared a major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974, $6,500,000,000, to remain available until expended, for activities authorized under title I of the Housing and Community Development Act of 1974 (Public Law 93–383): *Provided*, That funds provided under this heading shall be administered through an entity or entities designated by the Governor of each State: *Provided further*, That such funds may not be used for activities reimbursable by, or for which funds are made available by, the Federal Emergency Management Agency or the Army Corps of Engineers: *Provided further*, That funds allocated under this heading shall not adversely affect the amount of any formula assistance received by a State under the Community Development Fund: *Provided further*, That each State may use up to 5 percent of its allocation for administrative costs: *Provided further*, That $6,500,000 shall be available for use by the Assistant Secretary of Community Planning and Development for the administrative costs, including information technology costs, with respect to amounts made available under this section and under section 2301(a) of the Housing and Economic Recovery Act of 2008. *Provided further*, That not less than $650,000,000 from funds made available on a pro-rata basis according to the allocation made to each State under this heading shall be used for repair, rehabilitation, and reconstruction (including demolition, site clearance and remediation) of the affordable rental housing stock (including public and other HUD-assisted housing) in the impacted areas where there is a demonstrated need as determined by the Secretary: *Provided further*, That in administering the funds under this heading, the Secretary of Housing and Urban Development may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds or guarantees (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a request by a State explaining why such waiver is required to facilitate the use of such funds or guarantees, if the Secretary finds that such waiver would not be inconsistent with the overall purpose of title I of the Housing and Community Development Act of 1974: *Provided further*, That a waiver granted by the Secretary under the preceding proviso may not reduce the percentage of funds which must be used for activities that benefit persons of low and moderate income to less than 50 percent, unless the Secretary specifically finds that there is compelling need to further reduce or eliminate the percentage requirement: *Provided further*, That the Secretary shall publish in the Federal Register any waiver of any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974 no later than 5 days before the effective date of such waiver: *Provided further*, That every waiver made by the Secretary must be reconsidered according to the three previous provisos on the 2-year anniversary of the day the Secretary published the waiver in the Federal Register: *Provided further*, That the Secretary shall allocate to the states not less than 33 percent of the funding provided under this heading within 60 days after the enactment of this Act based on the best estimates available of relative damage and anticipated assistance from other Federal sources: *Provided further*, That prior to the obligation of funds each State shall submit a plan to the Secretary detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address long-term recovery and restoration of infrastructure: *Provided further*, That each State will report quarterly to the Committees on Appropriations on all awards and uses of funds made available under this heading, including specifically identifying all awards of sole-source contracts and the rationale for making the award on a sole-source basis: *Provided further*, That the Secretary shall notify the Committees on Appropriations of any proposed allocation of any funds and any related waivers made pursuant to the provisions under this heading no later than 5 days before such allocation or waiver is made: *Provided further*, That the Secretary shall establish procedures to prevent recipients from receiving any duplication of benefits and report quarterly to the Committees on Appropriations with regard to all steps taken to prevent fraud and abuse of funds made available under this heading including duplication of benefits: *Provided further*, That none of the funds provided under this heading may be used by a State or locality as a matching requirement, share, or contribution for any other Federal program.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 11001. Section 7025 of Public Law 109–234 is amended by inserting ''and nine months'' after ''two years''.

SEC. 11002. The Secretary of Housing and Urban Development (''Secretary'') is authorized to transfer, at the request of the project owner, any project-based assistance contract in its entirety entered into pursuant to section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) (and any use restriction on the project) from one project to another project. The Secretary shall make a determination of approval or disapproval within 60 days of receipt of the proper documentation required for such transfer, as determined by the Secretary, if—

(1) the project from which the contract is transferred is destroyed, damaged by Hurricanes Katrina or Rita, or is considered beyond repair, physically obsolete, or economically infeasible; and

(2) the number of individuals that can be served in the project to which the contract is transferred is approximately at least equal to the number of individuals that could be served in the project from which the contract is transferred, and any difference in the unit count and bedroom configuration between the two projects shall be immaterial to the Secretary's authority to transfer the contract.

SEC. 11003. Section 901 of Public Law 109–148 is amended by deleting ''calendar years 2006 and 2007'' and inserting ''calendar years 2006, 2007, 2008, and 2009''.

TITLE II—OTHER SUPPLEMENTAL APPROPRIATIONS

CHAPTER 1—STATE AND FOREIGN OPERATIONS

DEPARTMENT OF STATE

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Office of Inspector General'', $9,000,000, which shall be

transferred to the Special Inspector General for Afghanistan Reconstruction for reconstruction oversight, to remain available until September 30, 2010.

BILATERAL ECONOMIC ASSISTANCE

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Economic Support Fund'', $465,000,000, to remain available until September 30, 2010, of which up to $5,000,000 may be made available for administrative expenses of the United States Agency for International Development, in addition to amounts otherwise made available for such purposes: *Provided*, That of the funds appropriated under this heading, $365,000,000 shall be made available for assistance for Georgia and the region for humanitarian and economic relief, reconstruction, energy-related programs and democracy activities, and may be transferred to, and merged with, funds appropriated under the headings ''Assistance for the Independent States of the Former Soviet Union'' and ''International Disaster Assistance'', of which up to $8,000,000 may be transferred to, and merged with, funds made available for ''International Broadcasting Operations'' for broadcasting activities to Georgia, Russia and the region: *Provided further*, That none of the funds made available in prior Acts making appropriations for foreign operations, export financing, and related programs under the headings ''Assistance for the Independent States of the Former Soviet Union'' and ''Assistance for Eastern Europe and the Baltic States'', or funds appropriated for Iraq for the Community Stabilization Program under the heading ''Economic Support Fund'' in Public Law 110-252, may be reprogrammed for assistance for Georgia: *Provided further*, That of the funds appropriated under this heading, not less than $100,000,000 shall be made available for hurricane relief and reconstruction assistance for Haiti and other Caribbean countries: *Provided further*, That funds appropriated under this heading shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

CHAPTER 2—AGRICULTURE

BILL EMERSON HUMANITARIAN TRUST

SEC. 20201. There is hereby appropriated to the Secretary of Agriculture $100,000,000, to remain available until expended, to carry out the Bill Emerson Humanitarian Trust, as authorized by the Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f–1).

TITLE III—GENERAL PROVISIONS

SHORT TITLE

SEC. 30001. This division may be cited as the ''Disaster Relief and Recovery Supplemental Appropriations Act, 2008''.

EMERGENCY DESIGNATION

SEC. 30002. Each amount in this Act is designated as an emergency requirement and necessary to meet emergency needs pursuant to section 204(a) of S. Con. Res. 21 (110th Congress) and section 301(b)(2) of S. Con. Res. 70 (110th Congress), the concurrent resolutions on the budget for fiscal years 2008 and 2009.

COORDINATION OF PROVISIONS

SEC. 30003. Unless otherwise expressly provided, each amount in this Act is a supplemental appropriation for fiscal year 2008 or, if enacted after September 30, 2008, for fiscal year 2009.

DIVISION C—DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2009

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2009, for military functions administered by the Department of Defense and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty, (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $36,382,736,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $24,037,553,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $11,792,974,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $25,103,789,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $3,904,296,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,855,968,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $584,910,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,423,676,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $6,616,220,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $2,741,768,000.

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance

of the Army, as authorized by law; and not to exceed $11,478,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, $31,207,243,000: *Provided,* That of the funds made available under this heading, $2,500,000 shall be available for Fort Baker, in accordance with terms and conditions as provided under the heading ''Operation and Maintenance, Army'', in Public Law 107–117.

OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed $14,657,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes, $34,410,773,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, $5,519,232,000.

OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed $7,699,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, $34,865,964,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, $25,939,466,000: *Provided,* That not more than $50,000,000 may be used for the Combatant Commander Initiative Fund authorized under section 166a of title 10, United States Code: *Provided further,* That not to exceed $36,000,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: *Provided further,* That of the funds provided under this heading, not less than $29,900,000 shall be made available for the Procurement Technical Assistance Cooperative Agreement Program, of which not less than $3,600,000 shall be available for centers defined in 10 U.S.C. 2411(1)(D): *Provided further,* That none of the funds appropriated or otherwise made available by this Act may be used to plan or implement the consolidation of a budget or appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters of one of the Armed Forces into a legislative affairs or legislative liaison office: *Provided further,* That, notwithstanding section 130(a) of title 10, United States Code, not less than $46,970,000 shall be available for the Office of the Undersecretary of Defense, Comptroller and Chief Financial Officer: *Provided further,* That $4,000,000, to remain available until expended, is available only for expenses relating to certain classified activities, and may be transferred as necessary by the Secretary to operation and maintenance appropriations or research, development, test and evaluation appropriations, to be merged with and to be available for the same time period as the appropriations to which transferred: *Provided further,* That any ceiling on the investment item unit cost of items that may be purchased with operation and maintenance funds shall not apply to the funds described in the preceding proviso: *Provided further,* That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $2,628,896,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,308,141,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $212,487,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $3,018,151,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), $5,858,303,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For expenses of training, organizing, and administering the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; transportation of things, hire of passenger motor vehicles; supplying and equipping the Air National Guard, as authorized by law; expenses for repair, modification, maintenance, and issue of supplies and equipment, including those furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, $5,901,044,000.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces, $13,254,000, of which not to exceed $5,000 may be used for official representation purposes.

ENVIRONMENTAL RESTORATION, ARMY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $457,776,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, $290,819,000, to remain available until transferred: *Provided*, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, $496,277,000, to remain available until transferred: *Provided*, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to

the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense, $13,175,000, to remain available until transferred: *Provided*, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $291,296,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 407, 2557, and 2561 of title 10, United States Code), $83,273,000, to remain available until September 30, 2010.

COOPERATIVE THREAT REDUCTION ACCOUNT

For assistance to the republics of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise, and for defense and military contacts, $434,135,000, to remain available until September 30, 2011: *Provided*, That of the amounts provided under this heading, $12,000,000 shall be available only to support the dismantling and disposal of nuclear submarines, submarine reactor components, and security enhancements for transport and storage of nuclear warheads in the Russian Far East.

TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $4,900,835,000, to remain available for obligation until September 30, 2011.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $2,185,060,000, to remain available for obligation until September 30, 2011.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $3,169,128,000, to remain available for obligation until September 30, 2011.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $2,287,398,000, to remain available for obligation until September 30, 2011.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of passenger motor vehicles for replacement only; and the purchase of 3 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $262,000 per vehicle; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $10,684,014,000, to remain available for obligation until September 30, 2011.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $14,141,318,000, to remain available for obligation until September 30, 2011.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $3,292,972,000, to remain available for obligation until September 30, 2011.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,085,158,000, to remain available for obligation until September 30, 2011.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

Carrier Replacement Program, $2,692,607,000;

Carrier Replacement Program (AP), $1,214,188,000;

NSSN, $2,107,040,000;

NSSN (AP), $1,395,548,000;

CVN Refueling, $593,534,000;

CVN Refuelings (AP), $21,389,000;

SSBN Submarine Refuelings, $221,823,000;

SSBN Submarine Refuelings (AP), $39,363,000;

DDG–1000 Program, $1,508,803,000;

DDG–51 Destroyer (AP), $200,000,000;

Littoral Combat Ship, $1,020,000,000;

LPD–17, $933,216,000;

LHA–R (AP), $178,300,000;

Intratheater Connector, $174,782,000;

LCAC Service Life Extension Program, $110,918,000;

Prior year shipbuilding costs, $165,152,000;

Service Craft, $48,117,000; and

For outfitting, post delivery, conversions, and first destination transportation, $429,587,000.

In all: $13,054,367,000, to remain available for obligation until September 30, 2013: *Provided*, That additional obligations may be incurred after September 30, 2013, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: *Provided further*, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: *Provided further*, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of passenger motor vehicles for replacement only, and the purchase of seven vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $262,000 per vehicle; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $5,250,627,000, to remain available for obligation until September 30, 2011.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, $1,376,917,000, to remain available for obligation until September 30, 2011.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $13,112,617,000, to remain available for obligation until September 30, 2011.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $5,442,428,000, to remain available for obligation until September 30, 2011.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $859,466,000, to remain available for obligation until September 30, 2011.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only, and the purchase of two vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $262,000 per vehicle; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $16,052,569,000, to remain available for obligation until September 30, 2011.

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $3,306,269,000, to remain available for obligation until September 30, 2011.

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces, $750,000,000, to remain available for obligation until September 30, 2011, of which $480,000,000 shall be available only for the Army National Guard: *Provided*, That the Chiefs of the Reserve and National Guard components shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective Reserve or National Guard component.

DEFENSE PRODUCTION ACT PURCHASES

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093), $100,565,000, to remain available until expended.

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $12,060,111,000, to remain available for obligation until September 30, 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $19,764,276,000, to remain available for obligation until September 30, 2010: *Provided*, That funds appropriated in this paragraph which are available for the V–22 may be used to meet unique operational requirements of the Special Operations Forces: *Provided further*, That funds appropriated in this paragraph shall be available for the Cobra Judy program.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $27,084,340,000, to remain available for obligation until September 30, 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, $21,423,338,000, to remain available for obligation until September 30, 2010: *Provided*, That of the amount available under this heading for the Prompt Global Strike Capability Development program, not less than one-fourth shall be available for the Army Advanced Hypersonic Weapon initiative.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation, in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, $188,772,000, to remain available for obligation until September 30, 2010.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds, $1,489,234,000.

NATIONAL DEFENSE SEALIFT FUND

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $1,666,572,000, to remain available until expended: *Provided*, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (that is; engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: *Provided further*, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: *Provided further*, That the Secretary of the military department responsible for such procurement may waive the restrictions in the first proviso on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense as authorized by law, $25,825,832,000, of which $1,300,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund; of which $24,611,369,000 shall be for operation and maintenance, of which not to exceed one percent shall remain available until September 30, 2010, and of which up to $13,217,751,000 may be available for contracts entered into under the TRICARE program; of which $311,905,000, to remain available for obligation until September 30, 2011, shall be for procurement; and of which $902,558,000, to remain available for obligation until September 30, 2010, shall be for research, development, test and evaluation: *Provided*, That, notwithstanding any other provision of law, of the amount made available under this heading for research, development, test and evaluation, not less than $8,000,000 shall be available for HIV prevention educational activities undertaken in connection with U.S. military training, exercises, and humanitarian assistance activities conducted primarily in African nations.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions, to include construction of facilities, in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, $1,505,634,000, of which $1,152,668,000 shall be for operation and maintenance, of which no less than $103,198,000, shall be for the Chemical Stockpile Emergency Preparedness Program, consisting of $33,411,000 for activities on military installations and $69,787,000, to remain available until September 30, 2010, to assist State and local governments; $64,085,000 shall be for procurement, to remain available until September 30, 2011, of which no less than $26,428,000 shall be for the Chemical Stockpile Emergency Preparedness Program to assist State and local governments; and $288,881,000, to remain available until September 30, 2010, shall be for research, development, test and evaluation, of which $283,219,000 shall only be for the Assembled Chemical Weapons Alternatives (ACWA) program.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for operation and maintenance; for procurement; and for research, development, test and evaluation, $1,096,743,000: *Provided*, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $271,845,000, of which $270,445,000 shall be for operation and maintenance, of which not to exceed $700,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General's certificate of necessity for confidential military purposes; and of which $1,400,000, to remain available until September 30, 2011, shall be for procurement.

TITLE VII

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, $279,200,000.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Intelligence Community Management Account, $710,042,000: *Provided*, That of the funds appropriated under this heading, $44,000,000 shall be transferred to the Department of Justice, of which $2,000,000 shall be for reimbursement of Air Force personnel for the National Drug Intelligence Center to support the Department of Defense's counter-drug intelligence responsibilities: *Provided further*, That the National Drug Intelligence Center shall maintain the personnel and technical resources to provide timely support to law enforcement authorities and the intelligence community by conducting document and computer exploitation of materials collected in Federal, State, and local law enforcement activity associated with counter-drug, counter-terrorism, and national security investigations and operations.

TITLE VIII

GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: *Provided*, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further*, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: *Provided further*, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: *Provided*, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $4,100,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: *Provided further*, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress: *Provided further*, That a request for multiple reprogrammings of funds using authority provided in this section must be made prior to June 30, 2009: *Provided further*, That transfers among military personnel appropriations shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under this section: *Provided further*, That no obligation of funds may be made pursuant to section 1206 of Public Law 109–163 (or any successor provision) unless the Secretary of Defense has notified the congressional defense committees prior to any such obligation.

SEC. 8006. (a) With regard to the list of specific programs, projects, and activities (and the dollar amounts and adjustments to budget activities corresponding to such programs, projects, and activities) contained in the tables titled ''Explanation of Project Level Adjustments'' in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), the obligation and expenditure of amounts appropriated or otherwise made available in this Act for those programs, projects, and activities for which the amounts appropriated exceed the amounts requested are hereby required by law to be carried out in the manner provided by such tables to the same extent as if the tables were included in the text of this Act.

(b) Amounts specified in the referenced tables described in subsection (a) shall not be treated as subdivisions of appropriations for purposes of section 8005 of this Act: *Provided*, That section 8005 shall apply when transfers of the amounts described in subsection (a) occur between appropriation accounts.

SEC. 8007. (a) Not later than 60 days after enactment of this Act, the Department of Defense shall submit a report to the congressional defense committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2009: *Provided*, That the report shall include—

(1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) a delineation in the table for each appropriation both by budget activity and program, project, and activity as detailed in the Budget Appendix; and

(3) an identification of items of special congressional interest.

(b) Notwithstanding section 8005 of this Act, none of the funds provided in this Act shall be available for reprogramming or transfer until the report identified in subsection (a) is submitted to the congressional defense committees, unless the Secretary of Defense certifies in writing to the congressional defense committees that such reprogramming or transfer is necessary as an emergency requirement.

SEC. 8008. The Secretaries of the Air Force and the Army are authorized, using funds available under the headings ''Operation and Maintenance, Air Force'' and ''Operation and Maintenance, Army'', to complete facility conversions and phased repair projects which may include upgrades and additions to Alaskan range infrastructure and training areas, and improved access to these ranges.

(TRANSFER OF FUNDS)

SEC. 8009. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided*, That transfers may be made between such funds: *Provided further*, That transfers may be made between working capital funds and the ''Foreign Currency Fluctuations, Defense'' appropriation and the ''Operation and Maintenance'' appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8010. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in advance to the congressional defense committees.

SEC. 8011. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year of the contract or that includes an unfunded contingent liability in excess of $20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: *Provided*, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: *Provided further*, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 unless specifically provided in this Act: *Provided further*, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: *Provided further*, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement: *Provided further*, That none of the funds provided in this Act may be used for a multiyear contract executed after the date of the enactment of this Act unless in the case of any such contract—

(1) the Secretary of Defense has submitted to Congress a budget request for full funding of units to be procured through the contract and, in the case of a contract for procurement of aircraft, that includes, for any aircraft unit to be procured through the contract for which procurement funds are requested in that budget request for production beyond advance procurement activities in the fiscal year covered by the budget, full funding of procurement of such unit in that fiscal year;

(2) cancellation provisions in the contract do not include consideration of recurring manufacturing costs of the contractor associated with the production of unfunded units to be delivered under the contract;

(3) the contract provides that payments to the contractor under the contract shall not be made in advance of incurred costs on funded units; and

(4) the contract does not provide for a price adjustment based on a failure to award a follow-on contract.

Funds appropriated in title III of this Act may be used for a multiyear procurement contract as follows:

SSN Virginia class submarine.

SEC. 8012. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported as required by section 401(d) of title 10, United States Code: *Provided*, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99–239: *Provided further*, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8013. (a) During fiscal year 2009, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 2010 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2010 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2010.

(c) Nothing in this section shall be construed to apply to military (civilian) technicians.

SEC. 8014. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8015. None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: *Provided*, That this section shall not apply to those members who have reenlisted with this option prior to October 1, 1987: *Provided further*, That this section applies only to active components of the Army.

SEC. 8016. (a) None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by more than 10 Department of Defense civilian employees unless—

(1) the conversion is based on the result of a public-private competition that includes a most efficient and cost effective organization plan developed by such activity or function;

(2) the Competitive Sourcing Official determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of—

(A) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees; or

(B) $10,000,000; and

(3) the contractor does not receive an advantage for a proposal that would reduce costs for the Department of Defense by—

(A) not making an employer-sponsored health insurance plan available to the workers who are to be employed in the performance of that activity or function under the contract; or

(B) offering to such workers an employer-sponsored health benefits plan that requires the employer to contribute less towards the premium or subscription share than the amount that is paid by the Department of Defense for health benefits for civilian employees under chapter 89 of title 5, United States Code.

(b)(1) The Department of Defense, without regard to subsection (a) of this section or subsection (a), (b), or (c) of section 2461 of title 10, United States Code, and notwithstanding any administrative regulation, requirement, or policy to the contrary shall have full authority to enter into a contract for the performance of any commercial or industrial type function of the Department of Defense that—

(A) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47);

(B) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or

(C) is planned to be converted to performance by a qualified firm under at least 51 percent ownership by an Indian tribe, as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), or a Native Hawaiian Organization, as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15)).

(2) This section shall not apply to depot contracts or contracts for depot maintenance as provided in sections 2469 and 2474 of title 10, United States Code.

(c) The conversion of any activity or function of the Department of Defense under the authority provided by this section shall be credited toward any competitive or outsourcing goal, target, or measurement that may be established by statute, regulation, or policy and is deemed to be awarded under the authority of, and in compliance with, subsection (h) of section 2304 of title 10, United States Code, for the competition or outsourcing of commercial activities.

(TRANSFER OF FUNDS)

SEC. 8017. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2302 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8018. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: *Provided*, That for the purpose of this section manufactured will include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): *Provided further*, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: *Provided further*, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8019. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M–1 Carbines, M–1 Garand rifles, M–14 rifles, .22 caliber rifles, .30 caliber rifles, or M–1911 pistols.

SEC. 8020. No more than $500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8021. In addition to the funds provided elsewhere in this Act, $15,000,000 is appropriated only for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): *Provided*, That a prime contractor or a subcontractor at any tier that makes a subcontract award to any subcontractor or supplier as defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code, shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544) whenever the prime contract or subcontract amount is over $500,000 and involves the expenditure of funds appropriated by an Act making Appropriations for the Department of Defense with respect to any fiscal year: *Provided further*, That notwithstanding section 430 of title 41, United States Code, this section shall be applicable to any Department of Defense acquisition of supplies or services, including any contract and any subcontract at any tier for acquisition of commercial items produced or manufactured, in whole or in part by any subcontractor or supplier defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code.

SEC. 8022. Funds appropriated by this Act for the Defense Media Activity shall not be used for any national or international political or psychological activities.

SEC. 8023. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A–76 if the study being performed exceeds a period of 24 months after initiation of such study with respect to a single function activity or 30 months after initiation of such study for a multi-function activity.

SEC. 8024. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed $350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: *Provided*, That upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

SEC. 8025. (a) Of the funds made available in this Act, not less than $34,929,000 shall be available for the Civil Air Patrol Corporation, of which—

(1) $26,605,000 shall be available from ''Operation and Maintenance, Air Force'' to support Civil Air Patrol Corporation operation and maintenance, readiness, counterdrug activities, and drug demand reduction activities involving youth programs;

(2) $7,435,000 shall be available from ''Aircraft Procurement, Air Force''; and

(3) $889,000 shall be available from ''Other Procurement, Air Force'' for vehicle procurement.

(b) The Secretary of the Air Force should waive reimbursement for any funds used by the Civil Air Patrol for counter-drug activities in support of Federal, State, and local government agencies.

SEC. 8026. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other non-profit entities.

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: *Provided*, That a member of any

such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during fiscal year 2009 may be used by a defense FFRDC, through a fee or other payment mechanism, for construction of new buildings, for payment of cost sharing for projects funded by Government grants, for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2009, not more than 5,600 staff years of technical effort (staff years) may be funded for defense FFRDCs: *Provided*, That of the specific amount referred to previously in this subsection, not more than 1,100 staff years may be funded for the defense studies and analysis FFRDCs: *Provided further*, That this subsection shall not apply to staff years funded in the National Intelligence Program (NIP) and the Military Intelligence Program (MIP).

(e) The Secretary of Defense shall, with the submission of the department's fiscal year 2010 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year and the associated budget estimates.

(f) Notwithstanding any other provision of this Act, the total amount appropriated in this Act for FFRDCs is hereby reduced by $84,000,000.

SEC. 8027. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: *Provided*, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: *Provided further*, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

SEC. 8028. For the purposes of this Act, the term ''congressional defense committees'' 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.

SEC. 8029. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: *Provided*, That the Senior Acquisition Executive of the military department or Defense Agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: *Provided further*, That Office of Management and Budget Circular A–76 shall not apply to competitions conducted under this section.

SEC. 8030. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2009. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term ''Buy American Act'' means title III of the Act entitled ''An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes'', approved March 3, 1933 (41 U.S.C. 10a et seq.).

SEC. 8031. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act.

SEC. 8032. (a) Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota relocatable military housing units located at Grand Forks Air Force Base and Minot Air Force Base that are excess to the needs of the Air Force.

(b) The Secretary of the Air Force shall convey, at no cost to the Air Force, military housing units under subsection (a) in accordance with the request for such units that are submitted to the Secretary by the Operation Walking Shield Program on behalf of Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota.

(c) The Operation Walking Shield Program shall resolve any conflicts among requests of Indian tribes for housing units under subsection (a) before submitting requests to the Secretary of the Air Force under subsection (b).

(d) In this section, the term ''Indian tribe'' means any recognized Indian tribe included on the current list published by the Secretary of the Interior under section 104 of the Federally Recognized Indian Tribe Act of 1994 (Public Law 103–454; 108 Stat. 4792; 25 U.S.C. 479a–1).

SEC. 8033. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than $250,000.

SEC. 8034. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2010 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2010 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2010 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8035. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2010: *Provided*, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended: *Provided further*, That any funds appropriated or transferred to the Central Intelligence Agency for advanced research and development acquisition, for agent operations, and for covert action programs authorized by the President under section 503 of the National Security Act of 1947, as amended, shall remain available until September 30, 2010.

SEC. 8036. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8037. Of the funds appropriated to the Department of Defense under the heading ''Operation and Maintenance, Defense-Wide'', not less than $12,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8038. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term ''Buy American Act'' means title III of the Act entitled ''An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes'', approved March 3, 1933 (41 U.S.C. 10a et seq.).

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a ''Made in America'' inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality-competitive, and available in a timely fashion.

SEC. 8039. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work;

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source; or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support: *Provided*, That this limitation shall not apply to contracts in an amount of less than $25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8040. (a) Except as provided in subsections (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or

(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee's place of duty remains at the location of that headquarters.

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and Senate that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department.

(c) This section does not apply to—

(1) field operating agencies funded within the National Intelligence Program; or

(2) an Army field operating agency established to eliminate, mitigate, or counter the effects of improvised explosive devices, and, as determined by the Secretary of the Army, other similar threats.

SEC. 8041. The Secretary of Defense, notwithstanding any other provision of law, acting through the Office of Economic Adjustment of the Department of Defense, may use funds made available in this Act under the heading ''Operation and Maintenance, Defense-Wide'' to make grants and supplement other Federal funds in accordance with the guidance provided in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

(RESCISSIONS)

SEC. 8042. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

''Aircraft Procurement, Army'', 2008/2010, $174,600,000;

''Procurement of Ammunition, Army'', 2008/2010, $69,200,000;

''Shipbuilding and Conversion, Navy'', 2008/2012, $337,000,000;

''Research, Development, Test and Evaluation, Army'', 2008/2009, $49,800,000;

''Research, Development, Test and Evaluation, Air Force'', 2008/2009, $300,073,000;

''Research, Development, Test and Evaluation, Defense-Wide'', 2008/2009, $150,000,000; and

''Tanker Replacement Transfer Fund'', $239,800,000.

SEC. 8043. None of the funds available in this Act may be used to reduce the authorized positions for military (civilian) technicians of the Army National Guard, Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless such reductions are a direct result of a reduction in military force structure.

SEC. 8044. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of Korea unless specifically appropriated for that purpose.

SEC. 8045. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Intelligence Program and the Military Intelligence Program: *Provided*, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8046. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 2003, level: *Provided*, That the Service Surgeons General may waive this section by certifying to the congressional defense committees that the beneficiary population is declining in some catchment areas and civilian strength reductions may be consistent with responsible resource stewardship and capitation-based budgeting.

SEC. 8047. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

SEC. 8048. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: *Provided*, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That this restriction shall not apply to the purchase of ''commercial items'', as defined by section 4(12) of the Office of Federal Procurement Policy Act, except that the restriction shall apply to ball or roller bearings purchased as end items.

SEC. 8049. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8050. None of the funds made available in this or any other Act may be used to pay the salary of any officer or employee of the Department of Defense who approves or implements the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this Act to the jurisdiction of another Federal agency not financed by this Act without the express authorization of Congress: *Provided*, That this limitation shall not apply to transfers of funds expressly provided for in Defense Appropriations Acts, or provisions of Acts providing supplemental appropriations for the Department of Defense.

SEC. 8051. (a) Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) This section applies to—

(1) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the United Nations Charter under the authority of a United Nations Security Council resolution; and

(2) any other international peacekeeping, peace-enforcement, or humanitarian assistance operation.

(c) A notice under subsection (a) shall include the following—

(1) A description of the equipment, supplies, or services to be transferred.

(2) A statement of the value of the equipment, supplies, or services to be transferred.

(3) In the case of a proposed transfer of equipment or supplies—

(A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and

(B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.

SEC. 8052. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

(2) such bonus is part of restructuring costs associated with a business combination.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8053. During the current fiscal year, no more than $30,000,000 of appropriations made in this Act under the heading ''Operation and Maintenance, Defense-Wide'' may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8054. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

(2) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense; and

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101–510, as amended (31 U.S.C. 1551 note): *Provided*, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: *Provided further*, That the total amount charged to a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account.

SEC. 8055. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

SEC. 8056. Using funds available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: *Provided*, That in the City of Kaiserslautern such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: *Provided further*, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

SEC. 8057. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: *Provided*, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: *Provided further*, That this restriction does not apply to programs funded within the National Intelligence Program: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8058. Notwithstanding any other provision of law, funds available to the Department of Defense in this Act, and hereafter, shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to American Samoa, and funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to the Indian Health Service when it is in conjunction with a civil-military project.

SEC. 8059. None of the funds made available in this Act may be used to approve or license the sale of the F–22A advanced tactical fighter to any foreign government.

SEC. 8060. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

(b) Subsection (a) applies with respect to—

(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of public vessels, ball and roller bearings, food, and clothing or textile materials as defined by section 11 (chapters 50–65) of the Harmonized Tariff Schedule and products classified under headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019, 7218 through 7229, 7304.41 through 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

SEC. 8061. (a) None of the funds made available by this Act may be used to support any training program involving a unit of the security forces of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

(b) The Secretary of Defense, in consultation with the Secretary of State, shall ensure that prior to a decision to conduct any training program referred to in subsection (a), full consideration is given to all credible information available to the Department of State relating to human rights violations by foreign security forces.

(c) The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in subsection (a) if he determines that such waiver is required by extraordinary circumstances.

(d) Not more than 15 days after the exercise of any waiver under subsection (c), the Secretary of Defense shall submit a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the training program, the United States forces and the foreign security forces involved in the training program, and the information relating to human rights violations that necessitates the waiver.

SEC. 8062. None of the funds appropriated or made available in this Act to the Department of the Navy shall be used to develop, lease or procure the T-AKE class of ships unless the main propulsion diesel engines and propulsors are manufactured in the United States by a domestically operated entity: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes or there exists a significant cost or quality difference.

SEC. 8063. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.

SEC. 8064. Notwithstanding any other provision of law, funds appropriated in this Act under the heading ''Research, Development, Test and Evaluation, Defense-Wide'' for any new start advanced concept technology demonstration project or joint capability demonstration project may only be obligated 30 days after a report, including a description of the project, the planned acquisition and transition strategy and its estimated annual and total cost, has been provided in writing to the congressional defense committees: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

SEC. 8065. The Secretary of Defense shall provide a classified quarterly report beginning 30 days after enactment of this Act, to the House and Senate Appropriations Committees, Subcommittees on Defense on certain matters as directed in the classified annex accompanying this Act.

SEC. 8066. During the current fiscal year, none of the funds available to the Department of Defense may be used to provide support to another department or agency of the United States if such department or agency is more than 90 days in arrears in making payment to the Department of Defense for goods or services previously provided to such department or agency on a reimbursable basis: *Provided*, That this restriction shall not apply if the department is authorized by law to provide support to such department or agency on a nonreimbursable basis, and is providing the requested support pursuant to such authority: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in

writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8067. Notwithstanding section 12310(b) of title 10, United States Code, a Reserve who is a member of the National Guard serving on full-time National Guard duty under section 502(f) of title 32, United States Code, may perform duties in support of the ground-based elements of the National Ballistic Missile Defense System.

SEC. 8068. None of the funds provided in this Act may be used to transfer to any nongovernmental entity ammunition held by the Department of Defense that has a centerfire cartridge and a United States military nomenclature designation of ''armor penetrator'', ''armor piercing (AP)'', ''armor piercing incendiary (API)'', or ''armor-piercing incendiary-tracer (API–T)'', except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

SEC. 8069. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under section 2667 of title 10, United States Code, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in section 508(d) of title 32, United States Code, or any other youth, social, or fraternal nonprofit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

SEC. 8070. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: *Provided*, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: *Provided further*, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: *Provided further*, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

SEC. 8071. Funds available to the Department of Defense for the Global Positioning System during the current fiscal year may be used to fund civil requirements associated with the satellite and ground control segments of such system's modernization program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8072. Of the amounts appropriated in this Act under the heading ''Operation and Maintenance, Army'', $47,700,000 shall remain available until expended: *Provided*, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government: *Provided further*, That the Secretary of Defense is authorized to enter into and carry out contracts for the acquisition of real property, construction, personal services, and operations related to projects carrying out the purposes of this section: *Provided further*, That contracts entered into under the authority of this section may provide for such indemnification as the Secretary determines to be necessary: *Provided further*, That projects authorized by this section shall comply with applicable Federal, State, and local law to the maximum extent consistent with the national security, as determined by the Secretary of Defense.

SEC. 8073. Section 8106 of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under subsection 101(b) of Public Law 104–208; 110 Stat. 3009–111; 10 U.S.C. 113 note) shall continue in effect to apply to disbursements that are made by the Department of Defense in fiscal year 2009.

SEC. 8074. In addition to amounts provided elsewhere in this Act, $8,000,000 is hereby appropriated to the Department of Defense, to remain available for obligation until expended: *Provided*, That notwithstanding any other provision of law, these funds shall be available only for a grant to the Fisher House Foundation, Inc., only for the construction and furnishing of additional Fisher Houses to meet the needs of military family members when confronted with the illness or hospitalization of an eligible military beneficiary.

SEC. 8075. (a) During the current fiscal year and hereafter, the Secretary of Defense, in coordination with the Secretary of Health and Human Services, may carry out a program to distribute surplus dental and medical equipment of the Department of Defense, at no cost to the Department of Defense, to Indian Health Service facilities and to federally-qualified health centers (within the meaning of section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B))).

(b) In carrying out this provision, the Secretary of Defense shall give the Indian Health Service a property disposal priority equal to the priority given to the Department of Defense and its twelve special screening programs in distribution of surplus dental and medical supplies and equipment.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8076. Of the amounts appropriated in this Act under the heading ''Research, Development, Test and Evaluation, Defense-Wide'', $177,237,000 shall be for the Israeli Cooperative Programs: *Provided*, That of this amount, $72,895,000 shall be for the Short Range Ballistic Missile Defense (SRBMD) program, $30,000,000 shall be available for an upper-tier component to the Israeli Missile Defense Architecture, and $74,342,000 shall be for the Arrow Missile Defense Program, of which $13,076,000 shall be for producing Arrow missile components in the United States and Arrow missile components in Israel to meet Israel's defense requirements, consistent with each nation's laws, regulations and procedures: *Provided further*, That funds made available under this provision for production of missiles and missile components may be transferred to appropriations available for the procurement of weapons and equipment, to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred: *Provided further*, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8077. Of the amounts appropriated in this Act under the heading ''Shipbuilding and Conversion, Navy'', $165,152,000 shall be available until September 30, 2009, to fund prior year shipbuilding cost increases: *Provided*, That upon enactment of this Act, the Secretary of the Navy shall transfer such funds to the following appropriations in the amounts specified: *Provided further*, That the amounts transferred shall be merged with and be available for the same purposes as the appropriations to which transferred:

To:

Under the heading ''Shipbuilding and Conversion, Navy, 2001/2009'':

Carrier Replacement Program, $20,516,000;

Under the heading ''Shipbuilding and Conversion, Navy, 2002/2009'':

New SSN, $21,000,000;

Under the heading ''Shipbuilding and Conversion, Navy, 2003/2009'':

LPD–17 Amphibious Transport Dock Program, $33,082,000;

Under the heading ''Shipbuilding and Conversion, Navy, 2004/2009'':

New SSN, $60,000,000;

Under the heading ''Shipbuilding and Conversion, Navy, 2007/2011'':

LHA Replacement Program, $14,310,000; and

Under the heading ''Shipbuilding and Conversion, Navy, 2008/2012'':

SSBN Submarine Refuelings, $16,244,000.

SEC. 8078. None of the funds available to the Department of Defense may be obligated to modify command and control relationships to give Fleet Forces Command administrative and operational control of U.S. Navy forces assigned to the Pacific fleet: *Provided*, That the command and control relationships which existed on October 1, 2004, shall remain in force unless changes are specifically authorized in a subsequent Act.

SEC. 8079. Notwithstanding any other provision of law or regulation, the Secretary of Defense may exercise the provisions of section 7403(g) of title 38, United States Code, for occupations listed in section 7403(a)(2) of title 38, United States Code, as well as the following:

Pharmacists, Audiologists, Psychologists, Social Workers, Othotists/Prosthetists, Occupational Therapists, Physical Therapists, Rehabilitation Therapists, Respiratory Therapists, Speech Pathologists, Dietitian/Nutritionists, Industrial Hygienists, Psychology Technicians, Social Service Assistants, Practical Nurses, Nursing Assistants, and Dental Hygienists:

(A) The requirements of section 7403(g)(1)(A) of title 38, United States Code, shall apply.

(B) The limitations of section 7403(g)(1)(B) of title 38, United States Code, shall not apply.

SEC. 8080. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2009 until the enactment of the Intelligence Authorization Act for Fiscal Year 2009.

SEC. 8081. None of the funds provided in this Act shall be available for obligation or expenditure through a reprogramming of funds that creates or initiates a new program, project, or activity unless such program, project, or activity must be undertaken immediately in the interest of national security and only after written prior notification to the congressional defense committees.

SEC. 8082. (a) In addition to the amounts provided elsewhere in this Act, $3,000,000 is hereby appropriated to the Department of Defense for ''Operation and Maintenance, Army National Guard''. Such amount shall be made available to the Secretary of the

Army only to make a grant in the amount of $3,000,000 to the entity specified in subsection (b) to facilitate access by veterans to opportunities for skilled employment in the construction industry.

(b) The entity referred to in subsection (a) is the Center for Military Recruitment, Assessment and Veterans Employment, a nonprofit labor-management cooperation committee provided for by section 302(c)(9) of the Labor-Management Relations Act, 1947 (29 U.S.C. 186(c)(9)), for the purposes set forth in section 6(b) of the Labor Management Cooperation Act of 1978 (29 U.S.C. 175a note).

SEC. 8083. In addition to funds made available elsewhere in this Act, $5,500,000 is hereby appropriated and shall remain available until expended to provide assistance, by grant or otherwise (such as, but not limited to, the provision of funds for repairs, maintenance, construction, and/or for the purchase of information technology, text books, teaching resources), to public schools that have unusually high concentrations of special needs military dependents enrolled: *Provided*, That in selecting school systems to receive such assistance, special consideration shall be given to school systems in States that are considered overseas assignments, and all schools within these school systems shall be eligible for assistance: *Provided further*, That up to 2 percent of the total appropriated funds under this section shall be available to support the administration and execution of the funds or program and/or events that promote the purpose of this appropriation (e.g. payment of travel and per diem of school teachers attending conferences or a meeting that promotes the purpose of this appropriation and/or consultant fees for on-site training of teachers, staff, or Joint Venture Education Forum (JVEF) Committee members): *Provided further*, That up to $300,000 shall be available to examine human capital, family and quality of life issues relating to military presence in Hawaii: *Provided further*, That up to $2,000,000 shall be available for the Department of Defense to establish a nonprofit trust fund to assist in the public-private funding of public school repair and maintenance projects, or provide directly to nonprofit organizations who in return will use these monies to provide assistance in the form of repair, maintenance, or renovation to public school systems that have high concentrations of special needs military dependents and are located in States that are considered overseas assignments: *Provided further*, That to the extent a Federal agency provides this assistance, by contract, grant, or otherwise, it may accept and expend non-Federal funds in combination with these Federal funds to provide assistance for the authorized purpose, if the non-Federal entity requests such assistance and the non-Federal funds are provided on a reimbursable basis.

SEC. 8084. In addition to the amounts appropriated or otherwise made available elsewhere in this Act, $112,400,000 is hereby appropriated to the Department of Defense: *Provided*, That the Secretary of Defense shall make grants in the amounts specified as follows: $20,000,000 to the United Service Organizations; $30,000,000 to the Red Cross; $15,000,000 for the Waterbury Industrial Commons Redevelopment Project; $4,750,000 for the SOAR Virtual School District; $1,750,000 to The Presidio Trust; $5,000,000 to the STEM Education Research Center; $10,000,000 to the Intrepid Museum Foundation; $4,000,000 to the Go For Broke National Education Center; $9,900,000 to the U.S.S. Missouri Memorial Association; $4,000,000 to the Nimitz Center; $3,000,000 to Special Olympics International; and $5,000,000 to the Paralympics Military Program.

SEC. 8085. The Department of Defense and the Department of the Army shall make future budgetary and programming plans to fully finance the Non-Line of Sight Future Force cannon (NLOS–C) and a compatible large caliber ammunition resupply capability for this system supported by the Future Combat Systems (FCS) Brigade Combat Team (BCT) in order to field this system in fiscal year 2010: *Provided*, That the Army shall develop the NLOS–C independent of the broader FCS development timeline to achieve fielding by fiscal year 2010. In addition, the Army will deliver five pre-production NLOS–C systems by the end of calendar year 2008 and three pre-production NLOS–C systems by the end of calendar year 2009. These systems shall be in addition to those systems necessary for developmental and operational testing.

SEC. 8086. The budget of the President for fiscal year 2010 submitted to the Congress pursuant to section 1105 of title 31, United States Code, shall include separate budget justification documents for costs of United States Armed Forces' participation in contingency operations for the Military Personnel accounts, the Operation and Maintenance accounts, and the Procurement accounts: *Provided*, That these documents shall include a description of the funding requested for each contingency operation, for each military service, to include all Active and Reserve components, and for each appropriations account: *Provided further*, That these documents shall include estimated costs for each element of expense or object class, a reconciliation of increases and decreases for each contingency operation, and programmatic data including, but not limited to, troop strength for each Active and Reserve component, and estimates of the major weapons systems deployed in support of each contingency: *Provided further*, That these documents shall include budget exhibits OP–5 and OP–32 (as defined in the Department of Defense Financial Management Regulation) for all contingency operations for the budget year and the two preceding fiscal years.

SEC. 8087. None of the funds in this Act may be used for research, development, test, evaluation, procurement or deployment of nuclear armed interceptors of a missile defense system.

SEC. 8088. Up to $2,500,000 of the funds appropriated under the heading ''Operation and Maintenance, Navy'' in this Act for the Pacific Missile Range Facility may be made available to contract for the repair, maintenance, and operation of adjacent off-base water, drainage, and flood control systems, electrical upgrade to support additional missions critical to base operations, and support for a range footprint expansion to further guard against encroachment.

SEC. 8089. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC–130 Weather Reconnaissance mission below the levels funded in this Act: *Provided*, That the Air Force shall allow the 53rd Weather Reconnaissance Squadron to perform other missions in support of national defense requirements during the non-hurricane season.

SEC. 8090. None of the funds provided in this Act shall be available for integration of foreign intelligence information unless the information has been lawfully collected and processed during the conduct of authorized foreign intelligence activities: *Provided*, That information pertaining to United States persons shall only be handled in accordance with protections provided in the Fourth Amendment of the United States Constitution as implemented through Executive Order No. 12333.

SEC. 8091. (a) At the time members of reserve components of the Armed Forces are called or ordered to active duty under section 12302(a) of title 10, United States Code, each member shall be notified in writing of the expected period during which the member will be mobilized.

(b) The Secretary of Defense may waive the requirements of subsection (a) in any case in which the Secretary determines that it is necessary to do so to respond to a national security emergency or to meet dire operational requirements of the Armed Forces.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8092. The Secretary of Defense may transfer funds from any available Department of the Navy appropriation to any available Navy ship construction appropriation for the purpose of liquidating necessary changes resulting from inflation, market fluctuations, or rate adjustments for any ship construction program appropriated in law: *Provided*, That the Secretary may transfer not to exceed $100,000,000 under the authority provided by this section: *Provided further*, That the Secretary may not transfer any funds until 30 days after the proposed transfer has been reported to the Committees on Appropriations of the House of Representatives and the Senate, unless a response from the Committees is received sooner: *Provided further*, That the transfer authority provided by this section is in addition to any other transfer authority contained elsewhere in this Act.

SEC. 8093. For purposes of section 612 of title 41, United States Code, any subdivision of appropriations made under the heading ''Shipbuilding and Conversion, Navy'' that is not closed at the time reimbursement is made shall be available to reimburse the Judgment Fund and shall be considered for the same purposes as any subdivision under the heading ''Shipbuilding and Conversion, Navy'' appropriations in the current fiscal year or any prior fiscal year.

SEC. 8094. (a) None of the funds appropriated by this Act may be used to transfer research and development, acquisition, or other program authority relating to current tactical unmanned aerial vehicles (TUAVs) from the Army.

(b) The Army shall retain responsibility for and operational control of the MQ–1C Sky Warrior Unmanned Aerial Vehicle (UAV) in order to support the Secretary of Defense in matters relating to the employment of unmanned aerial vehicles.

(c) None of the funds appropriated by this Act may be used to institute an inter-Service common contract for acquisition of MQ–1 or MQ–1C UAVs until 30 days after the Secretary of Defense certifies to the congressional defense committees that a common contract would achieve cost savings, be interoperable with, and not create undue sustainment costs compared to the current fleet.

SEC. 8095. None of the funds appropriated by this Act, and hereafter, available for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) or TRICARE shall be available for the reimbursement of any health care provider for inpatient mental health service for care received when a patient is referred to a provider of inpatient mental health care or residential treatment care by a medical or health care professional having an economic interest in the facility to which the patient is referred: *Provided*, That this limitation does not apply in the case of inpatient mental health services provided under the program for persons with disabilities under subsection (d) of section 1079 of title 10, United States Code, provided as partial hospital

care, or provided pursuant to a waiver authorized by the Secretary of Defense because of medical or psychological circumstances of the patient that are confirmed by a health professional who is not a Federal employee after a review, pursuant to rules prescribed by the Secretary, which takes into account the appropriate level of care for the patient, the intensity of services required by the patient, and the availability of that care.

SEC. 8096. Of the funds provided in this Act, $10,000,000 shall be available for the operations and development of training and technology for the Joint Interagency Training and Education Center and the affiliated Center for National Response at the Memorial Tunnel and for providing homeland defense/security and traditional warfighting training to the Department of Defense, other Federal agencies, and State and local first responder personnel at the Joint Interagency Training and Education Center.

SEC. 8097. Notwithstanding any other provision of law or regulation, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.

SEC. 8098. The authority to conduct a continuing cooperative program in the proviso in title II of Public Law 102–368 under the heading ''Research, Development, Test and Evaluation, Defense Agencies'' (106 Stat. 1121) shall be extended through September 30, 2009 and hereafter, in cooperation with NELHA.

SEC. 8099. Up to $15,000,000 of the funds appropriated under the heading, ''Operation and Maintenance, Navy'' may be made available for the Asia Pacific Regional Initiative Program for the purpose of enabling the Pacific Command to execute Theater Security Cooperation activities such as humanitarian assistance, and payment of incremental and personnel costs of training and exercising with foreign security forces: *Provided*, That funds made available for this purpose may be used, notwithstanding any other funding authorities for humanitarian assistance, security assistance or combined exercise expenses: *Provided further*, That funds may not be obligated to provide assistance to any foreign country that is otherwise prohibited from receiving such type of assistance under any other provision of law.

SEC. 8100. None of the funds appropriated by this Act for programs of the Office of the Director of National Intelligence shall remain available for obligation beyond the current fiscal year, except for funds appropriated for research and technology, which shall remain available until September 30, 2010.

SEC. 8101. Notwithstanding any other provision of this Act, to reflect savings from revised economic assumptions, the total amount appropriated in title II of this Act is hereby reduced by $313,780,000, the total amount appropriated in title III of this Act is hereby reduced by $298,000,000, and the total amount appropriated in title IV of this Act is hereby reduced by $218,000,000: *Provided*, That the Secretary of Defense shall allocate this reduction proportionally to each budget activity, activity group, subactivity group, and each program, project, and activity, within each appropriation account.

SEC. 8102. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading ''Shipbuilding and Conversion, Navy'' shall be considered to be for the same purpose as any subdivision under the heading ''Shipbuilding and Conversion, Navy'' appropriations in any prior fiscal year, and the 1 percent limitation shall apply to the total amount of the appropriation.

SEC. 8103. Notwithstanding any other provision of law, that not more than 35 percent of funds provided in this Act for environmental remediation may be obligated under indefinite delivery/indefinite quantity contracts with a total contract value of $130,000,000 or higher.

SEC. 8104. The Secretary of Defense shall create a major force program category for space for the Future Years Defense Program of the Department of Defense. The Secretary of Defense shall designate an official in the Office of the Secretary of Defense to provide overall supervision of the preparation and justification of program recommendations and budget proposals to be included in such major force program category.

SEC. 8105. During the current fiscal year and hereafter, none of the funds appropriated or otherwise available to the Department of Defense 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 109–364).

SEC. 8106. None of the funds appropriated or otherwise made available by this or any other Act shall be obligated or expended by the United States Government 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 over any oil resource of Iraq.

SEC. 8107. Beginning with the fiscal year 2010 budget request, the Director of National Intelligence shall include the budget exhibits identified in paragraphs (1) and (2) as described in the Department of Defense Financial Management Regulation with the congressional budget justification books.

(1) For procurement programs requesting more than $20,000,000 in any fiscal year, the P–1, Procurement Program; P–5, Cost Analysis; P–5a, Procurement History and Planning; P–21, Production Schedule; and P–40 Budget Item Justification.

(2) For research, development, test and evaluation projects requesting more than $10,000,000 in any fiscal year, the R–1, RDT&E Program; R–2, RDT&E Budget Item Justification; R–3, RDT&E Project Cost Analysis; and R–4, RDT&E Program Schedule Profile.

SEC. 8108. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

(1) Section 2340A of title 18, United States Code.

(2) Section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231 note) and regulations prescribed thereto, including regulations under part 208 of title 8, Code of Federal Regulations, and part 95 of title 22, Code of Federal Regulations.

(3) Sections 1002 and 1003 of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148).

SEC. 8109. Notwithstanding any other provision of law, none of the funds made available in this Act may be used to pay negotiated indirect cost rates on a contract, grant, or cooperative agreement (or similar arrangement) entered into by the Department of Defense and an entity in excess of 35 percent of the total cost of the contract, grant, or agreement (or similar arrangement): *Provided*, That this limitation shall apply only to contracts, grants, or cooperative agreements entered into after the date of the enactment of this Act using funds made available in this Act for basic research.

SEC. 8110. The Secretary of Defense shall maintain on the homepage of the Internet website of the Department of Defense a direct link to the Internet website of the Office of Inspector General of the Department of Defense.

SEC. 8111. (a) Not later than 60 days after enactment of this Act, the Office of the Director of National Intelligence shall submit a report to the congressional intelligence committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2009: *Provided*, That the report shall include—

(1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) a delineation in the table for each appropriation by Expenditure Center and project; and

(3) an identification of items of special congressional interest.

(b) None of the funds provided for the National Intelligence Program in this Act shall be available for reprogramming or transfer until the report identified in subsection (a) is submitted to the congressional intelligence committees, unless the Director of National Intelligence certifies in writing to the congressional intelligence committees that such reprogramming or transfer is necessary as an emergency requirement.

SEC. 8112. The Director of National Intelligence shall submit to Congress each year, at or about the time that the President's budget is submitted to Congress that year under section 1105(a) of title 31, United States Code, a future-years intelligence program (including associated annexes) reflecting the estimated expenditures and proposed appropriations included in that budget. Any such future-years intelligence program shall cover the fiscal year with respect to which the budget is submitted and at least the four succeeding fiscal years.

SEC. 8113. For the purposes of this Act, the term ''congressional intelligence committees'' means the Permanent Select Committee on Intelligence of the House of Representatives, the Select Committee on Intelligence 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.

SEC. 8114. The Department of Defense shall continue to report incremental contingency operations costs for Operation Iraqi Freedom and Operation Enduring Freedom on a monthly basis in the Cost of War Execution Report as prescribed in the Department of Defense Financial Management Regulation Department of Defense Instruction 7000.14, Volume 12, Chapter 23 ''Contingency Operations'', Annex 1, dated September 2005.

SEC. 8115. HORSHAM JOINT INTERAGENCY INSTALLATION.—

(a) ESTABLISHMENT OF INSTALLATION.—The Horsham Joint Interagency Installation located in Horsham Township, Montgomery County, Pennsylvania is hereby established. Pursuant to Section 3703 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act (121 Stat. 145), at a time determined by the Secretary of the Navy, or upon completion of the associated Defense Base Closure and Realignment Commission recommendations, the Secretary of the Navy shall, notwithstanding any other provision of law,

transfer to the Secretary of the Air Force, at no cost, all designated lands, easements, Air Installation Compatible Use Zones, and facilities at NASJRB Willow Grove. The airfield at the Horsham Joint Interagency Installation shall be known as ''Pitcairn-Willow Grove Field''.

(b) TRANSFER TO COMMONWEALTH OF PENNSYLVANIA.—Notwithstanding any other provision of law, the Secretary of the Air Force shall convey all of the Navy property transferred to the Air Force, as well as excess Air Force property at the Willow Grove Air Reserve Station, to the Commonwealth of Pennsylvania, at no cost, for operation of the Horsham Joint Interagency Installation so long as it is used continuously as the Horsham Joint Interagency Installation. In the event the property is no longer used for the Horsham Joint Interagency Installation, it shall revert to the Department of Defense. Installation property conveyed to the Commonwealth of Pennsylvania may not be reconveyed, but may be leased, subleased, or licensed by the Commonwealth, for any agreed upon term, for use by the United States, its agencies or instrumentalities, at terms agreeable to the United States, or to State or local government agencies, or other associated users.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8116. (a) STOP-LOSS SPECIAL PAY.—In addition to the amounts appropriated or otherwise made available elsewhere in this Act, $72,000,000 is hereby appropriated to the Secretary of Defense to carry out this section. Such amount shall be made available to the Secretaries of the military departments only to provide special pay during fiscal year 2009 to members of the Army, Navy, Air Force, and Marine Corps, including members of their reserve components who at any time during fiscal year 2009, serve on active duty while the members' enlistment or period of obligated service is extended, or whose eligibility for retirement is suspended, pursuant to section 123 or 12305 of title 10, United States Code, or any other provision of law (commonly referred to as a ''stop-loss authority'') authorizing the President to extend an enlistment or period of obligated service, or suspend an eligibility for retirement, of a member of the uniformed services in time of war or of national emergency declared by Congress or the President.

(b) SPECIAL PAY AMOUNT.—The amount of the special pay paid under subsection (a) to or on behalf of an eligible member may not exceed $500 per month for each month or portion of a month during fiscal year 2009 that the member is retained on active duty as a result of application of the stop-loss authority.

(c) IMPLEMENTATION PLAN.—Before obligating or expending any of the funds made available under subsection (a), the Secretary of Defense shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report containing a plan for the provision of the special pay authorized by this section.

SEC. 8117. Section 3287 of title 18, United States Code, is amended—

(1) by inserting ''or Congress has enacted a specific authorization for the use of the Armed Forces, as described in section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)),'' after ''is at war'';

(2) by inserting ''or directly connected with or related to the authorized use of the Armed Forces'' after ''prosecution of the war'';

(3) by striking ''three years'' and inserting ''5 years'';

(4) by striking ''proclaimed by the President'' and inserting ''proclaimed by a Presidential proclamation, with notice to Congress,''; and

(5) by adding at the end the following: ''For purposes of applying such definitions in this section, the term 'war' includes a specific authorization for the use of the Armed Forces, as described in section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)).''.

SEC. 8118. INCENTIVES FOR ADDITIONAL DOWNBLENDING OF HIGHLY ENRICHED URANIUM BY THE RUSSIAN FEDERATION. The USEC Privatization Act (42 U.S.C. 2297h et seq.) is amended—

(1) in section 3102, by striking ''For purposes'' and inserting ''Except as provided in section 3112A, for purposes''; and

(2) by inserting after section 3112 the following:

''SEC. 3112A. INCENTIVES FOR ADDITIONAL DOWNBLENDING OF HIGHLY ENRICHED URANIUM BY THE RUSSIAN FEDERATION.

''(a) DEFINITIONS.—In this section:

''(1) COMPLETION OF THE RUSSIAN HEU AGREEMENT.—The term 'completion of the Russian HEU Agreement' means the importation into the United States from the Russian Federation pursuant to the Russian HEU Agreement of uranium derived from the downblending of not less than 500 metric tons of highly enriched uranium of weapons origin.

''(2) DOWNBLENDING.—The term 'downblending' means processing highly enriched uranium into a uranium product in any form in which the uranium contains less than 20 percent uranium-235.

''(3) HIGHLY ENRICHED URANIUM.—The term 'highly enriched uranium' has the meaning given that term in section 3102(4).

''(4) HIGHLY ENRICHED URANIUM OF WEAPONS ORIGIN.—The term 'highly enriched uranium of weapons origin' means highly enriched uranium that—

''(A) contains 90 percent or more uranium-235; and

''(B) is verified by the Secretary of Energy to be of weapons origin.

''(5) LOW-ENRICHED URANIUM.—The term 'low-enriched uranium' means a uranium product in any form, including uranium hexafluoride (UF_6) and uranium oxide (UO_2), in which the uranium contains less than 20 percent uranium-235, including natural uranium, without regard to whether the uranium is incorporated into fuel rods or complete fuel assemblies.

''(6) RUSSIAN HEU AGREEMENT.—The term 'Russian HEU Agreement' has the meaning given that term in section 3102(11).

''(7) URANIUM-235.—The term 'uranium-235' means the isotope ^{235}U.

''(b) STATEMENT OF POLICY.—It is the policy of the United States to support the continued downblending of highly enriched uranium of weapons origin in the Russian Federation in order to protect the essential security interests of the United States with respect to the nonproliferation of nuclear weapons.

''(c) PROMOTION OF DOWNBLENDING OF RUSSIAN HIGHLY ENRICHED URANIUM.—

''(1) COMPLETION OF THE RUSSIAN HEU AGREEMENT.—Prior to the completion of the Russian HEU Agreement, the importation into the United States of low-enriched uranium, including low-enriched uranium obtained under contracts for separative work units, that is produced in the Russian Federation and is not imported pursuant to the Russian HEU Agreement, may not exceed the following amounts:

''(A) In the 4-year period beginning with calendar year 2008, 16,559 kilograms.

''(B) In calendar year 2012, 24,839 kilograms.

''(C) In calendar year 2013 and each calendar year thereafter through the calendar year of the completion of the Russian HEU Agreement, 41,398 kilograms.

''(2) INCENTIVES TO CONTINUE DOWNBLENDING RUSSIAN HIGHLY ENRICHED URANIUM AFTER THE COMPLETION OF THE RUSSIAN HEU AGREEMENT.—

''(A) IN GENERAL.—After the completion of the Russian HEU Agreement, the importation into the United States of low-enriched uranium, including low-enriched uranium obtained under contracts for separative work units, that is produced in the Russian Federation, whether or not such low-enriched uranium is derived from highly enriched uranium of weapons origin, may not exceed—

''(i) in calendar year 2014, 485,279 kilograms;

''(ii) in calendar year 2015, 455,142 kilograms;

''(iii) in calendar year 2016, 480,146 kilograms;

''(iv) in calendar year 2017, 490,710 kilograms;

''(v) in calendar year 2018, 492,731 kilograms;

''(vi) in calendar year 2019, 509,058 kilograms; and

''(vii) in calendar year 2020, 514,754 kilograms.

''(B) ADDITIONAL IMPORTS IN EXCHANGE FOR A COMMITMENT TO DOWNBLEND AN ADDITIONAL 300 METRIC TONS OF HIGHLY ENRICHED URANIUM.—

''(i) IN GENERAL.—In addition to the amount authorized to be imported under subparagraph (A) and except as provided in clause (ii), if the Russian Federation enters into a bilateral agreement with the United States under which the Russian Federation agrees to downblend an additional 300 metric tons of highly enriched uranium after the completion of the Russian HEU Agreement, 4 kilograms of low-enriched uranium, whether or not such low-enriched uranium is derived from highly enriched uranium of weapons origin and including low-enriched uranium obtained under contracts for separative work units, may be imported in a calendar year for every 1 kilogram of Russian highly enriched uranium of weapons origin that was downblended in the preceding calendar year, subject to the verification of the Secretary of Energy under paragraph (10).

''(ii) MAXIMUM ANNUAL IMPORTS.—Not more than 120,000 kilograms of low-enriched uranium may be imported in a calendar year under clause (i).

''(3) EXCEPTIONS.—The import limitations described in paragraphs (1) and (2) shall not apply to low-enriched uranium produced in the Russian Federation that is imported into the United States—

''(A) for use in the initial core of a new nuclear reactor;

''(B) for processing and to be certified for reexportation and not for consumption in the United States; or

''(C) to be added to the inventory of the Department of Energy.

''(4) LIMITED WAIVER AUTHORITY.—

''(A) IN GENERAL.—Notwithstanding paragraph (1)(C), if the completion of the Russian HEU Agreement does not occur before December 31, 2013, the import limitations under paragraph (1)(C) shall be waived, and low-enriched uranium may be imported into the United States in the quantities specified in paragraph (2) in a calendar year after 2013, if—

''(i) the Secretary of Energy and the Secretary of State jointly determine that—

''(I) the failure of the completion of the Russian HEU Agreement arises from causes beyond the control and without the fault or negligence of the Government of the Russian Federation; and

''(II) the Government of the Russian Federation has made reasonable efforts to avoid and mitigate the effects of the failure of the

completion of the Russian HEU Agreement; and

''(ii) the Secretary of Energy and the Secretary of State jointly notify Congress of, and publish in the Federal Register, the determination under clause (i) and the reasons for the determination.

''(B) NOTICE AND WAIT.—A waiver under subparagraph (A) may not take effect until the date that is 180 days after the date on which Secretary of Energy and the Secretary of State notify Congress under subparagraph (A)(ii).

''(C) TERMINATION.—A waiver under subparagraph (A) shall terminate on December 31 of the calendar year with respect to which the Secretary makes the determination under subparagraph (A)(i).

''(5) ADJUSTMENTS TO IMPORT LIMITATIONS.—

''(A) IN GENERAL.—The import limitations described in paragraph (2)(A) are based on the reference data in the 2005 Market Report on the Global Nuclear Fuel Market Supply and Demand 2005–2030 of the World Nuclear Association. In each of calendar years 2016 and 2019, the Secretary of Commerce shall review the projected demand for uranium for nuclear reactors in the United States and adjust the import limitations described in paragraph (2)(A) to account for changes in such demand in years after the year in which that report or a subsequent report is published.

''(B) INCENTIVE ADJUSTMENT.—Beginning in the second calendar year after the calendar year of the completion of the Russian HEU Agreement, the Secretary of Energy shall increase or decrease the amount of low-enriched uranium that may be imported in a calendar year under paragraph (2)(B) (including the amount of low-enriched uranium that may be imported for each kilogram of highly enriched uranium downblended under paragraph (2)(B)(i)) by a percentage equal to the percentage increase or decrease, as the case may be, in the average amount of uranium loaded into nuclear power reactors in the United States in the most recent 3-calendar-year period for which data are available, as reported by the Energy Information Administration of the Department of Energy, compared to the average amount of uranium loaded into such reactors during the 3-calendar-year period beginning on January 1, 2011, as reported by the Energy Information Administration.

''(C) PUBLICATION OF ADJUSTMENTS.—As soon as practicable, but not later than July 31 of each calendar year, the Secretary of Energy shall publish in the Federal Register the amount of low-enriched uranium that may be imported in the current calendar year after the adjustments under subparagraph (B).

''(6) AUTHORITY FOR ADDITIONAL ADJUSTMENT.—In addition to the adjustment under paragraph (5)(A), the Secretary of Commerce may adjust the import limitations under paragraph (2)(A) for a calendar year if the Secretary—

''(A) in consultation with the Secretary of Energy, determines that the available supply of low-enriched uranium and the available stockpiles of uranium of the Department of Energy are insufficient to meet demand in the United States in the following calendar year; and

''(B) notifies Congress of the adjustment not less than 45 days before making the adjustment.

''(7) EQUIVALENT QUANTITIES OF LOW-ENRICHED URANIUM IMPORTS.—

''(A) IN GENERAL.—The import limitations described in paragraphs (1) and (2) are expressed in terms of uranium containing 4.4 percent uranium-235 and a tails assay of 0.3 percent.

''(B) ADJUSTMENT FOR OTHER URANIUM.—Imports of low-enriched uranium under paragraphs (1) and (2), including low-enriched uranium obtained under contracts for separative work units, shall count against the import limitations described in such paragraphs in amounts calculated as the quantity of low-enriched uranium containing 4.4 percent uranium-235 necessary to equal the total amount of uranium-235 contained in such imports.

''(8) DOWNBLENDING OF OTHER HIGHLY ENRICHED URANIUM.—

''(A) IN GENERAL.—The downblending of highly enriched uranium not of weapons origin may be counted for purposes of paragraph (2)(B), subject to verification under paragraph (10), if the Secretary of Energy determines that the highly enriched uranium to be downblended poses a risk to the national security of the United States.

''(B) EQUIVALENT QUANTITIES OF HIGHLY ENRICHED URANIUM.—For purposes of determining the additional low-enriched uranium imports allowed under paragraph (2)(B), highly enriched uranium not of weapons origin downblended pursuant to subparagraph (A) shall count as downblended highly enriched uranium of weapons origin in amounts calculated as the quantity of highly enriched uranium containing 90 percent uranium-235 necessary to equal the total amount of uranium-235 contained in the highly enriched uranium not of weapons origin downblended pursuant to subparagraph (A).

''(9) TERMINATION OF IMPORT RESTRICTIONS.—The provisions of this subsection shall terminate on December 31, 2020.

''(10) TECHNICAL VERIFICATIONS BY SECRETARY OF ENERGY.—

''(A) IN GENERAL.—The Secretary of Energy shall verify the origin, quantity, and uranium-235 content of the highly enriched uranium downblended for purposes of paragraphs (2)(B) and (8).

''(B) METHODS OF VERIFICATION.—In conducting the verification required under subparagraph (A), the Secretary of Energy shall employ the transparency measures and access provisions agreed to under the Russian HEU Agreement for monitoring the downblending of Russian highly enriched uranium of weapons origin and such other methods as the Secretary determines appropriate.

''(11) ENFORCEMENT OF IMPORT LIMITATIONS.—The Secretary of Commerce shall be responsible for enforcing the import limitations imposed under this subsection and shall enforce such import limitations in a manner that imposes a minimal burden on the commercial nuclear industry.

''(12) EFFECT ON OTHER AGREEMENTS.—

''(A) RUSSIAN HEU AGREEMENT.—Nothing in this section shall be construed to modify the terms of the Russian HEU Agreement, including the provisions of the Agreement relating to the amount of low-enriched uranium that may be imported into the United States.

''(B) OTHER AGREEMENTS.—If a provision of any agreement between the United States and the Russian Federation, other than the Russian HEU Agreement, relating to the importation of low-enriched uranium, including low-enriched uranium obtained under contracts for separative work units, into the United States conflicts with a provision of this section, the provision of this section shall supersede the provision of the agreement to the extent of the conflict.''.

SEC. 8119. The amounts appropriated in title II of this Act are hereby reduced by $859,000,000 to reflect excess cash balances in Department of Defense Working Capital Funds, as follows:

(1) From ''Operation and Maintenance, Army'', $823,000,000; and

(2) From ''Operation and Maintenance, Air Force'', $36,000,000.

This division may be cited as the ''Department of Defense Appropriations Act, 2009''.

DIVISION D—DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2009

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Homeland Security for the fiscal year ending September 30, 2009, and for other purposes, namely:

TITLE I
DEPARTMENTAL MANAGEMENT AND OPERATIONS

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

For necessary expenses of the Office of the Secretary of Homeland Security, as authorized by section 102 of the Homeland Security Act of 2002 (6 U.S.C. 112), and executive management of the Department of Homeland Security, as authorized by law, $123,456,000: *Provided*, That not to exceed $60,000 shall be for official reception and representation expenses, of which $20,000 shall be made available to the Office of Policy solely to host Visa Waiver Program negotiations in Washington, DC: *Provided further*, That within 15 days after the end of each quarter of the fiscal year, the Secretary shall submit to the Committees on Appropriations of the Senate and House of Representatives and to the Government Accountability Office a report of each instance where a request by the Government Accountability Office for access to Department of Homeland Security records was not granted within 20 calendar days and Government Accountability Office requests for interviews with Department of Homeland Security employees were not granted within seven calendar days: *Provided further*, That $15,000,000 shall not be available for obligation until the second quarterly report detailed in the previous proviso is submitted to the Committees on Appropriations of the Senate and House of Representatives: *Provided further*, That $10,000,000 shall not be available for obligation until the Secretary of Homeland Security, in coordination with the Administrator of the Federal Emergency Management Agency, certifies to the Committees on Appropriations of the Senate and the House of Representatives that processes to incorporate stakeholder input for grant guidance development and award distribution have been: (1) developed to ensure transparency and increased consultation about security needs for all-hazards; (2) formalized and made clear to stakeholders; and (3) formalized to ensure future use for each fiscal year.

OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

For necessary expenses of the Office of the Under Secretary for Management, as authorized by sections 701 through 705 of the Homeland Security Act of 2002 (6 U.S.C. 341 through 345), $191,793,000, of which not to exceed $3,000 shall be for official reception and representation expenses: *Provided*, That of the total amount, $6,000,000 shall remain available until expended solely for the alteration and improvement of facilities, tenant improvements, and relocation costs to consolidate Department headquarters operations at the Nebraska Avenue Complex; and $17,131,000 shall remain available until expended for the Human Resources Information Technology program.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, as authorized by section 103 of the Homeland Security Act of 2002

(6 U.S.C. 113), $55,235,000, of which $11,000,000 shall remain available until expended for financial systems consolidation efforts.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), and Department-wide technology investments, $272,169,000; of which $86,928,000 shall be available for salaries and expenses; and of which $185,241,000, to remain available until expended, shall be available for development and acquisition of information technology equipment, software, services, and related activities for the Department of Homeland Security, of which not less than $23,830,000 shall be available for data center development and an additional $22,300,000 shall be available to support costs of transition to the National Center for Critical Information Processing and Storage: *Provided*, That $100,000,000 of the total amount appropriated under this heading shall not be available for obligation until the Committees on Appropriations of the Senate and the House of Representatives receive the report on data center transition: *Provided further*, That none of the funds appropriated shall be used to support or supplement the appropriations provided for the United States Visitor and Immigrant Status Indicator Technology project or the Automated Commercial Environment: *Provided further*, That the Chief Information Officer shall submit to the Committees on Appropriations of the Senate and the House of Representatives, not more than 60 days after the date of enactment of this Act, an expenditure plan for all information technology acquisition projects that: (1) are funded under this heading; or (2) are funded by multiple components of the Department of Homeland Security through reimbursable agreements: *Provided further*, That such expenditure plan shall include each specific project funded, key milestones, all funding sources for each project, details of annual and lifecycle costs, and projected cost savings or cost avoidance to be achieved by the project.

ANALYSIS AND OPERATIONS

For necessary expenses for information analysis and operations coordination activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), $327,373,000, of which not to exceed $5,000 shall be for official reception and representation expenses; and of which $215,745,000 shall remain available until September 30, 2010.

OFFICE OF THE FEDERAL COORDINATOR FOR GULF COAST REBUILDING

For necessary expenses of the Office of the Federal Coordinator for Gulf Coast Rebuilding, $1,900,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $98,513,000, of which not to exceed $150,000 may be used for certain confidential operational expenses, including the payment of informants, to be expended at the direction of the Inspector General.

TITLE II

SECURITY, ENFORCEMENT, AND INVESTIGATIONS

U.S. CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For necessary expenses for enforcement of laws relating to border security, immigration, customs, agricultural inspections and regulatory activities related to plant and animal imports, and transportation of unaccompanied minor aliens; purchase and lease of up to 6,300 (3,300 for replacement only) police-type vehicles; and contracting with individuals for personal services abroad; $7,603,206,000, of which $3,154,000 shall be derived from the Harbor Maintenance Trust Fund for administrative expenses related to the collection of the Harbor Maintenance Fee pursuant to section 9505(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 9505(c)(3)) and notwithstanding section 1511(e)(1) of the Homeland Security Act of 2002 (6 U.S.C. 551(e)(1)); of which not to exceed $45,000 shall be for official reception and representation expenses; of which not less than $271,679,000 shall be for Air and Marine Operations; of which $4,500,000 shall be for the 2010 Olympics Coordination Center, of which not to exceed $2,000,000 shall be available until September 30, 2010; of which $2,000,000 shall be for Project SeaHawk; of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account; of which not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations; and of which not to exceed $1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security: *Provided*, That for fiscal year 2009, the overtime limitation prescribed in section 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 267(c)(1)) shall be $35,000; and notwithstanding any other provision of law, none of the funds appropriated by this Act may be available to compensate any employee of U.S. Customs and Border Protection for overtime, from whatever source, in an amount that exceeds such limitation, except in individual cases determined by the Secretary of Homeland Security, or the designee of the Secretary, to be necessary for national security purposes, to prevent excessive costs, or in cases of immigration emergencies: *Provided further*, That no funding available under this heading may be obligated for the operation of the Analytical Framework for Intelligence Officers until the Commissioner of U.S. Customs and Border Protection certifies that this Framework complies with all applicable laws, including section 552a of title 5, United States Code, and other laws protecting privacy, and such certification is reviewed by the Inspector General of the Department of Homeland Security: *Provided further*, That the Commissioner shall submit to the Committees on Appropriations of the Senate and the House of Representatives the results of operational field testing of cargo container security devices in high risk trade lanes no later than 120 days after the date of enactment of this Act.

AUTOMATION MODERNIZATION

For expenses for U.S. Customs and Border Protection automated systems, $511,334,000, to remain available until expended, of which not less than $316,851,000 shall be for the development of the Automated Commercial Environment: *Provided*, That of the total amount made available under this heading, $216,851,000 may not be obligated for the Automated Commercial Environment program until 30 days after the Committees on Appropriations of the Senate and the House of Representatives receive a report on the results to date and plans for the program from the Department of Homeland Security.

BORDER SECURITY FENCING, INFRASTRUCTURE, AND TECHNOLOGY

For expenses for customs and border protection fencing, infrastructure, and technology, $775,000,000, to remain available until expended: *Provided*, That of the amount provided under this heading, $400,000,000 shall not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure, prepared by the Secretary of Homeland Security and submitted not later than 90 days after the date of the enactment of this Act, for a program to establish and maintain a security barrier along the borders of the United States of fencing and vehicle barriers, where practicable, and other forms of tactical infrastructure and technology, that includes the following—

(1) a detailed accounting of the program's implementation to date for all investments, including technology and tactical infrastructure, for funding already expended relative to system capabilities or services, system performance levels, mission benefits and outcomes, milestones, cost targets, program management capabilities, identification of the maximum investment, including life cycle costs, related to the Secure Border Initiative program or any successor program, and description of the methodology used to obtain these cost figures;

(2) a description of how specific projects will further the objectives of the Secure Border Initiative, as defined in the Department of Homeland Security Secure Border Plan, and how the expenditure plan allocates funding to the highest priority border security needs;

(3) an explicit plan of action defining how all funds are to be obligated to meet future program commitments, with the planned expenditure of funds linked to the milestone-based delivery of specific capabilities, services, performance levels, mission benefits and outcomes, and program management capabilities;

(4) an identification of staffing, including full-time equivalents, contractors, and detailees, by program office;

(5) a description of how the plan addresses security needs at the Northern border and ports of entry, including infrastructure, technology, design and operations requirements, specific locations where funding would be used, and priorities for Northern border activities;

(6) a report on budget, obligations and expenditures, the activities completed, and the progress made by the program in terms of obtaining operational control of the entire border of the United States;

(7) a listing of all open Government Accountability Office and the Office of Inspector General recommendations related to the program and the status of Department of Homeland Security actions to address the recommendations, including milestones to fully address such recommendations;

(8) a certification by the Chief Procurement Officer of the Department that the program: (a) has been reviewed and approved in accordance with the investment management process of the Department, and that the process fulfills all capital planning and investment control requirements and reviews established by the Office of Management and Budget, including as provided in Circular A–11, part 7; (b) that the plans for the program comply with the Federal acquisition rules, requirements, guidelines, and practices, and a description of the actions being taken to address areas of non-compliance, the risks associated with such actions, together with any plans for addressing these risks, and the status of the implementation of such actions; (c) that procedures to prevent conflicts of interest between the prime integrator and major subcontractors are established and that the Secure Border Initiative Program Office has adequate staff and resources to effectively manage the Secure Border Initiative program, all contracts, including the exercise of technical oversight; and (d) the certifications required under this

paragraph should be accompanied by all documents or memoranda, as well as documentation and a description of the investment review processes used to obtain such certifications;

(9) a certification by the Chief Information Officer of the Department that: (a) the system architecture of the program is sufficiently aligned with the information systems enterprise architecture of the Department to minimize future rework, including a description of all aspects of the architectures that were or were not assessed in making the alignment determination, the date of the alignment determination, and any known areas of misalignment together with the associated risks and corrective actions to address any such areas; (b) the program has a risk management process that regularly and proactively identifies, evaluates, mitigates, and monitors risks throughout the system life cycle and communicates high-risk conditions to U.S. Customs and Border Protection and Department of Homeland Security investment decision-makers, as well as a listing of all the program's high risks and the status of efforts to address such risks; (c) an independent verification and validation agent is currently under contract for the projects funded under this heading; and (d) the certification required under this paragraph should be accompanied by all documents or memoranda, as well as documentation and a description of the investment review processes used to obtain such certification;

(10) a certification by the Chief Human Capital Officer of the Department that the human capital needs of the Secure Border Initiative program are being addressed so as to ensure adequate staff and resources to effectively manage the Secure Border Initiative, together with a description of SBI staffing priorities;

(11) an analysis by the Secretary for each segment, defined as not more than 15 miles, of fencing or tactical infrastructure, of the selected approach compared to other, alternative means of achieving operational control, and such analysis should include cost, level of operational control, possible unintended effects on communities, and other factors critical to the decision making process; and

(12) is reviewed by the Government Accountability Office:

Provided further, That the Secretary shall report to the Committees on Appropriations of the Senate and the House of Representatives on program progress, and obligations and expenditures for all outstanding task orders as well as specific objectives to be achieved through the award of current and remaining task orders planned for the balance of available appropriations at least 15 days before the award of any task order requiring an obligation of funds in an amount greater than $25,000,000 and before the award of a task order that would cause cumulative obligations of funds to exceed 50 percent of the total amount appropriated: *Provided further*, That none of the funds provided under this heading may be obligated unless the Department has complied with section 102(b)(1)(C)(i) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note), and the Secretary certifies such to the Committees on Appropriations of the Senate and the House of Representatives: *Provided further*, That none of the funds under this heading may be obligated for any project or activity for which the Secretary has exercised waiver authority pursuant to section 102(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note) until 15 days have elapsed from the date of the publication of the decision in the Federal Register: *Provided further*, That notwithstanding the previous provisos, $100,000,000 of the amount provided under this heading shall be made available for obligation upon enactment of this Act without restriction.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For necessary expenses for the operations, maintenance, and procurement of marine vessels, aircraft, unmanned aircraft systems, and other related equipment of the air and marine program, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs, the operations of which include the following: the interdiction of narcotics and other goods; the provision of support to Federal, State, and local agencies in the enforcement or administration of laws enforced by the Department of Homeland Security; and at the discretion of the Secretary, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts, $528,000,000, to remain available until expended, of which $5,000,000 shall be to address private aircraft enforcement system noncompliance as specified in House Report 110–862: *Provided*, That no aircraft or other related equipment, with the exception of aircraft that are one of a kind and have been identified as excess to U.S. Customs and Border Protection requirements and aircraft that have been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of Homeland Security during fiscal year 2009 without the prior approval of the Committees on Appropriations of the Senate and the House of Representatives: *Provided further*, That of the total amount made available under this heading, $18,000,000 shall not be obligated until the Secretary notifies the Committees on Appropriations of the Senate and House of Representatives that the Department of Homeland Security has implemented the concept of operations described in section 544 of this Act.

CONSTRUCTION

For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs and immigration, $403,201,000, to remain available until expended, of which $39,700,000 shall be for the Advanced Training Center: *Provided*, That for fiscal year 2010 and thereafter, the annual budget submission of U.S. Customs and Border Protection for ''Construction'' shall, in consultation with the General Services Administration, include a detailed 5-year plan for all Federal land border port of entry projects with a yearly update of total projected future funding needs.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For necessary expenses for enforcement of immigration and customs laws, detention and removals, and investigations; and purchase and lease of up to 3,790 (2,350 for replacement only) police-type vehicles; $4,927,210,000, of which not to exceed $7,500,000 shall be available until expended for conducting special operations under section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081); of which not to exceed $15,000 shall be for official reception and representation expenses; of which not to exceed $1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security; of which not less than $305,000 shall be for promotion of public awareness of the child pornography tipline and anti-child exploitation activities; of which not less than $5,400,000 shall be used to facilitate agreements consistent with section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)); and of which not to exceed $11,216,000 shall be available to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled aliens unlawfully present in the United States: *Provided*, That none of the funds made available under this heading shall be available to compensate any employee for overtime in an annual amount in excess of $35,000, except that the Secretary, or the designee of the Secretary, may waive that amount as necessary for national security purposes and in cases of immigration emergencies: *Provided further*, That of the total amount provided, $15,770,000 shall be for activities in fiscal year 2009 to enforce laws against forced child labor, of which not to exceed $6,000,000 shall remain available until expended: *Provided further*, That of the total amount available, not less than $1,000,000,000, of which $150,000,000 shall remain available until September 30, 2010, shall be available to identify aliens convicted of a crime, and who may be deportable, and to remove them from the United States once they are judged deportable: *Provided further*, That the Secretary, or the designee of the Secretary, shall report to the Committees on Appropriations of the Senate and the House of Representatives, at least quarterly, on progress implementing the preceding proviso, and the funds obligated during that quarter to make that progress: *Provided further*, That the Secretary shall prioritize the identification and removal of aliens convicted of a crime by the severity of that crime: *Provided further*, That of the total amount provided, not less than $2,481,213,000 is for detention and removal operations, including transportation of unaccompanied minor aliens: *Provided further*, That of the total amount provided, $6,800,000 shall remain available until September 30, 2010, for the Visa Security Program: *Provided further*, That none of the funds provided under this heading may be used to continue a delegation of law enforcement authority authorized under section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) if the Department of Homeland Security Inspector General determines that the terms of the agreement governing the delegation of authority have been violated: *Provided further*, That effective April 15, 2009, none of the funds provided under this heading may be used to continue any contract for the provision of detention services if the two most recent overall performance evaluations received by the contracted facility are less than ''adequate'' or the equivalent median score in any subsequent performance evaluation system: *Provided further*, That the Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives, not later than January 5, 2009, a plan for nationwide implementation of the Alternatives to Detention program that identifies: (1) the funds required for nationwide program implementation; (2) the timeframe for achieving nationwide program implementation; and (3) an estimate of the number of individuals who could be enrolled in a nationwide program: *Provided further*, That nothing under this heading shall prevent U.S. Immigration and Customs Enforcement from exercising those authorities provided under immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))) during priority operations pertaining to aliens convicted of a crime.

FEDERAL PROTECTIVE SERVICE

The revenues and collections of security fees credited to this account shall be available until expended for necessary expenses related to the protection of federally-owned and leased buildings and for the operations of the Federal Protective Service: *Provided*, That the Secretary of Homeland Security and the Director of the Office of Management and Budget shall certify in writing to the Committees on Appropriations of the Senate and the House of Representatives no later than December 31, 2008, that the operations of the Federal Protective Service will be fully funded in fiscal year 2009 through revenues and collection of security fees, and shall adjust the fees to ensure fee collections are sufficient to ensure that the Federal Protective Service maintains not fewer than 1,200 full-time equivalent staff and 900 full-time equivalent Police Officers, Inspectors, Area Commanders, and Special Agents who, while working, are directly engaged on a daily basis protecting and enforcing laws at Federal buildings (referred to as ''in-service field staff'').

AUTOMATION MODERNIZATION

For expenses of immigration and customs enforcement automated systems, $57,000,000, to remain available until expended: *Provided*, That of the funds made available under this heading, $5,000,000 shall not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive an expenditure plan prepared by the Secretary of Homeland Security.

CONSTRUCTION

For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs and immigration, $5,000,000, to remain available until expended: *Provided*, That none of the funds made available under this heading may be used to solicit or consider any request to privatize facilities currently owned by the United States Government and used to detain aliens unlawfully present in the United States until the Committees on Appropriations of the Senate and the House of Representatives receive a plan for carrying out that privatization.

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Transportation Security Administration related to providing civil aviation security services pursuant to the Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 597; 49 U.S.C. 40101 note), $4,754,518,000, to remain available until September 30, 2010, of which not to exceed $10,000 shall be for official reception and representation expenses: *Provided*, That of the total amount made available under this heading, not to exceed $3,935,710,000 shall be for screening operations, of which $621,106,000 shall be available for explosives detection systems; and not to exceed $798,808,000 shall be for aviation security direction and enforcement: *Provided further*, That of the amount made available in the preceding proviso for explosives detection systems, $294,000,000 shall be available for the purchase and installation of these systems, of which not less than $84,500,000 shall be available for the purchase and installation of certified explosives detection systems at medium- and small-sized airports: *Provided further*, That the purchase of screening equipment for medium- and small-sized airports must be competitively awarded: *Provided further*, That any award to deploy explosives detection systems shall be based on risk, the airports current reliance on other screening solutions, lobby congestion resulting in increased security concerns, high injury rates, airport readiness, and increased cost effectiveness: *Provided further*, That security service fees authorized under section 44940 of title 49, United States Code, shall be credited to this appropriation as offsetting collections and shall be available only for aviation security: *Provided further*, That any funds collected and made available from aviation security fees pursuant to section 44940(i) of title 49, United States Code, may, notwithstanding paragraph (4) of such section 44940(i), be expended for the purpose of improving screening at airport screening checkpoints, which may include the purchase and utilization of emerging technology equipment; the refurbishment and replacement of current equipment; the installation of surveillance systems to monitor checkpoint activities; the modification of checkpoint infrastructure to support checkpoint reconfigurations; and the creation of additional checkpoints to screen aviation passengers and airport personnel: *Provided further*, That of the amounts provided under this heading, $20,000,000 may be transferred to the ''Surface Transportation Security'', ''Transportation Threat Assessment and Credentialing'', and ''Transportation Security Support'' appropriations in this Act for the purpose of implementing regulations and activities authorized in the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53): *Provided further*, That the sum appropriated under this heading from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2009, so as to result in a final fiscal year appropriation from the general fund estimated at not more than $2,434,518,000: *Provided further*, That any security service fees collected in excess of the amount made available under this heading shall become available during fiscal year 2010: *Provided further*, That Members of the United States House of Representatives and United States Senate, including the leadership; the heads of Federal agencies and commissions, including the Secretary, Under Secretaries, and Assistant Secretaries of the Department of Homeland Security; the United States Attorney General and Assistant Attorneys General and the United States attorneys; and senior members of the Executive Office of the President, including the Director of the Office of Management and Budget; shall not be exempt from Federal passenger and baggage screening.

SURFACE TRANSPORTATION SECURITY

For necessary expenses of the Transportation Security Administration related to providing surface transportation security activities, $49,606,000, to remain available until September 30, 2010.

TRANSPORTATION THREAT ASSESSMENT AND CREDENTIALING

For necessary expenses for the development and implementation of screening programs of the Office of Transportation Threat Assessment and Credentialing, $116,018,000, to remain available until September 30, 2010: *Provided*, That if the Assistant Secretary of Homeland Security (Transportation Security Administration) determines that the Secure Flight program does not need to check airline passenger names against the full terrorist watch list, the Assistant Secretary shall certify to the Committees on Appropriations of the Senate and the House of Representatives that no significant security risks are raised by screening airline passenger names only against a subset of the full terrorist watch list.

TRANSPORTATION SECURITY SUPPORT

For necessary expenses of the Transportation Security Administration related to providing transportation security support and intelligence pursuant to the Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 597; 49 U.S.C. 40101 note), $947,735,000, to remain available until September 30, 2010: *Provided*, That of the funds appropriated under this heading, $20,000,000 may not be obligated for headquarters administration until the Secretary of Homeland Security submits to the Committees on Appropriations of the Senate and the House of Representatives detailed expenditure plans for checkpoint support and explosives detection systems refurbishment, procurement, and installations on an airport-by-airport basis for fiscal year 2009: *Provided further*, That these plans shall be submitted no later than 60 days after the date of enactment of this Act.

FEDERAL AIR MARSHALS

For necessary expenses of the Federal Air Marshals, $819,481,000.

COAST GUARD

OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase or lease of not to exceed 25 passenger motor vehicles, which shall be for replacement only; for purchase or lease of small boats for contingent and emergent requirements (at a unit cost of no more than $700,000) and for repairs and service-life replacements, not to exceed a total of $26,000,000; minor shore construction projects not exceeding $1,000,000 in total cost at any location; payments pursuant to section 156 of Public Law 97–377 (42 U.S.C. 402 note; 96 Stat. 1920); and recreation and welfare; $6,194,925,000, of which $340,000,000 shall be for defense-related activities; of which $24,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); of which not to exceed $20,000 shall be for official reception and representation expenses; and of which $3,600,000 shall be available until expended for the cost of repairing, rehabilitating, altering, modifying, and making improvements, including customized tenant improvements, to any replacement or expanded Operations Systems Center facility: *Provided*, That none of the funds made available by this or any other Act shall be available for administrative expenses in connection with shipping commissioners in the United States: *Provided further*, That none of the funds made available by this Act shall be for expenses incurred for recreational vessels under section 12114 of title 46, United States Code, except to the extent fees are collected from yacht owners and credited to this appropriation: *Provided further*, That the Commandant shall submit a financial management improvement plan that has been reviewed by the Inspector General of the Department of Homeland Security containing yearly, measurable milestones, to the Committees on Appropriations of the Senate and the House of Representatives by December 1, 2008: *Provided further*, That the Coast Guard shall comply with the requirements of section 527 of Public Law 108-136 with respect to the Coast Guard Academy: *Provided further*, That notwithstanding section 503 of this Act, amounts not to exceed 5 percent of the total amount appropriated under this heading may be transferred to the ''Acquisition, Construction, and Improvements'' appropriation, to be available under the terms and conditions applicable to that appropriation, and to be available for personnel compensation and benefits and related costs to adjust personnel assignment to accelerate management and oversight of new or existing projects without detrimentally affecting the management and

oversight of other projects: *Provided further*, That the amount made available for ''Personnel, Compensation, and Benefits'' in the ''Acquisition, Construction, and Improvements'' appropriation shall not be increased by more than 10 percent by such transfers: *Provided further*, That the Committees on Appropriations of the Senate and the House of Representatives shall be notified of each transfer within 10 days after it is executed.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the environmental compliance and restoration functions of the Coast Guard under chapter 19 of title 14, United States Code, $13,000,000, to remain available until expended.

RESERVE TRAINING

For necessary expenses of the Coast Guard Reserve, as authorized by law; operations and maintenance of the reserve program; personnel and training costs; and equipment and services; $130,501,000.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto; and maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law; $1,494,576,000, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); of which $113,000,000 shall be available until September 30, 2013, to acquire, repair, renovate, or improve vessels, small boats, and related equipment; of which $89,174,000 shall be available until September 30, 2011, for other equipment; of which $68,000,000 shall be available until September 30, 2011, for shore facilities and aids to navigation facilities, including $3,000,000 for Sector Buffalo and $15,000,000 for the Rescue Swimmer Training Facility; of which $92,830,000 shall be available for personnel compensation and benefits and related costs; of which $97,578,000 shall be available until expended for a new Coast Guard and Department of Homeland Security headquarters; and of which $1,033,994,000 shall be available until September 30, 2013, for the Integrated Deepwater Systems program: *Provided*, That of the funds made available for the Integrated Deepwater Systems program, $244,550,000 is for aircraft and $571,003,000 is for surface ships: *Provided further*, That $350,000,000 of the funds provided for the Integrated Deepwater Systems program may not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive directly from the Coast Guard and approve a plan for expenditure that—

(1) defines activities, milestones, yearly costs, and life cycle costs for each new procurement of a major asset, including an independent cost estimate for each;

(2) identifies life cycle staffing and training needs of Coast Guard project managers and procurement and contract staff;

(3) identifies competition to be conducted in, and summarizes the approved acquisition strategy for, each procurement;

(4) includes a certification by the Chief Human Capital Officer of the Department of Homeland Security that current human capital capabilities are sufficient to execute the expenditure plan;

(5) includes an explanation of each procurement that involves an indefinite delivery/indefinite quantity contract and explains the need for such contract;

(6) identifies individual project balances by fiscal year, including planned carryover into fiscal year 2010 by project;

(7) identifies operational gaps by asset and explains how funds provided in this Act address the shortfalls between current operational capabilities and requirements;

(8) includes a listing of all open Government Accountability Office and Office of Inspector General recommendations related to the program and the status of Coast Guard actions to address the recommendations, including milestones for fully addressing them;

(9) includes a certification by the Chief Procurement Officer of the Department that the program has been reviewed and approved in accordance with the investment management process of the Department, and that the process fulfills all capital planning and investment control requirements and reviews established by the Office of Management and Budget, including Circular A–11, part 7;

(10) identifies use of the Defense Contract Audit Agency;

(11) includes a certification by the head of contracting activity for the Coast Guard and the Chief Procurement Officer of the Department that the plans for the program comply with the Federal acquisition rules, requirements, guidelines, and practices, and a description of the actions being taken to address areas of non-compliance, the risks associated with them along with plans for addressing these risks, and the status of their implementation;

(12) identifies the use of independent validation and verification; and

(13) is reviewed by the Government Accountability Office:

Provided further, That no funding may be obligated for low rate initial production or initial production of any Integrated Deepwater Systems program asset until Coast Guard revises its Major Systems Acquisition Manual procedures to require a formal design review prior to the authorization of low rate initial production or initial production: *Provided further*, That the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives, in conjunction with the President's fiscal year 2010 budget, a review of the Revised Deepwater Implementation Plan that identifies any changes to the plan for the fiscal year; an annual performance comparison of Integrated Deepwater Systems program assets to pre-Deepwater legacy assets; a status report of legacy assets; a detailed explanation of how the costs of legacy assets are being accounted for within the Integrated Deepwater Systems program; and the earned value management system gold card data for each Integrated Deepwater Systems program asset: *Provided further*, That the Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives a comprehensive review of the Revised Deepwater Implementation Plan every 5 years, beginning in fiscal year 2011, that includes a complete projection of the acquisition costs and schedule for the duration of the plan through fiscal year 2027: *Provided further*, That the Secretary shall annually submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time that the President's budget is submitted under section 1105(a) of title 31, United States Code, a future-years capital investment plan for the Coast Guard that identifies for each capital budget line item—

(1) the proposed appropriation included in that budget;

(2) the total estimated cost of completion;

(3) projected funding levels for each fiscal year for the next 5 fiscal years or until project completion, whichever is earlier;

(4) an estimated completion date at the projected funding levels; and

(5) changes, if any, in the total estimated cost of completion or estimated completion date from previous future-years capital investment plans submitted to the Committees on Appropriations of the Senate and the House of Representatives:

Provided further, That the Secretary shall ensure that amounts specified in the future-years capital investment plan are consistent to the maximum extent practicable with proposed appropriations necessary to support the programs, projects, and activities of the Coast Guard in the President's budget as submitted under section 1105(a) of title 31, United States Code, for that fiscal year: *Provided further*, That any inconsistencies between the capital investment plan and proposed appropriations shall be identified and justified: *Provided further*, That subsections (a), and (b) of section 6402 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28) shall apply to fiscal year 2009: *Provided further*, That notwithstanding section 503 of this Act, amounts transferred from the ''Operating Expenses'' appropriation for personnel compensation and benefits and related costs to adjust personnel assignment to accelerate management and oversight of new or existing projects may be transferred to the ''Operating Expenses'' appropriation to be merged with that appropriation, to be available under the same terms and conditions for which that appropriation is available, when no longer required for project acceleration or oversight, or to otherwise adjust personnel assignment: *Provided further*, That the Committees on Appropriations of the Senate and the House of Representatives shall be notified of each transfer within 30 days after it is executed.

ALTERATION OF BRIDGES

For necessary expenses for alteration or removal of obstructive bridges, as authorized by section 6 of the Truman-Hobbs Act (33 U.S.C. 516), $16,000,000, to remain available until expended: *Provided*, That of the amounts made available under this heading, $2,000,000 shall be for the Burlington Northern Railroad Bridge in Burlington, Iowa; $2,000,000 shall be for the Canadian Pacific Railway Bridge in La Crosse, Wisconsin; $2,000,000 shall be for the Chelsea Street Bridge in Chelsea, Massachusetts; $2,000,000 shall be for the Elgin, Joliet, and Eastern Railway Company Bridge in Morris, Illinois; $4,000,000 shall be for the Fourteen Mile Bridge in Mobile, Alabama; and $4,000,000 shall be for the Galveston Causeway Bridge in Galveston, Texas.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses for applied scientific research, development, test, and evaluation; and for maintenance, rehabilitation, lease, and operation of facilities and equipment; as authorized by law; $18,000,000, to remain available until expended, of which $500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)): *Provided*, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries for expenses incurred for research, development, testing, and evaluation.

RETIRED PAY

For retired pay, including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, payment for career status bonuses, concurrent

receipts and combat-related special compensation under the National Defense Authorization Act, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,236,745,000, to remain available until expended.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase of not to exceed 675 vehicles for police-type use, of which 645 shall be for replacement only, and hire of passenger motor vehicles; purchase of motorcycles made in the United States; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director of the Secret Service; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; payment of per diem or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee requires an employee to work 16 hours per day or to remain overnight at a post of duty; conduct of and participation in firearms matches; presentation of awards; travel of United States Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations of the Senate and the House of Representatives; research and development; grants to conduct behavioral research in support of protective research and operations; and payment in advance for commercial accommodations as may be necessary to perform protective functions; $1,408,729,000; of which not to exceed $25,000 shall be for official reception and representation expenses; of which not to exceed $100,000 shall be to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; of which $2,366,000 shall be for forensic and related support of investigations of missing and exploited children; and of which $6,000,000 shall be for a grant for activities related to the investigations of missing and exploited children and shall remain available until expended: *Provided*, That up to $18,000,000 provided for protective travel shall remain available until September 30, 2010: *Provided further*, That up to $1,000,000 for National Special Security Events shall remain available until expended: *Provided further*, That the United States Secret Service is authorized to obligate funds in anticipation of reimbursements from Federal agencies and entities, as defined in section 105 of title 5, United States Code, receiving training sponsored by the James J. Rowley Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available under this heading at the end of the fiscal year: *Provided further*, That none of the funds made available under this heading shall be available to compensate any employee for overtime in an annual amount in excess of $35,000, except that the Secretary of Homeland Security, or the designee of the Secretary, may waive that amount as necessary for national security purposes: *Provided further*, That the limitation in the preceding proviso shall not take effect until the Director of the Office of Management and Budget submits to the Committees on Appropriations of the Senate and the House of Representatives a report certifying that such a limitation on compensation will not have a significant effect on operations of the United States Secret Service: *Provided further*, That none of the funds appropriated to the United States Secret Service by this Act or by previous appropriations Acts may be made available for the protection of the head of a Federal agency other than the Secretary of Homeland Security: *Provided further*, That the Director of the United States Secret Service may enter into an agreement to perform such service on a fully reimbursable basis.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For necessary expenses for acquisition, construction, repair, alteration, and improvement of facilities, $4,225,000, to remain available until expended: *Provided*, That of the total amount provided, $250,000 is for a perimeter security and noise abatement study at the James J. Rowley Training Center.

TITLE III

PROTECTION, PREPAREDNESS, RESPONSE, AND RECOVERY

NATIONAL PROTECTION AND PROGRAMS DIRECTORATE

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Office of the Under Secretary for the National Protection and Programs Directorate, support for operations, information technology, and the Office of Risk Management and Analysis, $51,350,000: *Provided*, That not to exceed $5,000 shall be for official reception and representation expenses.

INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY

For necessary expenses for infrastructure protection and information security programs and activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), $806,913,000, of which $720,116,000 shall remain available until September 30, 2010: *Provided*, That of the total amount provided, $20,000,000 is for necessary expenses of the National Infrastructure Simulation and Analysis Center: *Provided further*, That of the amount made available under this heading, $127,462,000 may not be obligated for the National Cyber Security Initiative program and $25,125,000 may not be obligated for the Next Generation Networks program until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure for that program that describes the strategic context of the program; the specific goals and milestones set for the program; and the funds allocated to achieving each of those goals: *Provided further*, That of the total amount provided, $2,000,000 is for Philadelphia infrastructure monitoring; $3,000,000 is for protection of critical underground infrastructure in major urban areas; $1,000,000 is for improved improvised explosive device mapping and modeling tools; $3,500,000 is for State and local cyber security training; and $4,000,000 is for the Power and Cyber Systems Protection, Analysis, and Testing Program at the Idaho National Laboratory.

UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR TECHNOLOGY

For necessary expenses for the development of the United States Visitor and Immigrant Status Indicator Technology project, as authorized by section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a), $300,000,000, to remain available until expended: *Provided*, That of the total amount made available under this heading, $75,000,000 may not be obligated for the United States Visitor and Immigrant Status Indicator Technology project until the Committees on Appropriations of the Senate and the House of Representatives receive a plan for expenditure prepared by the Secretary of Homeland Security that includes—

(1) a detailed accounting of the program's progress to date relative to system capabilities or services, system performance levels, mission benefits and outcomes, milestones, cost targets, and program management capabilities;

(2) an explicit plan of action defining how all funds are to be obligated to meet future program commitments, with the planned expenditure of funds linked to the milestone-based delivery of specific capabilities, services, performance levels, mission benefits and outcomes, and program management capabilities;

(3) a listing of all open Government Accountability Office and Office of Inspector General recommendations related to the program and the status of Department of Homeland Security actions to address the recommendations, including milestones for fully addressing such recommendations;

(4)(a) a certification by the Chief Procurement Officer of the Department that (1) the program has been reviewed and approved in accordance with the investment management process of the Department; (2) the process fulfills all capital planning and investment control requirements and reviews established by the Office of Management and Budget, including as provided in Circular A–11, part 7; and (3) the plans for the program comply with the Federal acquisition rules, requirements, guidelines, and practices; and (b) a description by the Chief Procurement Officer of the actions being taken to address areas of non-compliance, the risks associated with such areas as well as any plans for addressing such risks, and the status of the implementation of such actions;

(5)(a) a certification by the Chief Information Officer of the Department that (1) an independent verification and validation agent is currently under contract for the project; (2) the system architecture of the program is sufficiently aligned with the information systems enterprise architecture of the Department to minimize future rework, including a description of all aspects of the architecture that were or were not assessed in making the alignment determination, the date of the alignment determination, and any known areas of misalignment along with the associated risks and corrective actions to address any such areas; and (3) the program has a risk management process that regularly identifies, evaluates, mitigates, and monitors risks throughout the system life cycle, and communicates high-risk conditions to agency and Department investment decision makers; and (b) a listing by the Chief Information Officer of all the program's high risks and the status of efforts to address them;

(6) a certification by the Chief Human Capital Officer of the Department that the human capital needs of the program are being strategically and proactively managed, and that current human capital capabilities are sufficient to execute the plans discussed in the report;

(7) a complete schedule for the full implementation of a biometric exit program or a certification that such program is not possible within 5 years; and

(8) a detailed accounting of operation and maintenance, contractor services, and program costs associated with the management of identity services:

Provided further, That no funding under this heading shall be obligated for implementation of a final air exit solution pursuant to the notice of proposed rulemaking (DHS–2008–0039) published on April 24, 2008, until the Committees on Appropriations of the

Senate and the House of Representatives receive a report on pilot tests of the air exit solution, which shall be reviewed by the Government Accountability Office, and which shall test at least two scenarios: (a) where the airlines collect and transmit biometric exit data as proposed in the notice of proposed rulemaking and (b) where U.S. Customs and Border Protection collects such information at the departure gates.

OFFICE OF HEALTH AFFAIRS

For necessary expenses of the Office of Health Affairs, $157,191,000, of which $29,210,000 is for salaries and expenses; and of which $127,981,000 is to remain available until September 30, 2010, for biosurveillance, BioWatch, medical readiness planning, chemical response, and other activities: *Provided*, That not to exceed $3,000 shall be for official reception and representation expenses.

FEDERAL EMERGENCY MANAGEMENT AGENCY

MANAGEMENT AND ADMINISTRATION

For necessary expenses for management and administration of the Federal Emergency Management Agency, $837,437,000, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), and the Post-Katrina Emergency Management Reform Act of 2006 (Public Law 109–295; 120 Stat. 1394): *Provided*, That not to exceed $3,000 shall be for official reception and representation expenses: *Provided further*, That the President's budget submitted under section 1105(a) of title 31, United States Code, shall be detailed by office for the Federal Emergency Management Agency: *Provided further*, That $10,000,000 shall not be available for obligation until the Secretary of Homeland Security, in coordination with the Administrator of the Federal Emergency Management Agency, certifies and reports to the Committees on Appropriations of the Senate and the House of Representatives that processes to incorporate stakeholder input for grant guidance development and award distribution have been: (1) developed to ensure transparency and increased consultation about security needs for all-hazards; (2) formalized and made clear to stakeholders; and (3) formalized to ensure future use for each fiscal year: *Provided further*, That of the total amount made available under this heading, $5,000,000 shall be for the development of tools and systems to measure the achievement and effectiveness of first responder grant programs: *Provided further*, That of the total amount made available under this heading, $32,500,000 shall be for the Urban Search and Rescue Response System, of which not to exceed $1,600,000 may be made available for administrative costs; $2,200,000 shall be for the Pacific Region Homeland Security Center, Honolulu, Hawaii, $5,000,000 shall be for the State of North Carolina, and $2,425,000 shall be for the Commonwealth of Kentucky, as detailed in the statement accompanying this Act; and $6,342,000 shall be for the Office of National Capital Region Coordination: *Provided further*, That for purposes of planning, coordination, execution, and decision-making related to mass evacuation during a disaster, the Governors of the State of West Virginia and the Commonwealth of Pennsylvania, or their designees, shall be incorporated into efforts to integrate the activities of Federal, State, and local governments in the National Capital Region, as defined in section 882 of Public Law 107–296, the Homeland Security Act of 2002.

STATE AND LOCAL PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For grants, contracts, cooperative agreements, and other activities, $3,105,700,000 shall be allocated as follows:

(1) $950,000,000 shall be for the State Homeland Security Grant Program under section 2004 of the Homeland Security Act of 2002 (6 U.S.C. 605): *Provided*, That of the amount provided by this paragraph, $60,000,000 shall be for Operation Stonegarden: *Provided further*, That notwithstanding subsection (c)(4) of such section 2004, for fiscal year 2009, the Commonwealth of Puerto Rico shall make available to local and tribal governments amounts provided to the Commonwealth of Puerto Rico under this paragraph in accordance with subsection (c)(1) of such section 2004.

(2) $837,500,000 shall be for the Urban Area Security Initiative under section 2003 of the Homeland Security Act of 2002 (6 U.S.C. 604), of which, notwithstanding subsection (c)(1) of such section, $15,000,000 shall be for grants to organizations (as described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax section 501(a) of such code) determined by the Secretary of Homeland Security to be at high risk of a terrorist attack.

(3) $35,000,000 shall be for Regional Catastrophic Preparedness Grants.

(4) $41,000,000 shall be for the Metropolitan Medical Response System under section 635 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 723).

(5) $15,000,000 shall be for the Citizen Corps Program.

(6) $400,000,000 shall be for Public Transportation Security Assistance and Railroad Security Assistance under sections 1406 and 1513 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53; 6 U.S.C. 1135 and 1163), of which not less than $25,000,000 shall be for Amtrak security: *Provided*, That there shall be no cost share requirement for funds made available under this paragraph and made available for these same purposes in Public Law 110–161: *Provided further*, That such public transportation security assistance shall be provided directly to public transportation agencies.

(7) $400,000,000 shall be for Port Security Grants in accordance with 46 U.S.C. 70107.

(8) $12,000,000 shall be for Over-the-Road Bus Security Assistance under section 1532 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53; 6 U.S.C. 1182).

(9) $8,000,000 shall be for Trucking Industry Security Grants.

(10) $50,000,000 shall be for Buffer Zone Protection Program Grants.

(11) $8,000,000 shall be for the Commercial Equipment Direct Assistance Program.

(12) $50,000,000 shall be for the Interoperable Emergency Communications Grant Program under section 1809 of the Homeland Security Act of 2002 (6 U.S.C. 579).

(13) $35,000,000 shall remain available until expended, for grants for Emergency Operations Centers under section 614 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196c), as detailed in the statement accompanying this Act.

(14) $264,200,000 shall be for training, exercises, technical assistance, and other programs, of which—

(A) $164,500,000 is for purposes of training in accordance with section 1204 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1102), of which $62,500,000 shall be for the Center for Domestic Preparedness; $23,000,000 shall be for the National Energetic Materials Research and Testing Center, New Mexico Institute of Mining and Technology; $23,000,000 shall be for the National Center for Biomedical Research and Training, Louisiana State University; $23,000,000 shall be for the National Emergency Response and Rescue Training Center, Texas A&M University; $23,000,000 shall be for the National Exercise, Test, and Training Center, Nevada Test Site; $5,000,000 shall be for the Transportation Technology Center, Incorporated, in Pueblo, Colorado; and $5,000,000 shall be for the National Disaster Preparedness Training Center, University of Hawaii, Honolulu, Hawaii; and

(B) $1,700,000 for the Center for Counterterrorism and Cyber Crime, Norwich University, Northfield, Vermont:

Provided, That not to exceed 3 percent of the amounts provided under this heading may be transferred to the Federal Emergency Management Agency ''Management and Administration'' account for program administration, and an expenditure plan for program administration shall be provided to the Committees on Appropriations of the Senate and the House of Representatives within 60 days of the date of enactment of this Act: *Provided further*, That for grants under paragraphs (1) through (5), the applications for grants shall be made available to eligible applicants not later than 25 days after the date of enactment of this Act, that eligible applicants shall submit applications not later than 90 days after the grant announcement, and that the Administrator of the Federal Emergency Management Agency shall act within 90 days after receipt of an application: *Provided further*, That for grants under paragraphs (6) through (10) and (12), the applications for grants shall be made available to eligible applicants not later than 30 days after the date of enactment of this Act, that eligible applicants shall submit applications within 45 days after the grant announcement, and that the Federal Emergency Management Agency shall act not later than 60 days after receipt of an application: *Provided further*, That for grants under paragraphs (1) and (2), the installation of communications towers is not considered construction of a building or other physical facility: *Provided further*, That grantees shall provide reports on their use of funds, as determined necessary by the Secretary: *Provided further*, That (a) the Center for Domestic Preparedness may provide training to emergency response providers from the Federal Government, foreign governments, or private entities, if the Center for Domestic Preparedness is reimbursed for the cost of such training, and any reimbursement under this subsection shall be credited to the account from which the expenditure being reimbursed was made and shall be available, without fiscal year limitation, for the purposes for which amounts in the account may be expended, (b) the head of the Center for Domestic Preparedness shall ensure that any training provided under (a) does not interfere with the primary mission of the Center to train State and local emergency response providers: *Provided further*, That the Government Accountability Office shall report to the Committees on Appropriations of the Senate and the House of Representatives regarding the data, assumptions, and methodology that the Department of Homeland Security uses to assess risk and allocate grants under the Urban Area Security Initiative and State Homeland Security Grant Program not later than 45 days after the date of enactment of this Act: *Provided further*, That the report shall include an assessment of the reliability and validity of

the data used, the basis for the assumptions used, how the methodology is applied to determine the risk scores for individual locations, an analysis of the usefulness of placing States and cities into tier groups, and the allocation of grants to eligible locations: *Provided further*, That the Department provide the Government Accountability Office with the actual data that the Department used for its risk assessment and grant allocation: *Provided further*, That the Department provide the Government Accountability Office with access to all data needed for its analysis and report, including specifics on all changes for the fiscal year 2009 process, including, but not limited to, all changes in data, assumptions, and weights used in methodology within 7 days after the date of enactment of this Act: *Provided further*, That any subsequent changes made regarding the risk methodology after the initial information is provided to the Government Accountability Office shall be provided within 7 days after the change is made.

FIREFIGHTER ASSISTANCE GRANTS

For necessary expenses for programs authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), $775,000,000, of which $565,000,000 shall be available to carry out section 33 of that Act (15 U.S.C. 2229) and $210,000,000 shall be available to carry out section 34 of that Act (15 U.S.C. 2229a), to remain available until September 30, 2010: *Provided*, That not to exceed 5 percent of the amount available under this heading shall be available for program administration, and an expenditure plan for program administration shall be provided to the Committees on Appropriations of the Senate and the House of Representatives within 60 days of the date of enactment of this Act.

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

For necessary expenses for emergency management performance grants, as authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), and Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), $315,000,000: *Provided*, That total administrative costs shall not exceed 3 percent of the total amount appropriated under this heading.

RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

The aggregate charges assessed during fiscal year 2009, as authorized in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (42 U.S.C. 5196e), shall not be less than 100 percent of the amounts anticipated by the Department of Homeland Security necessary for its radiological emergency preparedness program for the next fiscal year: *Provided*, That the methodology for assessment and collection of fees shall be fair and equitable and shall reflect costs of providing such services, including administrative costs of collecting such fees: *Provided further*, That fees received under this heading shall be deposited in this account as offsetting collections and will become available for authorized purposes on October 1, 2009, and remain available until expended.

UNITED STATES FIRE ADMINISTRATION

For necessary expenses of the United States Fire Administration and for other purposes, as authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) and the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), $44,979,000.

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $1,400,000,000, to remain available until expended: *Provided*, That the Federal Emergency Management Agency shall submit an expenditure plan to the Committees on Appropriations of the Senate and the House of Representatives detailing the use of the funds for disaster readiness and support within 60 days after the date of enactment of this Act: *Provided further*, That the Federal Emergency Management Agency shall provide a quarterly report detailing obligations against the expenditure plan and a justification for any changes in spending: *Provided further*, That of the total amount provided, $16,000,000 shall be transferred to the Department of Homeland Security Office of Inspector General for audits and investigations related to disasters, subject to section 503 of this Act: *Provided further*, That up to $105,600,000 may be transferred to Federal Emergency Management Agency ''Management and Administration'' for management and administration functions: *Provided further*, That the amount provided in the previous proviso shall not be available for transfer to ''Management and Administration'' until the Federal Emergency Management Agency submits an implementation plan to the Committees on Appropriations of the Senate and the House of Representatives: *Provided further*, That the Federal Emergency Management Agency shall submit the monthly ''Disaster Relief'' report, as specified in Public Law 110–161, to the Committees on Appropriations of the Senate and the House of Representatives, and include the amounts provided to each Federal agency for mission assignments: *Provided further*, That for any request for reimbursement from a Federal agency to the Department of Homeland Security to cover expenditures under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), or any mission assignment orders issued by the Department for such purposes, the Secretary of Homeland Security shall take appropriate steps to ensure that each agency is periodically reminded of Department policies on—

(1) the detailed information required in supporting documentation for reimbursements; and

(2) the necessity for timeliness of agency billings.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For activities under section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5162), $295,000 is for the cost of direct loans: *Provided*, That gross obligations for the principal amount of direct loans shall not exceed $25,000,000: *Provided further*, That the cost of modifying such loans shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a).

FLOOD MAP MODERNIZATION FUND

For necessary expenses under section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), $220,000,000, and such additional sums as may be provided by State and local governments or other political subdivisions for cost-shared mapping activities under section 1360(f)(2) of such Act (42 U.S.C. 4101(f)(2)), to remain available until expended: *Provided*, That total administrative costs shall not exceed 3 percent of the total amount appropriated under this heading.

NATIONAL FLOOD INSURANCE FUND

For activities under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), and the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), $156,599,000, which shall be derived from offsetting collections assessed and collected under section 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(d)), which is available as follows: (1) not to exceed $49,418,000 for salaries and expenses associated with flood mitigation and flood insurance operations; and (2) no less than $107,181,000 for flood plain management and flood mapping, which shall remain available until September 30, 2010: *Provided*, That any additional fees collected pursuant to section 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(d)) shall be credited as an offsetting collection to this account, to be available for flood plain management and flood mapping: *Provided further*, That in fiscal year 2009, no funds shall be available from the National Flood Insurance Fund under section 1310 of that Act (42 U.S.C. 4017) in excess of: (1) $85,000,000 for operating expenses; (2) $869,905,000 for commissions and taxes of agents; (3) such sums as are necessary for interest on Treasury borrowings; and (4) $125,700,000, which shall remain available until expended for flood mitigation actions, of which $80,000,000 is for severe repetitive loss properties under section 1361A of the National Flood Insurance Act of 1968 (42 U.S.C. 4102a), of which $10,000,000 is for repetitive insurance claims properties under section 1323 of the National Flood Insurance Act of 1968 (42 U.S.C. 4030), and of which $35,700,000 is for flood mitigation assistance under section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c) notwithstanding subparagraphs (B) and (C) of subsection (b)(3) and subsection (f) of section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c) and notwithstanding subsection (a)(7) of section 1310 of the National Flood Insurance Act of 1968 (42 U.S.C. 4017): *Provided further*, That amounts collected under section 102 of the Flood Disaster Protection Act of 1973 and section 1366(i) of the National Flood Insurance Act of 1968 shall be deposited in the National Flood Insurance Fund to supplement other amounts specified as available for section 1366 of the National Flood Insurance Act of 1968, notwithstanding 42 U.S.C. 4012a(f)(8), 4104c(i), and 4104d(b)(2)-(3): *Provided further*, That total administrative costs shall not exceed 4 percent of the total appropriation.

NATIONAL PREDISASTER MITIGATION FUND

For the predisaster mitigation grant program under section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133), $90,000,000, to remain available until expended and as detailed in the statement accompanying this Act: *Provided*, That the total administrative costs associated with such grants shall not exceed 3 percent of the total amount made available under this heading.

EMERGENCY FOOD AND SHELTER

To carry out the emergency food and shelter program pursuant to title III of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11331 et seq.), $200,000,000, to remain available until expended: *Provided*, That total administrative costs shall not exceed 3.5 percent of the total amount made available under this heading.

CERRO GRANDE FIRE CLAIMS

(RESCISSION OF FUNDS)

Of the funds made available under this heading for obligation in prior years, $9,000,000 are rescinded.

TITLE IV

RESEARCH AND DEVELOPMENT, TRAINING, AND SERVICES

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

For necessary expenses for citizenship and immigration services, $101,740,000, of which

$100,000,000 is for the E-Verify program to assist United States employers with maintaining a legal workforce: *Provided*, That notwithstanding any other provision of law, funds available to United States Citizenship and Immigration Services may be used to acquire, operate, equip, dispose of and replace up to five vehicles, of which two are for replacement only, for areas where the Administrator of General Services does not provide vehicles for lease: *Provided further*, That the Director of United States Citizenship and Immigration Services may authorize employees who are assigned to those areas to use such vehicles between the employees' residences and places of employment.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, including materials and support costs of Federal law enforcement basic training; the purchase of not to exceed 117 vehicles for police-type use and hire of passenger motor vehicles; expenses for student athletic and related activities; the conduct of and participation in firearms matches and presentation of awards; public awareness and enhancement of community support of law enforcement training; room and board for student interns; a flat monthly reimbursement to employees authorized to use personal mobile phones for official duties; and services as authorized by section 3109 of title 5, United States Code; $246,530,000, of which up to $48,611,000 shall remain available until September 30, 2010, for materials and support costs of Federal law enforcement basic training; of which $300,000 shall remain available until expended for Federal law enforcement agencies participating in training accreditation, to be distributed as determined by the Federal Law Enforcement Training Center for the needs of participating agencies; and of which not to exceed $12,000 shall be for official reception and representation expenses: *Provided*, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: *Provided further*, That section 1202(a) of Public Law 107–206 (42 U.S.C. 3771 note), as amended by Public Law 110–161 (121 Stat. 2068), is further amended by striking ''December 31, 2010'' and inserting ''December 31, 2011'': *Provided further*, That the Federal Law Enforcement Training Accreditation Board, including representatives from the Federal law enforcement community and non-Federal accreditation experts involved in law enforcement training, shall lead the Federal law enforcement training accreditation process to continue the implementation of measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities, and instructors: *Provided further*, That the Director of the Federal Law Enforcement Training Center shall schedule basic or advanced law enforcement training, or both, at all four training facilities under the control of the Federal Law Enforcement Training Center to ensure that such training facilities are operated at the highest capacity throughout the fiscal year.

ACQUISITIONS, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For acquisition of necessary additional real property and facilities, construction, and ongoing maintenance, facility improvements, and related expenses of the Federal Law Enforcement Training Center, $86,456,000, to remain available until expended: *Provided*, That the Center is authorized to accept reimbursement to this appropriation from government agencies requesting the construction of special use facilities: *Provided further*, That $3,000,000 is for construction of training and related facilities at Artesia, New Mexico.

SCIENCE AND TECHNOLOGY

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Office of the Under Secretary for Science and Technology and for management and administration of programs and activities, as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), $132,100,000: *Provided*, That not to exceed $10,000 shall be for official reception and representation expenses.

RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

For necessary expenses for science and technology research, including advanced research projects; development; test and evaluation; acquisition; and operations; as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.); $800,487,000, to remain available until expended: *Provided*, That not less than $27,000,000 shall be available for the Southeast Region Research Initiative at the Oak Ridge National Laboratory: *Provided further*, That not less than $3,000,000 shall be available for Distributed Environment for Critical Infrastructure Decisionmaking Exercises: *Provided further*, That of the amount provided, $25,000,000 is for construction expenses of the Pacific Northwest National Laboratory: *Provided further*, That not less than $11,000,000 shall be available for the National Institute for Hometown Security: *Provided further*, That not less than $2,000,000 shall be available for the Naval Postgraduate School: *Provided further*, That not less than $2,000,000 shall be available to establish a homeland security research, development, and manufacturing pilot project: *Provided further*, That none of the funds made available under this heading shall be obligated for a follow-on program to the Analysis, Dissemination, Visualization, Insight, and Semantic Enhancement program: *Provided further*, That none of the funds available under this heading shall be obligated for construction of a National Bio and Agro-defense Facility located on the United States mainland until the Secretary of Homeland Security completes a risk assessment of whether foot-and-mouth disease work can be done safely on the United States mainland and this assessment is reviewed by the Government Accountability Office: *Provided further*, That the Government Accountability Office shall complete its review within 6 months after the Department concludes the risk assessment.

DOMESTIC NUCLEAR DETECTION OFFICE

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Domestic Nuclear Detection Office as authorized by title XIX of the Homeland Security Act of 2002 (6 U.S.C. 591 et seq.) for management and administration of programs and activities, $37,500,000: *Provided*, That not to exceed $3,000 shall be for official reception and representation expenses.

RESEARCH, DEVELOPMENT, AND OPERATIONS

For necessary expenses for radiological and nuclear research, development, testing, evaluation, and operations, $323,200,000, to remain available until expended.

SYSTEMS ACQUISITION

For expenses for the Domestic Nuclear Detection Office acquisition and deployment of radiological detection systems in accordance with the global nuclear detection architecture, $153,491,000, to remain available until September 30, 2011: *Provided*, That none of the funds appropriated under this heading shall be obligated for full-scale procurement of Advanced Spectroscopic Portal monitors until the Secretary of Homeland Security submits to the Committees on Appropriations of the Senate and the House of Representatives a report certifying that a significant increase in operational effectiveness will be achieved: *Provided further*, That the Secretary shall submit separate and distinct certifications prior to the procurement of Advanced Spectroscopic Portal monitors for primary and secondary deployment that address the unique requirements for operational effectiveness of each type of deployment: *Provided further*, That the Secretary shall consult with the National Academy of Sciences before making such certifications: *Provided further*, That none of the funds appropriated under this heading shall be used for high-risk concurrent development and production of mutually dependent software and hardware.

TITLE V

GENERAL PROVISIONS

(INCLUDING RESCISSIONS OF FUNDS)

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. Subject to the requirements of section 503 of this Act, the unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this Act, may be merged with funds in the applicable established accounts, and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 503. (a) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2009, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program, project, or activity; (2) eliminates a program, project, office, or activity; (3) increases funds for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by either of the Committees on Appropriations of the Senate or the House of Representatives for a different purpose; or (5) contracts out any function or activity for which funding levels were requested for Federal full-time equivalents in the object classification tables contained in the fiscal year 2009 Budget Appendix for the Department of Homeland Security, as modified by the explanatory statement accompanying this Act, unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2009, or provided from any accounts in the Treasury of the United States derived by the collection of fees or proceeds available to the agencies funded by this Act, shall be available for obligation or expenditure for programs, projects, or activities through a reprogramming of funds in excess of $5,000,000 or 10 percent, whichever is less, that: (1) augments existing programs,

projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by the Congress; or (3) results from any general savings from a reduction in personnel that would result in a change in existing programs, projects, or activities as approved by the Congress, unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(c) Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Homeland Security by this Act or provided by previous appropriations Acts may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by such transfers: *Provided*, That any transfer under this section shall be treated as a reprogramming of funds under subsection (b) and shall not be available for obligation unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such transfer.

(d) Notwithstanding subsections (a), (b), and (c) of this section, no funds shall be reprogrammed within or transferred between appropriations after June 30, except in extraordinary circumstances that imminently threaten the safety of human life or the protection of property.

(e) Within 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report listing all dollar amounts specified in this Act and accompanying explanatory statement that are identified in the detailed funding table at the end of the explanatory statement accompanying this Act or any other amounts specified in this Act or accompanying explanatory statement: *Provided*, That such dollar amounts specified in this Act and accompanying explanatory statement shall be subject to the conditions and requirements of subsections (a), (b), and (c) of this section.

SEC. 504. The Department of Homeland Security Working Capital Fund, established pursuant to section 403 of Public Law 103–356 (31 U.S.C. 501 note), shall continue operations as a permanent working capital fund for fiscal year 2009: *Provided*, That none of the funds appropriated or otherwise made available to the Department of Homeland Security may be used to make payments to the Working Capital Fund, except for the activities and amounts allowed in the President's fiscal year 2009 budget: *Provided further*, That funds provided to the Working Capital Fund shall be available for obligation until expended to carry out the purposes of the Working Capital Fund: *Provided further*, That all departmental components shall be charged only for direct usage of each Working Capital Fund service: *Provided further*, That funds provided to the Working Capital Fund shall be used only for purposes consistent with the contributing component: *Provided further*, That such fund shall be paid in advance or reimbursed at rates which will return the full cost of each service: *Provided further*, That the Working Capital Fund shall be subject to the requirements of section 503 of this Act.

SEC. 505. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2009 from appropriations for salaries and expenses for fiscal year 2009 in this Act shall remain available through September 30, 2010, in the account and for the purposes for which the appropriations were provided: *Provided*, That prior to the obligation of such funds, a request shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives for approval in accordance with section 503 of this Act.

SEC. 506. Funds made available by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2009 until the enactment of an Act authorizing intelligence activities for fiscal year 2009.

SEC. 507. None of the funds made available by this Act may be used to make a grant allocation, discretionary grant award, discretionary contract award, or to issue a letter of intent totaling in excess of $1,000,000, or to announce publicly the intention to make such an award, including a contract covered by the Federal Acquisition Regulation, unless the Secretary of Homeland Security notifies the Committees on Appropriations of the Senate and the House of Representatives at least 3 full business days in advance of making such an award or issuing such a letter: *Provided*, That if the Secretary of Homeland Security determines that compliance with this section would pose a substantial risk to human life, health, or safety, an award may be made without notification and the Committees on Appropriations of the Senate and the House of Representatives shall be notified not later than 5 full business days after such an award is made or letter issued: *Provided further*, That no notification shall involve funds that are not available for obligation: *Provided further*, That the notification shall include the amount of the award, the fiscal year in which the funds for the award were appropriated, and the account from which the funds are being drawn: *Provided further*, That the Federal Emergency Management Agency shall brief the Committees on Appropriations of the Senate and the House of Representatives 5 full business days in advance of announcing publicly the intention of making an award under the State Homeland Security Grant Program; Urban Area Security Initiative; and the Regional Catastrophic Preparedness Grant Program.

SEC. 508. Notwithstanding any other provision of law, no agency shall purchase, construct, or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations of the Senate and the House of Representatives, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 509. None of the funds appropriated or otherwise made available by this Act may be used for expenses for any construction, repair, alteration, or acquisition project for which a prospectus otherwise required under chapter 33 of title 40, United States Code, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus.

SEC. 510. Sections 519, 520, 522, 528, 530, and 531 of the Department of Homeland Security Appropriations Act, 2008 (division E of Public Law 110–161; 121 Stat. 2072, 2073, 2074, 2082) shall apply with respect to funds made available in this Act in the same manner as such sections applied to funds made available in that Act.

SEC. 511. None of the funds in this Act may be used in contravention of the applicable provisions of the Buy American Act (41 U.S.C. 10a et seq.).

SEC. 512. (a) None of the funds provided by this or previous appropriations Acts may be obligated for deployment or implementation, on other than a test basis, of the Secure Flight program or any other follow-on or successor passenger prescreening program, until the Secretary of Homeland Security certifies, and the Government Accountability Office reports, to the Committees on Appropriations of the Senate and the House of Representatives, that all ten of the conditions contained in paragraphs (1) through (10) of section 522(a) of Public Law 108–334 (118 Stat. 1319) have been successfully met.

(b) The report required by subsection (a) shall be submitted within 90 days after the Secretary provides the requisite certification, and periodically thereafter, if necessary, until the Government Accountability Office confirms that all ten conditions have been successfully met.

(c) Within 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a detailed plan that describes: (1) the dates for achieving key milestones, including the date or timeframes that the Secretary will certify the program under subsection (a); and (2) the methodology to be followed to support the Secretary's certification, as required under subsection (a).

(d) During the testing phase permitted by subsection (a), no information gathered from passengers, foreign or domestic air carriers, or reservation systems may be used to screen aviation passengers, or delay or deny boarding to such passengers, except in instances where passenger names are matched to a Government watch list.

(e) None of the funds provided in this or previous appropriations Acts may be utilized to develop or test algorithms assigning risk to passengers whose names are not on Government watch lists.

(f) None of the funds provided in this or any other Act may be used for data or a database that is obtained from or remains under the control of a non-Federal entity: *Provided*, That this restriction shall not apply to Passenger Name Record data obtained from air carriers.

SEC. 513. None of the funds made available in this Act may be used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448).

SEC. 514. None of the funds appropriated by this Act may be used to process or approve a competition under Office of Management and Budget Circular A–76 for services provided as of June 1, 2004, by employees (including employees serving on a temporary or term basis) of United States Citizenship and Immigration Services of the Department of Homeland Security who are known as of that date as Immigration Information Officers, Contact Representatives, or Investigative Assistants.

SEC. 515. (a) The Secretary of Homeland Security shall research, develop, and procure new technologies to inspect and screen air cargo carried on passenger aircraft by the earliest date possible.

(b) Existing checked baggage explosive detection equipment and screeners shall be utilized to screen air cargo carried on passenger aircraft to the greatest extent practicable at each airport until technologies developed under subsection (a) are available.

(c) The Assistant Secretary of Homeland Security (Transportation Security Administration) shall work with air carriers and airports to ensure that the screening of cargo carried on passenger aircraft, as defined in section 44901(g)(5) of title 49, United States Code, increases incrementally each quarter.

(d) Not later than 45 days after the end of each quarter, the Assistant Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report on air cargo inspection statistics by airport and air carrier detailing the incremental progress being made to meet the requirements of section 44901(g)(2) of title 49, United States Code.

SEC. 516. Except as provided in section 44945 of title 49, United States Code, funds appropriated or transferred to Transportation Security Administration ''Aviation Security'', ''Administration'' and ''Transportation Security Support'' for fiscal years 2004, 2005, 2006, and 2007 that are recovered or deobligated shall be available only for the procurement or installation of explosives detection systems, for air cargo, baggage, and checkpoint screening systems, subject to notification: *Provided*, That quarterly reports shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives on any funds that are recovered or deobligated.

SEC. 517. Any funds appropriated to United States Coast Guard, ''Acquisition, Construction, and Improvements'' for fiscal years 2002, 2003, 2004, 2005, and 2006 for the 110–123 foot patrol boat conversion that are recovered, collected, or otherwise received as the result of negotiation, mediation, or litigation, shall be available until expended for the Replacement Patrol Boat (FRC-B) program.

SEC. 518. (a)(1) Except as provided in paragraph (2), none of the funds provided in this or any other Act shall be available to commence or continue operations of the National Applications Office until—

(A) the Secretary certifies in fiscal year 2009 that: (i) National Applications Office programs comply with all existing laws, including all applicable privacy and civil liberties standards; and, (ii) that clear definitions of all proposed domains are established and are auditable;

(B) the Comptroller General of the United States notifies the Committees on Appropriations of the Senate and the House of Representatives and the Secretary that the Comptroller has reviewed such certification; and

(C) the Secretary notifies the Committees of all funds to be expended on the National Applications Office pursuant to section 503 of this Act.

(2) Paragraph (1) shall not apply with respect to any use of funds for activities substantially similar to such activities conducted by the Department of the Interior as set forth in the 1975 charter for the Civil Applications Committee under the provisions of law codified at section 31 of title 43, United States Code.

(b) The Inspector General shall provide to the Committees on Appropriations of the Senate and the House of Representatives, starting six months after the date of enactment of this Act, and quarterly thereafter, a classified report containing a review of the data collected by the National Applications Office, including a description of the collection purposes and the legal authority under which the collection activities were authorized: *Provided*, That the report shall also include a listing of all data collection activities carried out on behalf of the National Applications Office by any component of the National Guard.

(c) None of the funds provided in this or any other Act shall be available to commence operations of the National Immigration Information Sharing Operation until the Secretary certifies that such program complies with all existing laws, including all applicable privacy and civil liberties standards, the Comptroller General of the United States notifies the Committees on Appropriations of the Senate and the House of Representatives and the Secretary that the Comptroller has reviewed such certification, and the Secretary notifies the Committees on Appropriations of the Senate and the House of Representatives of all funds to be expended on the National Immigration Information Sharing Operation pursuant to section 503.

SEC. 519. Within 45 days after the close of each month, the Chief Financial Officer of the Department of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a monthly budget and staffing report that includes total obligations, on-board versus funded full-time equivalent staffing levels, and the number of contract employees by office.

SEC. 520. Section 532(a) of Public Law 109–295 (120 Stat. 1384) is amended by striking ''2008'' and inserting ''2009''.

SEC. 521. The functions of the Federal Law Enforcement Training Center instructor staff shall be classified as inherently governmental for the purpose of the Federal Activities Inventory Reform Act of 1998 (31 U.S.C. 501 note).

SEC. 522. (a) None of the funds provided by this or any other Act may be obligated for the development, testing, deployment, or operation of any portion of a human resources management system authorized by 5 U.S.C. 9701(a), or by regulations prescribed pursuant to such section, for an employee as defined in 5 U.S.C. 7103(a)(2).

(b) The Secretary of Homeland Security shall collaborate with employee representatives in the manner prescribed in 5 U.S.C. 9701(e), in the planning, testing, and development of any portion of a human resources management system that is developed, tested, or deployed for persons excluded from the definition of employee as that term is defined in 5 U.S.C. 7103(a)(2).

SEC. 523. In fiscal year 2009, none of the funds made available in this or any other Act may be used to enforce section 4025(1) of Public Law 108–458 unless the Assistant Secretary of Homeland Security (Transportation Security Administration) reverses the determination of July 19, 2007, that butane lighters are not a significant threat to civil aviation security.

SEC. 524. Funds made available in this Act may be used to alter operations within the Civil Engineering Program of the Coast Guard nationwide, including civil engineering units, facilities design and construction centers, maintenance and logistics commands, and the Coast Guard Academy, except that none of the funds provided in this Act may be used to reduce operations within any Civil Engineering Unit unless specifically authorized by a statute enacted after the date of the enactment of this Act.

SEC. 525. (a) Except as provided in subsection (b), none of the funds appropriated in this or any other Act to the Office of the Secretary and Executive Management, the Office of the Under Secretary for Management, or the Office of the Chief Financial Officer, may be obligated for a grant or contract funded under such headings by a means other than full and open competition.

(b) Subsection (a) does not apply to obligation of funds for a contract awarded—

(1) by a means that is required by a Federal statute, including obligation for a purchase made under a mandated preferential program, such as the AbilityOne Program, that is authorized under the Javits-Wagner-O'Day Act (41 U.S.C. 46 et seq.);

(2) under the Small Business Act (15 U.S.C. 631 et seq.);

(3) in an amount less than the simplified acquisition threshold described under section 302A(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252a(a)); or

(4) by another Federal agency using funds provided through an interagency agreement.

(c)(1) Subject to paragraph (2), the Secretary of Homeland Security may waive the application of this section for the award of a contract in the interest of national security or if failure to do so would pose a substantial risk to human health or welfare.

(2) Not later than 5 days after the date on which the Secretary of Homeland Security issues a waiver under this subsection, the Secretary shall submit notification of that waiver to the Committees on Appropriations of the Senate and the House of Representatives, including a description of the applicable contract and an explanation of why the waiver authority was used. The Secretary may not delegate the authority to grant such a waiver.

(d) In addition to the requirements established by this section, the Inspector General for the Department of Homeland Security shall review departmental contracts awarded through other than full and open competition to assess departmental compliance with applicable laws and regulations: *Provided*, That the Inspector General shall review selected contracts awarded in the previous fiscal year through other than full and open competition: *Provided further*, That in determining which contracts to review, the Inspector General shall consider the cost and complexity of the goods and services to be provided under the contract, the criticality of the contract to fulfilling Department missions, past performance problems on similar contracts or by the selected vendor, complaints received about the award process or contractor performance, and such other factors as the Inspector General deems relevant: *Provided further*, That the Inspector General shall report the results of the reviews to the Committees on Appropriations of the Senate and the House of Representatives.

SEC. 526. None of the funds provided by this or previous appropriations Acts shall be used to fund any position designated as a Principal Federal Official for any Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) declared disasters or emergencies.

SEC. 527. None of the funds made available in this Act may be used by United States Citizenship and Immigration Services to grant an immigration benefit unless the results of background checks required by law to be completed prior to the granting of the benefit have been received by United States Citizenship and Immigration Services, and the results do not preclude the granting of the benefit.

SEC. 528. None of the funds made available in this Act may be used to destroy or put out to pasture any horse or other equine belonging to the Federal Government that has become unfit for service, unless the trainer or handler is first given the option to take possession of the equine through an adoption program that has safeguards against slaughter and inhumane treatment.

SEC. 529. None of the funds provided in this Act shall be available to carry out section 872 of Public Law 107–296.

SEC. 530. None of the funds provided in this Act under the heading ''Office of the Chief Information Officer'' shall be used for data center development other than for the National Center for Critical Information Processing and Storage until the Chief Information Officer certifies that the National Center for Critical Information Processing and Storage is fully utilized as the Department's primary data storage center at the highest capacity throughout the fiscal year.

SEC. 531. None of the funds in this Act shall be used to reduce the United States Coast Guard's Operations Systems Center mission or its government-employed or contract staff levels.

SEC. 532. None of the funds appropriated by this Act may be used to conduct, or to implement the results of, a competition under Office of Management and Budget Circular A–76 for activities performed with respect to the Coast Guard National Vessel Documentation Center.

SEC. 533. The Secretary of Homeland Security shall require that all contracts of the Department of Homeland Security that provide award fees link such fees to successful acquisition outcomes (which outcomes shall be specified in terms of cost, schedule, and performance).

SEC. 534. None of the funds made available to the Office of the Secretary and Executive Management under this Act may be expended for any new hires by the Department of Homeland Security that are not verified through the basic pilot program under section 401 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

SEC. 535. None of the funds made available in this Act for U.S. Customs and Border Protection may be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act) from importing a prescription drug from Canada that complies with the Federal Food, Drug, and Cosmetic Act: *Provided*, That this section shall apply only to individuals transporting on their person a personal-use quantity of the prescription drug, not to exceed a 90-day supply: *Provided further*, That the prescription drug may not be—

(1) a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); or

(2) a biological product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262).

SEC. 536. None of the funds made available in this Act may be used by the Secretary of Homeland Security or any delegate of the Secretary to issue any rule or regulation which implements the Notice of Proposed Rulemaking related to Petitions for Aliens To Perform Temporary Nonagricultural Services or Labor (H–2B) set out beginning on 70 Fed. Reg. 3984 (January 27, 2005).

SEC. 537. Section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) is amended—

(1) in subsection (a), by striking ''Until September 30, 2008,'' and inserting ''Until September 30, 2009 and subject to subsection (d),'';

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following:

''(d) ADDITIONAL REQUIREMENTS.—

''(1) IN GENERAL.—The authority of the Secretary under this section shall terminate September 30, 2009, unless before that date the Secretary—

''(A) issues policy guidance detailing the appropriate use of that authority; and

''(B) provides training to each employee that is authorized to exercise that authority.

''(2) REPORT.—The Secretary shall provide an annual report to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Homeland Security of the House of Representatives detailing the projects for which the authority granted by subsection (a) was used, the rationale for its use, the funds spent using that authority, the outcome of each project for which that authority was used, and the results of any audits of such projects.''.

SEC. 538. None of the funds made available in this Act may be used for planning, testing, piloting, or developing a national identification card.

SEC. 539. (a) Notwithstanding any other provision of this Act, except as provided in subsection (b), and 30 days after the date that the President determines whether to declare a major disaster because of an event and any appeal is completed, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security of the House of Representatives, the Committee on Transportation and Infrastructure of the House of Representatives, the Committees on Appropriations of the Senate and the House of Representatives, and publish on the website of the Federal Emergency Management Agency, a report regarding that decision, which shall summarize damage assessment information used to determine whether to declare a major disaster.

(b) The Administrator may redact from a report under subsection (a) any data that the Administrator determines would compromise national security.

(c) In this section—

(1) the term ''Administrator'' means the Administrator of the Federal Emergency Management Agency; and

(2) the term ''major disaster'' has the meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

SEC. 540. Notwithstanding any other provision of law, should the Secretary of Homeland Security determine that the National Bio and Agro-defense Facility be located at a site other than Plum Island, New York, the Secretary shall liquidate the Plum Island asset by directing the Administrator of General Services to sell through public sale all real and related personal property and transportation assets which support Plum Island operations, subject to such terms and conditions as necessary to protect government interests and meet program requirements: *Provided*, That the gross proceeds of such sale shall be deposited as offsetting collections into the Department of Homeland Security Science and Technology ''Research, Development, Acquisition, and Operations'' account and, subject to appropriation, shall be available until expended, for site acquisition, construction, and costs related to the construction of the National Bio and Agro-defense Facility, including the costs associated with the sale, including due diligence requirements, necessary environmental remediation at Plum Island, and reimbursement of expenses incurred by the General Services Administration which shall not exceed 1 percent of the sale price: *Provided further*, That after the completion of construction and environmental remediation, the unexpended balances of funds appropriated for costs in the preceding proviso shall be available for transfer to the appropriate account for design and construction of a consolidated Department of Homeland Security Headquarters project, excluding daily operations and maintenance costs, notwithstanding section 503 of this Act, and the Committees on Appropriations of the Senate and the House of Representatives shall be notified 15 days prior to such transfer.

SEC. 541. Any official that is required by this Act to report or certify to the Committees on Appropriations of the Senate and the House of Representatives may not delegate such authority to perform that act unless specifically authorized herein.

SEC. 542. The Secretary of Homeland Security, in consultation with the Secretary of the Treasury, shall notify the Committees on Appropriations of the Senate and the House of Representatives of any proposed transfers of funds available under 31 U.S.C. 9703.2(g)(4)(B) from the Department of the Treasury Forfeiture Fund to any agency within the Department of Homeland Security: *Provided,* That none of the funds identified for such a transfer may be obligated until the Committees on Appropriations of the Senate and the House of Representatives approve the proposed transfers.

SEC. 543. Section 520 of Public Law 108–90 (6 U.S.C. 469) is amended—

(1) by inserting ''(a) FEES.—'' before ''For fiscal year 2004 and thereafter''; and

(2) by adding at the end the following:

''(b) RECURRENT TRAINING OF ALIENS IN OPERATION OF AIRCRAFT.—

''(1) PROCESS FOR REVIEWING THREAT ASSESSMENTS.—Notwithstanding section 44939(e) of title 49, United States Code, the Secretary shall establish a process to ensure that an alien (as defined in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)) applying for recurrent training in the operation of any aircraft is properly identified and has not, since the time of any prior threat assessment conducted pursuant to section 44939(a) of such title, become a risk to aviation or national security.

''(2) INTERRUPTION OF TRAINING.—If the Secretary determines, in carrying out the process established under paragraph (1), that an alien is a present risk to aviation or national security, the Secretary shall immediately notify the person providing the training of the determination and that person shall not provide the training or if such training has commenced that person shall immediately terminate the training.

''(3) FEES.—The Secretary may charge reasonable fees under subsection (a) for providing credentialing and background investigations for aliens in connection with the process for recurrent training established under paragraph (1). Such fees shall be promulgated by notice in the Federal Register.''.

SEC. 544. (a) Not later than six months from the date of enactment of this Act, the Secretary of Homeland Security shall consult with the Secretaries of Defense and Transportation and develop a concept of operations for unmanned aerial systems in the United States national airspace system for the purposes of border and maritime security operations.

(b) The Secretary of Homeland Security shall report to the Committees on Appropriations of the Senate and the House of Representatives not later than 30 days after the date of enactment of this Act on any foreseeable challenges to complying with subsection (a).

SEC. 545. If the Assistant Secretary of Homeland Security (Transportation Security Administration) determines that an airport does not need to participate in the basic pilot program, the Assistant Secretary shall certify to the Committees on Appropriations of the Senate and the House of Representatives that no security risks will result by such non-participation.

SEC. 546. Notwithstanding any other provision of law, and not later than 30 days after the date of submission of a request for a single payment, the President shall provide a single payment for any eligible costs under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) for any police station, fire station, or criminal justice facility that was damaged by Hurricane Katrina of 2005 or Hurricane Rita of 2005: *Provided,* That the President shall not reduce the amount of assistance provided under section 406(c)(1) of

the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(c)(1)) for such facilities: *Provided further,* That nothing in the previous proviso may be construed to alter the appeal or review process relating to assistance provided under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172): *Provided further,* That the President shall not reduce the amount of assistance provided to a local government under section 406(d) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(d)) more than once for each such type of facility for which that local government is receiving assistance under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act relating to Hurricane Katrina of 2005 or Hurricane Rita of 2005.

SEC. 547. For grants to States pursuant to section 204(a) of the REAL ID Act of 2005 (division B of Public Law 109–13), $50,000,000, to remain available until expended. In addition, for developing an information sharing and verification capability with States to support implementation of the REAL ID Act, $50,000,000, to remain available until expended: *Provided,* That none of the funds provided in this section for development of the information sharing and verification system shall be available to create any new system of records from the data accessible by such information technology system, or to create any means of access by Federal agencies to such information technology system other than to fulfill responsibilities pursuant to the REAL ID Act of 2005.

SEC. 548. Notwithstanding any other provision of law, the Federal Emergency Management Agency shall reimburse Jones County and Harrison County in the State of Mississippi under section 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5173) for unreimbursed costs relating to the removal of debris that were incurred by such counties as a result of Hurricane Katrina in 2005.

SEC. 549. From the unobligated balances of prior year appropriations made available for Transportation Security Administration, $31,000,000 are rescinded: *Provided,* That the Transportation Security Administration shall not rescind any unobligated balances from the following programs: screener partnership program; explosives detection systems; checkpoint support; aviation regulation and other enforcement; air cargo; and air cargo research and development.

SEC. 550. From the unobligated balances of prior year appropriations made available for ''Analysis and Operations'', $21,373,000 are rescinded.

SEC. 551. From unobligated balances of prior year appropriations made available for Coast Guard ''Acquisition, Construction, and Improvements'', $20,000,000 are rescinded: *Provided,* That no funds shall be rescinded from prior year appropriations provided for the National Security Cutter or the Maritime Patrol Aircraft: *Provided further,* That the Coast Guard shall submit notification in accordance with section 503 of this Act listing projects for which funding will be rescinded.

SEC. 552. For fiscal year 2008, funds made available for Federal Emergency Management Agency ''National Predisaster Mitigation Fund'' shall be provided as detailed in the explanatory statement accompanying Public Law 110–161.

SEC. 553. Section 203(m) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(m)) is amended by striking ''September 30, 2008'' and inserting ''September 30, 2009''.

This division may be cited as the ''Department of Homeland Security Appropriations Act, 2009''.

DIVISION E—MILITARY CONSTRUCTION AND VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATIONS ACT, 2009

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2009, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

(INCLUDING RESCISSIONS OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, $4,692,648,000, to remain available until September 30, 2013: *Provided,* That of this amount, not to exceed $178,685,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further,* That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the heading ''Military Construction, Army'', and under the headings ''Army'' in the table entitled ''Military Construction'', in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further,* That of the funds appropriated for ''Military Construction, Army'' under Public Law 110–5, $34,720,000 are hereby rescinded: *Provided further,* That of the funds appropriated for ''Military Construction, Army'' under Public Law 110–161, $16,600,000 are hereby rescinded.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy and Marine Corps as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, $3,333,369,000, to remain available until September 30, 2013: *Provided,* That of this amount, not to exceed $246,528,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further,* That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the heading ''Military Construction, Navy and Marine Corps'', and under the headings ''Navy'' in the table entitled ''Military Construction'', in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

MILITARY CONSTRUCTION, AIR FORCE

(INCLUDING RESCISSION OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, $1,117,746,000, to remain available until September 30, 2013: *Provided,* That of this amount, not to exceed $93,436,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further,* That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the heading ''Military Construction, Air Force'', and under the headings ''Air Force'' in the table entitled ''Military Construction'', in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further,* That of the funds appropriated for ''Military Construction, Air Force'' under Public Law 110–161, $20,821,000 are hereby rescinded.

MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, $1,695,204,000, to remain available until September 30, 2013: *Provided,* That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as the Secretary may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided further,* That of the amount appropriated, not to exceed $186,060,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further,* That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the heading ''Military Construction, Defense-Wide'', and under the headings ''Defense-Wide'' in the table entitled ''Military Construction'', in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further,* That of the funds appropriated for ''Military Construction, Defense-Wide'' under Public Law 108–324, $3,589,000 are hereby rescinded: *Provided further,* That none of the funds appropriated under this heading may be obligated or expended for site activation or construction of a long-range missile defense system in a European country until the government of the country in which such missile defense system (including interceptors and associated radars) is proposed to be deployed has given final approval (including parliamentary ratification) to any missile defense agreements negotiated between such government and the United States Government concerning the proposed deployment of such components in such country.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

(INCLUDING RESCISSION OF FUNDS)

For construction, acquisition, expansion, rehabilitation, and conversion of facilities

for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $736,317,000, to remain available until September 30, 2013: *Provided*, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the heading ''Military Construction, Army National Guard'', and under the headings ''Army National Guard'' in the table entitled ''Military Construction'', in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further*, That of the funds appropriated for ''Military Construction, Army National Guard'' under Public Law 110–161, $1,400,000 are hereby rescinded.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $242,924,000, to remain available until September 30, 2013: *Provided*, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the heading ''Military Construction, Air National Guard'', and under the headings ''Air National Guard'' in the table entitled ''Military Construction'', in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $282,607,000, to remain available until September 30, 2013 *Provided*, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the heading ''Military Construction, Army Reserve'', and under the headings ''Army Reserve'' in the table entitled ''Military Construction'', in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

MILITARY CONSTRUCTION, NAVY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $57,045,000, to remain available until September 30, 2013 *Provided*, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the heading ''Military Construction, Navy Reserve'', and under the headings ''Navy Reserve'' in the table entitled ''Military Construction'', in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $36,958,000, to remain available until September 30, 2013 *Provided*, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the heading ''Military Construction, Air Force Reserve'', and under the headings ''Air Force Reserve'' in the table entitled ''Military Construction'', in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized by section 2806 of title 10, United States Code, and Military Construction Authorization Acts, $230,867,000, to remain available until expended.

FAMILY HOUSING CONSTRUCTION, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $646,580,000, to remain available until September 30, 2013: *Provided*, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the heading ''Family Housing Construction, Army'', and under the heading ''Family Housing Construction, Army'' in the table entitled ''Military Construction'', in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY

For expenses of family housing for the Army for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $716,110,000.

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $380,123,000, to remain available until September 30, 2013: *Provided*, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the heading ''Family Housing Construction, Navy and Marine Corps'', and under the heading ''Family Housing Construction, Navy and Marine Corps'' in the table entitled ''Military Construction'', in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $376,062,000.

FAMILY HOUSING CONSTRUCTION, AIR FORCE

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $395,879,000, to remain available until September 30, 2013: *Provided*, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the heading ''Family Housing Construction, Air Force'', and under the heading ''Family Housing Construction, Air Force'' in the table entitled ''Military Construction'', in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

For expenses of family housing for the Air Force for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $594,465,000.

FAMILY HOUSING OPERATION AND MAINTENANCE, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for operation and maintenance, leasing, and minor construction, as authorized by law, $49,231,000.

DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND

For the Department of Defense Family Housing Improvement Fund, $850,000, to remain available until expended, for family housing initiatives undertaken pursuant to section 2883 of title 10, United States Code, providing alternative means of acquiring and improving military family housing and supporting facilities.

HOMEOWNERS ASSISTANCE FUND

For the Homeowners Assistance Fund established by section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966, as amended (42 U.S.C. 3374), $4,500,000, to remain available until expended.

CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE

For expenses of construction, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, as currently authorized by law, $144,278,000, to remain available until September 30, 2013, which shall be only for the Assembled Chemical Weapons Alternatives program: *Provided*, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the heading ''Chemical Demilitarization Construction, Defense-Wide'' in the table entitled ''Military Construction'' in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990

For deposit into the Department of Defense Base Closure Account 1990, established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $458,377,000, to remain available until expended.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005

For deposit into the Department of Defense Base Closure Account 2005, established by section 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $8,765,613,000, to remain available until expended: *Provided*, That the Department of Defense shall notify the Committees on Appropriations of both Houses of Congress 14 days prior to obligating an amount for a construction project that exceeds or reduces the amount identified for

that project in the most recently submitted budget request for this account by 20 percent or $2,000,000, whichever is less: *Provided further*, That the previous proviso shall not apply to projects costing less than $5,000,000, except for those projects not previously identified in any budget submission for this account and exceeding the minor construction threshold under 10 U.S.C. 2805.

ADMINISTRATIVE PROVISIONS

SEC. 101. None of the funds made available in this title shall be expended for payments under a cost-plus-a-fixed-fee contract for construction, where cost estimates exceed $25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds made available in this title for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds made available in this title for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds made available in this title may be used to begin construction of new bases in the United States for which specific appropriations have not been made.

SEC. 105. None of the funds made available in this title shall be used for purchase of land or land easements in excess of 100 percent of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except: (1) where there is a determination of value by a Federal court; (2) purchases negotiated by the Attorney General or the designee of the Attorney General; (3) where the estimated value is less than $25,000; or (4) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds made available in this title shall be used to: (1) acquire land; (2) provide for site preparation; or (3) install utilities for any family housing, except housing for which funds have been made available in annual Acts making appropriations for military construction.

SEC. 107. None of the funds made available in this title for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 108. None of the funds made available in this title may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds made available in this title may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 111. None of the funds made available in this title may be obligated for architect and engineer contracts estimated by the Government to exceed $500,000 for projects to be accomplished in Japan, in any North Atlantic Treaty Organization member country, or in countries bordering the Arabian Sea, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds made available in this title for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Sea, may be used to award any contract estimated by the Government to exceed $1,000,000 to a foreign contractor: *Provided*, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: *Provided further*, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.

SEC. 113. The Secretary of Defense is to inform the appropriate committees of both Houses of Congress, including the Committees on Appropriations, of the plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed $100,000.

SEC. 114. Not more than 20 percent of the funds made available in this title which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year.

(INCLUDING TRANSFER OF FUNDS)

SEC. 115. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 116. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 117. Notwithstanding any other provision of law, any funds made available to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were made available, if the funds obligated for such project: (1) are obligated from funds available for military construction projects; and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

SEC. 118. (a) The Secretary of Defense, in consultation with the Secretary of State, shall submit to the Committees on Appropriations of both Houses of Congress, by February 15 of each year, an annual report in unclassified and, if necessary, classified form, on actions taken by the Department of Defense and the Department of State during the previous fiscal year to encourage host countries to assume a greater share of the common defense burden of such countries and the United States.

(b) The report under subsection (a) shall include a description of—

(1) attempts to secure cash and in-kind contributions from host countries for military construction projects;

(2) attempts to achieve economic incentives offered by host countries to encourage private investment for the benefit of the United States Armed Forces;

(3) attempts to recover funds due to be paid to the United States by host countries for assets deeded or otherwise imparted to host countries upon the cessation of United States operations at military installations;

(4) the amount spent by host countries on defense, in dollars and in terms of the percent of gross domestic product (GDP) of the host country; and

(5) for host countries that are members of the North Atlantic Treaty Organization (NATO), the amount contributed to NATO by host countries, in dollars and in terms of the percent of the total NATO budget.

(c) In this section, the term ''host country'' means other member countries of NATO, Japan, South Korea, and United States allies bordering the Arabian Sea.

(INCLUDING TRANSFER OF FUNDS)

SEC. 119. In addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note) pursuant to section 207(a)(2)(C) of such Act, may be transferred to the account established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), to be merged with, and to be available for the same purposes and the same time period as that account.

(INCLUDING TRANSFER OF FUNDS)

SEC. 120. Subject to 30 days prior notification, or 14 days for a notification provided in an electronic medium pursuant to sections 480 and 2883, of title 10, United States Code, to the Committees on Appropriations of both Houses of Congress, such additional amounts as may be determined by the Secretary of Defense may be transferred to: (1) the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction in ''Family Housing'' accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund; or (2) the Department of Defense Military Unaccompanied Housing Improvement Fund from amounts appropriated for construction of military unaccompanied housing in ''Military Construction'' accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: *Provided*, That appropriations made available to the Funds shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169 of title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing, military unaccompanied housing, and supporting facilities.

SEC. 121. (a) Not later than 60 days before issuing any solicitation for a contract with the private sector for military family housing the Secretary of the military department concerned shall submit to the Committees on Appropriations of both Houses of Congress the notice described in subsection (b).

(b)(1) A notice referred to in subsection (a) is a notice of any guarantee (including the making of mortgage or rental payments) proposed to be made by the Secretary to the private party under the contract involved in the event of—

(A) the closure or realignment of the installation for which housing is provided under the contract;

(B) a reduction in force of units stationed at such installation; or

(C) the extended deployment overseas of units stationed at such installation.

(2) Each notice under this subsection shall specify the nature of the guarantee involved

and assess the extent and likelihood, if any, of the liability of the Federal Government with respect to the guarantee.

(INCLUDING TRANSFER OF FUNDS)

SEC. 122. In addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the accounts established by sections 2906(a)(1) and 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program. Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

SEC. 123. Notwithstanding any other provision of law, funds made available in this title for operation and maintenance of family housing shall be the exclusive source of funds for repair and maintenance of all family housing units, including general or flag officer quarters: *Provided*, That not more than $35,000 per unit may be spent annually for the maintenance and repair of any general or flag officer quarters without 30 days prior notification to the Committees on Appropriations of both Houses of Congress, except that an after-the-fact notification shall be submitted if the limitation is exceeded solely due to costs associated with environmental remediation that could not be reasonably anticipated at the time of the budget submission: *Provided further*, That the Under Secretary of Defense (Comptroller) is to report annually to the Committees on Appropriations of both Houses of Congress all operation and maintenance expenditures for each individual general or flag officer quarters for the prior fiscal year.

SEC. 124. Amounts contained in the Ford Island Improvement Account established by subsection (h) of section 2814 of title 10, United States Code, are appropriated and shall be available until expended for the purposes specified in subsection (i)(1) of such section or until transferred pursuant to subsection (i)(3) of such section.

(INCLUDING TRANSFER OF FUNDS)

SEC. 125. None of the funds made available in this title, or in any Act making appropriations for military construction which remain available for obligation, may be obligated or expended to carry out a military construction, land acquisition, or family housing project at or for a military installation approved for closure, or at a military installation for the purposes of supporting a function that has been approved for realignment to another installation, in 2005 under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), unless such a project at a military installation approved for realignment will support a continuing mission or function at that installation or a new mission or function that is planned for that installation, or unless the Secretary of Defense certifies that the cost to the United States of carrying out such project would be less than the cost to the United States of cancelling such project, or if the project is at an active component base that shall be established as an enclave or in the case of projects having multi-agency use, that another Government agency has indicated it will assume ownership of the completed project. The Secretary of Defense may not transfer funds made available as a result of this limitation from any military construction project, land acquisition, or family housing project to another account or use such funds for another purpose or project without the prior approval of the Committees on Appropriations of both Houses of Congress. This section shall not apply to military construction projects, land acquisition, or family housing projects for which the project is vital to the national security or the protection of health, safety, or environmental quality: *Provided*, That the Secretary of Defense shall notify the congressional defense committees within seven days of a decision to carry out such a military construction project.

(INCLUDING TRANSFER OF FUNDS)

SEC. 126. During the 5-year period after appropriations available in this Act to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation ''Foreign Currency Fluctuations, Construction, Defense'', to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

SEC. 127. None of the funds appropriated or otherwise made available in this title may be used for any action that is related to or promotes the expansion of the boundaries or size of the Pinon Canyon Maneuver Site, Colorado.

SEC. 128. Amounts appropriated or otherwise made available in an account funded under the headings in this title may be transferred among projects and activities within that account in accordance with the reprogramming guidelines for military construction and family housing construction contained in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), and in the guidance for military construction reprogrammings and notifications contained in Department of Defense Financial Management Regulation 7000.14–R, Volume 3, Chapter 7, of December 1996, as in effect on the date of enactment of this Act.

(INCLUDING TRANSFER OF FUNDS)

SEC. 129. (a) Of the amount appropriated or otherwise made available by this Act for the Department of Defense under the heading ''Military Construction, Air Force'' and available for planning and design, the Secretary of the Air Force shall, in accordance with section 1535 of title 31, United States Code, transfer $500,000 to the American Battle Monuments Commission to conduct an engineering study on the restoration of the Lafayette Escadrille Memorial in Marnes-La-Coquette, France.

(b) The study conducted pursuant to subsection (a) shall include:

(1) an estimate of costs to be incurred to restore the structure, features, landscaped grounds and caretaker's quarters of the Lafayette Escadrille Memorial to standards similar to memorials and burial grounds administered by the American Battle Monuments Commission; and

(2) an estimate of annual costs for the long-term preservation, maintenance, and operation of the memorial under those standards.

(c) The amount transferred under subsection (a) shall remain available until expended.

SEC. 130. Of the funds provided for ''Family Housing Construction, Defense-Wide'' under Public Law 110–5, $6,040,000 are hereby rescinded.

SEC. 131. In addition to amounts otherwise appropriated or made available under the heading ''Military Construction, Air National Guard'', there is hereby appropriated an additional $28,000,000, to remain available until September 30, 2013, for the construction of Air National Guard fire stations: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and construction not otherwise authorized by law: *Provided further*, That within 30 days of enactment of this Act, and prior to obligation of funds, the Air National Guard shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this section.

SEC. 132. In addition to amounts otherwise appropriated or made available under the heading ''Military Construction, Army National Guard'', there is hereby appropriated an additional $147,000,000, to remain available until September 30, 2013, for the construction of facilities consistent with Army National Guard emerging requirements: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and construction not otherwise authorized by law: *Provided further*, That within 30 days of enactment of this Act, and prior to obligation of funds, the Director of the Army National Guard shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this section.

TITLE II

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by section 107 and chapters 11, 13, 18, 51, 53, 55, and 61 of title 38, United States Code; pension benefits to or on behalf of veterans as authorized by chapters 15, 51, 53, 55, and 61 of title 38, United States Code; and burial benefits, the Reinstated Entitlement Program for Survivors, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of title IV of the Servicemembers Civil Relief Act (50 U.S.C. App. 541 et seq.) and for other benefits as authorized by sections 107, 1312, 1977, and 2106, and chapters 23, 51, 53, 55, and 61 of title 38, United States Code, $43,111,681,000, to remain available until expended: *Provided*, That not to exceed $26,798,000 of the amount appropriated under this heading shall be reimbursed to ''General operating expenses'', ''Medical support and compliance'', and ''Information technology systems'' for necessary expenses in implementing the provisions of chapters 51, 53, and 55 of title 38, United States Code, the funding source for which is specifically provided as the ''Compensation and pensions'' appropriation: *Provided further*, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to ''Medical care collections fund'' to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by chapters 21, 30, 31, 33, 34, 35, 36, 39, 51, 53, 55, and 61 of title 38, United States Code, $3,832,944,000, to remain available until expended: *Provided*, That expenses for rehabilitation program services and assistance which the Secretary is authorized to provide under subsection (a) of section 3104 of title 38, United States Code, other than under paragraphs (1), (2), (5), and (11) of that subsection, shall be charged to this account.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by title 38, United States Code, chapters 19 and 21, $42,300,000, to remain available until expended.

VETERANS HOUSING BENEFIT PROGRAM FUND

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by subchapters I through III of chapter 37 of title 38, United States Code: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That during fiscal year 2009, within the resources available, not to exceed $500,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $157,210,000.

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $61,000, as authorized by chapter 31 of title 38, United States Code: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That funds made available under this heading are available to subsidize gross obligations for the principal amount of direct loans not to exceed $3,180,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $320,000, which may be paid to the appropriation for ''General operating expenses''.

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

For administrative expenses to carry out the direct loan program authorized by subchapter V of chapter 37 of title 38, United States Code, $646,000.

GUARANTEED TRANSITIONAL HOUSING LOANS FOR HOMELESS VETERANS PROGRAM ACCOUNT

For the administrative expenses to carry out the guaranteed transitional housing loan program authorized by subchapter VI of chapter 20 of title 38, United States Code, not to exceed $750,000 of the amounts appropriated by this Act for ''General operating expenses'' and ''Medical support and compliance'' may be expended.

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs and veterans described in section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the Department, and including medical supplies and equipment, food services, and salaries and expenses of health-care employees hired under title 38, United States Code, and aid to State homes as authorized by section 1741 of title 38, United States Code; $30,969,903,000, plus reimbursements, of which not less than $3,800,000,000 shall be expended for specialty mental health care and of which $250,000,000 shall be for establishment and implementation of a new rural health outreach and delivery initiative: *Provided*, That of the funds made available under this heading, not to exceed $1,600,000,000 shall be available until September 30, 2010: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall establish a priority for the provision of medical treatment for veterans who have service-connected disabilities, lower income, or have special needs: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall give priority funding for the provision of basic medical benefits to veterans in enrollment priority groups 1 through 6: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs may authorize the dispensing of prescription drugs from Veterans Health Administration facilities to enrolled veterans with privately written prescriptions based on requirements established by the Secretary: *Provided further*, That the implementation of the program described in the previous proviso shall incur no additional cost to the Department of Veterans Affairs: *Provided further*, That for the Department of Defense/Department of Veterans Affairs Health Care Sharing Incentive Fund, as authorized by section 8111(d) of title 38, United States Code, a minimum of $15,000,000, to remain available until expended, for any purpose authorized by section 8111 of title 38, United States Code.

MEDICAL SUPPORT AND COMPLIANCE

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities; and administrative and legal expenses of the Department for collecting and recovering amounts owed the Department as authorized under chapter 17 of title 38, United States Code, and the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.): $4,450,000,000, plus reimbursements, of which $250,000,000 shall be available until September 30, 2010.

MEDICAL FACILITIES

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities and other necessary facilities of the Veterans Health Administration; for administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction, and renovation of any facility under the jurisdiction or for the use of the Department; for oversight, engineering, and architectural activities not charged to project costs; for repairing, altering, improving, or providing facilities in the several hospitals and homes under the jurisdiction of the Department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; for leases of facilities; and for laundry services, $5,029,000,000, plus reimbursements, of which $350,000,000 shall be available until September 30, 2010: *Provided*, That $300,000,000 for non-recurring maintenance provided under this heading shall be allocated in a manner not subject to the Veterans Equitable Resource Allocation.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by chapter 73 of title 38, United States Code, $510,000,000, plus reimbursements, to remain available until September 30, 2010.

NATIONAL CEMETERY ADMINISTRATION

For necessary expenses of the National Cemetery Administration for operations and maintenance, not otherwise provided for, including uniforms or allowances therefor; cemeterial expenses as authorized by law; purchase of one passenger motor vehicle for use in cemeterial operations; hire of passenger motor vehicles; and repair, alteration or improvement of facilities under the jurisdiction of the National Cemetery Administration, $230,000,000, of which not to exceed $23,000,000 shall be available until September 30, 2010.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including administrative expenses in support of Department-Wide capital planning, management and policy activities, uniforms, or allowances therefor; not to exceed $25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail, $1,801,867,000: *Provided*, That expenses for services and assistance authorized under paragraphs (1), (2), (5), and (11) of section 3104(a) of title 38, United States Code, that the Secretary of Veterans Affairs determines are necessary to enable entitled veterans: (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: *Provided further*, That the Veterans Benefits Administration shall be funded at not less than $1,466,095,000: *Provided further*, That of the funds made available under this heading, not to exceed $83,000,000 shall be available for obligation until September 30, 2010: *Provided further*, That from the funds made available under this heading, the Veterans Benefits Administration may purchase (on a one-for-one replacement basis only) up to two passenger motor vehicles for use in operations of that Administration in Manila, Philippines.

INFORMATION TECHNOLOGY SYSTEMS

For necessary expenses for information technology systems and telecommunications support, including developmental information systems and operational information systems; for pay and associated costs; and for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by section 3109 of title 5, United States Code, $2,489,391,000, plus reimbursements, to be available until September 30, 2010: *Provided*, That of the funds made available under this heading, not less than $48,000,000 shall be for the Financial and Logistics Integrated Technology Enterprise program: *Provided further*, That none of these funds may be obligated until the Department of Veterans Affairs submits to the Committees on Appropriations of both Houses of Congress, and such Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget; (2) complies with the Department of Veterans Affairs enterprise architecture; (3) conforms with an established enterprise life cycle methodology; and (4) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government: *Provided further*, That within 30 days of enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a reprogramming base letter which provides, by project, the costs included in this appropriation.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, to include information technology, in carrying out the provisions of

the Inspector General Act of 1978 (5 U.S.C. App.), $87,818,000, of which $5,000,000 shall be available until September 30, 2010.

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, construction management services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is more than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, or where funds for a project were made available in a previous major project appropriation, $923,382,000, to remain available until expended, of which $10,000,000 shall be to make reimbursements as provided in section 13 of the Contract Disputes Act of 1978 (41 U.S.C. 612) for claims paid for contract disputes: *Provided*, That except for advance planning activities, including needs assessments which may or may not lead to capital investments, and other capital asset management related activities, including portfolio development and management activities, and investment strategy studies funded through the advance planning fund and the planning and design activities funded through the design fund, including needs assessments which may or may not lead to capital investments, and funds provided for the purchase of land for the National Cemetery Administration through the land acquisition line item, none of the funds appropriated under this heading shall be used for any project which has not been approved by the Congress in the budgetary process: *Provided further*, That funds provided in this appropriation for fiscal year 2009, for each approved project shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2009; and (2) by the awarding of a construction contract by September 30, 2010: *Provided further*, That the Secretary of Veterans Affairs shall promptly submit to the Committees on Appropriations of both Houses of Congress a written report on any approved major construction project for which obligations are not incurred within the time limitations established above: *Provided further*, That of the amount appropriated in this paragraph, $923,382,000 shall be for the projects and activities, and in the amounts, specified under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans Affairs, including planning and assessments of needs which may lead to capital investments, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, 8122, and 8162 of title 38, United States Code, where the estimated cost of a project is equal to or less than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, $741,534,000, to remain available until expended, along with unobligated balances of previous ''Construction, minor projects'' appropriations which are hereby made available for any project where the estimated cost is equal to or less than the amount set forth in such section: *Provided*, That funds in this account shall be available for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes: *Provided further:* That $7,000,000 of the amount appropriated in this paragraph shall be for the installation of alternative fueling stations at 35 medical facility campuses.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify, or alter existing hospital, nursing home, and domiciliary facilities in State homes, for furnishing care to veterans as authorized by sections 8131 through 8137 of title 38, United States Code, $175,000,000, to remain available until expended.

GRANTS FOR CONSTRUCTION OF STATE VETERANS CEMETERIES

For grants to assist States in establishing, expanding, or improving State veterans cemeteries as authorized by section 2408 of title 38, United States Code, $42,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 201. Any appropriation for fiscal year 2009 for ''Compensation and pensions'', ''Readjustment benefits'', and ''Veterans insurance and indemnities'' may be transferred as necessary to any other of the mentioned appropriations: *Provided*, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and such Committees issue an approval, or absent a response, a period of 30 days has elapsed.

(INCLUDING TRANSFER OF FUNDS)

SEC. 202. Amounts made available for the Department of Veterans Affairs for fiscal year 2009, in this Act or any other Act, under the ''Medical services'', ''Medical support and compliance'', and ''Medical facilities'' accounts may be transferred among the accounts to the extent necessary to implement the restructuring of the Veterans Health Administration accounts: *Provided*, That any transfers between the ''Medical services'' and ''Medical support and compliance'' accounts of 1 percent or less of the total amount appropriated to the account in this or any other Act may take place subject to notification from the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress of the amount and purpose of the transfer: *Provided further*, That any transfers between the ''Medical services'' and ''Medical support and compliance'' accounts in excess of 1 percent, or exceeding the cumulative 1 percent for the fiscal year, may take place only after the Secretary requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued: *Provided further*, That any transfers to or from the ''Medical facilities'' account may take place only after the Secretary requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

SEC. 203. Appropriations available in this title for salaries and expenses shall be available for services authorized by section 3109 of title 5, United States Code, hire of passenger motor vehicles; lease of a facility or land or both; and uniforms or allowances therefore, as authorized by sections 5901 through 5902 of title 5, United States Code.

SEC. 204. No appropriations in this title (except the appropriations for ''Construction, major projects'', and ''Construction, minor projects'') shall be available for the purchase of any site for or toward the construction of any new hospital or home.

SEC. 205. No appropriations in this title shall be available for hospitalization or examination of any persons (except beneficiaries entitled to such hospitalization or examination under the laws providing such benefits to veterans, and persons receiving such treatment under sections 7901 through 7904 of title 5, United States Code, or the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)), unless reimbursement of the cost of such hospitalization or examination is made to the ''Medical services'' account at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 206. Appropriations available in this title for ''Compensation and pensions'', ''Readjustment benefits'', and ''Veterans insurance and indemnities'' shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2008.

SEC. 207. Appropriations available in this title shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from sections 3328(a), 3334, and 3712(a) of title 31, United States Code, except that if such obligations are from trust fund accounts they shall be payable only from ''Compensation and pensions''.

(INCLUDING TRANSFER OF FUNDS)

SEC. 208. Notwithstanding any other provision of law, during fiscal year 2009, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund (38 U.S.C. 1920), the Veterans' Special Life Insurance Fund (38 U.S.C. 1923), and the United States Government Life Insurance Fund (38 U.S.C. 1955), reimburse the ''General operating expenses'' and ''Information technology systems'' accounts for the cost of administration of the insurance programs financed through those accounts: *Provided*, That reimbursement shall be made only from the surplus earnings accumulated in such an insurance program during fiscal year 2009 that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: *Provided further*, That if the cost of administration of such an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: *Provided further*, That the Secretary shall determine the cost of administration for fiscal year 2009 which is properly allocable to the provision of each such insurance program and to the provision of any total disability income insurance included in that insurance program.

SEC. 209. Amounts deducted from enhanced-use lease proceeds to reimburse an account for expenses incurred by that account during a prior fiscal year for providing enhanced-use lease services, may be obligated during the fiscal year in which the proceeds are received.

(INCLUDING TRANSFER OF FUNDS)

SEC. 210. Funds available in this title or funds for salaries and other administrative expenses shall also be available to reimburse the Office of Resolution Management of the

Department of Veterans Affairs and the Office of Employment Discrimination Complaint Adjudication under section 319 of title 38, United States Code, for all services provided at rates which will recover actual costs but not exceed $34,158,000 for the Office of Resolution Management and $3,278,000 for the Office of Employment and Discrimination Complaint Adjudication: *Provided*, That payments may be made in advance for services to be furnished based on estimated costs: *Provided further*, That amounts received shall be credited to the ''General operating expenses'' and ''Information technology systems'' accounts for use by the office that provided the service.

SEC. 211. No appropriations in this title shall be available to enter into any new lease of real property if the estimated annual rental is more than $1,000,000 unless the Secretary submits a report which the Committees on Appropriations of both Houses of Congress approve within 30 days following the date on which the report is received.

SEC. 212. No funds of the Department of Veterans Affairs shall be available for hospital care, nursing home care, or medical services provided to any person under chapter 17 of title 38, United States Code, for a non-service-connected disability described in section 1729(a)(2) of such title, unless that person has disclosed to the Secretary of Veterans Affairs, in such form as the Secretary may require, current, accurate third-party reimbursement information for purposes of section 1729 of such title: *Provided*, That the Secretary may recover, in the same manner as any other debt due the United States, the reasonable charges for such care or services from any person who does not make such disclosure as required: *Provided further*, That any amounts so recovered for care or services provided in a prior fiscal year may be obligated by the Secretary during the fiscal year in which amounts are received.

(INCLUDING TRANSFER OF FUNDS)

SEC. 213. Notwithstanding any other provision of law, proceeds or revenues derived from enhanced-use leasing activities (including disposal) may be deposited into the ''Construction, major projects'' and ''Construction, minor projects'' accounts and be used for construction (including site acquisition and disposition), alterations, and improvements of any medical facility under the jurisdiction or for the use of the Department of Veterans Affairs. Such sums as realized are in addition to the amount provided for in ''Construction, major projects'' and ''Construction, minor projects''.

SEC. 214. Amounts made available under ''Medical services'' are available—

(1) for furnishing recreational facilities, supplies, and equipment; and

(2) for funeral expenses, burial expenses, and other expenses incidental to funerals and burials for beneficiaries receiving care in the Department.

(INCLUDING TRANSFER OF FUNDS)

SEC. 215. Such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, may be transferred to ''Medical services'', to remain available until expended for the purposes of that account.

SEC. 216. Notwithstanding any other provision of law, the Secretary of Veterans Affairs shall allow veterans who are eligible under existing Department of Veterans Affairs medical care requirements and who reside in Alaska to obtain medical care services from medical facilities supported by the Indian Health Service or tribal organizations. The Secretary shall: (1) limit the application of this provision to rural Alaskan veterans in areas where an existing Department of Veterans Affairs facility or Veterans Affairs-contracted service is unavailable; (2) require participating veterans and facilities to comply with all appropriate rules and regulations, as established by the Secretary; (3) require this provision to be consistent with Capital Asset Realignment for Enhanced Services activities; and (4) result in no additional cost to the Department of Veterans Affairs or the Indian Health Service.

(INCLUDING TRANSFER OF FUNDS)

SEC. 217. Such sums as may be deposited to the Department of Veterans Affairs Capital Asset Fund pursuant to section 8118 of title 38, United States Code, may be transferred to the ''Construction, major projects'' and ''Construction, minor projects'' accounts, to remain available until expended for the purposes of these accounts.

SEC. 218. None of the funds available to the Department of Veterans Affairs, in this Act, or any other Act, may be used to replace the current system by which the Veterans Integrated Services Networks select and contract for diabetes monitoring supplies and equipment.

SEC. 219. None of the funds made available in this title may be used to implement any policy prohibiting the Directors of the Veterans Integrated Services Networks from conducting outreach or marketing to enroll new veterans within their respective Networks.

SEC. 220. The Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a quarterly report on the financial status of the Veterans Health Administration.

(INCLUDING TRANSFER OF FUNDS)

SEC. 221. Amounts made available under the ''Medical services'', ''Medical support and compliance'', ''Medical facilities'', ''General operating expenses'', and ''National Cemetery Administration'' accounts for fiscal year 2009, may be transferred to or from the ''Information technology systems'' account: *Provided*, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

(INCLUDING TRANSFER OF FUNDS)

SEC. 222. Amounts made available for the ''Information technology systems'' account may be transferred between projects: *Provided*, That no project may be increased or decreased by more than $1,000,000 of cost prior to submitting a request to the Committees on Appropriations of both Houses of Congress to make the transfer and an approval is issued, or absent a response, a period of 30 days has elapsed.

(INCLUDING TRANSFER OF FUNDS)

SEC. 223. Any balances in prior year accounts established for the payment of benefits under the Reinstated Entitlement Program for Survivors shall be transferred to and merged with amounts available under the ''Compensation and pensions'' account, and receipts that would otherwise be credited to the accounts established for the payment of benefits under the Reinstated Entitlement Program for Survivors program shall be credited to amounts available under the ''Compensation and pensions'' account.

SEC. 224. Section 1710(f)(2)(B) of title 38, United States Code, is amended by striking ''September 30, 2008,'' and inserting ''September 30, 2009,''.

SEC. 225. Section 1729(a)(2)(E) of title 38, United States Code, is amended by striking ''October 1, 2008,'' and inserting ''October 1, 2009,''.

SEC. 226. The Department shall continue research into Gulf War illness at levels not less than those made available in fiscal year 2008, within available funds contained in this Act.

SEC. 227. (a) Upon a determination by the Secretary of Veterans Affairs that such action is in the national interest, and will have a direct benefit for veterans through increased access to treatment, the Secretary of Veterans Affairs may transfer not more than $5,000,000 to the Secretary of Health and Human Services for the Graduate Psychology Education Program, which includes treatment of veterans, to support increased training of psychologists skilled in the treatment of post-traumatic stress disorder, traumatic brain injury, and related disorders.

(b) The Secretary of Health and Human Services may only use funds transferred under this section for the purposes described in subsection (a).

(c) The Secretary of Veterans Affairs shall notify Congress of any such transfer of funds under this section.

SEC. 228. None of the funds appropriated or otherwise made available by this Act or any other Act for the Department of Veterans Affairs may be used in a manner that is inconsistent with—

(1) section 842 of the Transportation, Treasury, Housing and Urban Development, the Judiciary, and Independent Agencies Appropriations Act, 2006 (Public Law 109–115; 119 Stat. 2506); or

(2) section 8110(a)(5) of title 38, United States Code.

SEC. 229. The Secretary of Veterans Affairs may carry out a major medical facility lease in fiscal year 2009 in an amount not to exceed $12,000,000 to implement the recommendations outlined in the August 2007 Study of South Texas Veterans' Inpatient and Specialty Outpatient Health Care Needs.

SEC. 230. Of the amounts made available to the Department of Veterans Affairs for fiscal year 2009, in this Act or any other Act, under the ''Medical Facilities'' account for non-recurring maintenance, not more than 20 percent of the funds made available shall be obligated during the last 2 months of the fiscal year: *Provided*, That the Secretary may waive this requirement after providing written notice to the Committees on Appropriations of both Houses of Congress.

SEC. 231. Section 2703 of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (120 Stat. 469) is amended—

(1) by inserting ''(a)'' before ''Notwithstanding''; and

(2) by adding at the end the following:

''(b) This land shall be owned by the City of Gulfport for no less than 50 years from the date of enactment of this Act.''.

SEC. 232. None of the funds made available in this Act may be used to carry out section 111(c)(5) of title 38, United States Code, during fiscal year 2009.

SEC. 233. Notwithstanding any other provision of law, authority to carry out activities provided for under section 1703(d)(4) of title 38, United States Code, shall continue in effect until January 31, 2009, unless prior to that date, authorization is enacted into law otherwise extending this authority.

SEC. 234. Notwithstanding any other provision of law, authority to carry out activities provided for under section 5317(g) of title 38, United States Code, shall continue in effect until January 31, 2009, unless prior to that date, authorization is enacted into law otherwise extending this authority.

TITLE III

RELATED AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition

of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one-for-one replacement basis only) and hire of passenger motor vehicles; not to exceed $7,500 for official reception and representation expenses; and insurance of official motor vehicles in foreign countries, when required by law of such countries, $59,470,000, to remain available until expended.

FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, such sums as may be necessary, to remain available until expended, for purposes authorized by section 2109 of title 36, United States Code.

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by sections 7251 through 7298 of title 38, United States Code, $30,975,000, of which $1,700,000 shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102–229.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase of two passenger motor vehicles for replacement only, and not to exceed $1,000 for official reception and representation expenses, $36,730,000, to remain available until expended. In addition, such sums as may be necessary for parking maintenance, repairs and replacement, to be derived from the Lease of Department of Defense Real Property for Defense Agencies account.

Funds appropriated under this Act may be provided to Arlington County, Virginia, for the relocation of the federally owned water main at Arlington National Cemetery making additional land available for ground burials.

ARMED FORCES RETIREMENT HOME

TRUST FUND

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the Armed Forces Retirement Home—Washington, District of Columbia, and the Armed Forces Retirement Home—Gulfport, Mississippi, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, $63,010,000, of which $8,025,000 shall remain available until expended for construction and renovation of the physical plants at the Armed Forces Retirement Home—Washington, District of Columbia and the Armed Forces Retirement Home—Gulfport, Mississippi.

TITLE IV

GENERAL PROVISIONS

SEC. 401. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 402. Such sums as may be necessary for fiscal year 2009 for pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 403. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 404. No part of any funds appropriated in this Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before Congress, except in presentation to Congress itself.

SEC. 405. All departments and agencies funded under this Act are encouraged, within the limits of the existing statutory authorities and funding, to expand their use of ''E-Commerce'' technologies and procedures in the conduct of their business practices and public service activities.

SEC. 406. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer authority provided in, this or any other appropriations Act.

SEC. 407. Unless stated otherwise, all reports and notifications required by this Act shall be submitted to the Subcommittee on Military Construction, Veterans Affairs, and Related Agencies of the Committee on Appropriations of the House of Representatives and the Subcommittee on Military Construction, Veterans Affairs, and Related Agencies of the Committee on Appropriations of the Senate.

SEC. 408. None of the funds made available in this Act may be used to modify the standards applicable to the determination of the entitlement of veterans to special monthly pensions under sections 1513(a) and 1521(e) of title 38, United States Code, as in effect pursuant to the opinion of the United States Court of Appeals for Veterans Claims in the case of Hartness v. Nicholson (No. 04–0888, July 21, 2006).

SEC. 409. None of the funds made available in this Act may be used for a project or program named for an individual then serving as a Member, Delegate, or Resident Commissioner of the United States Congress.

This division may be cited as the ''Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2009''.

The SPEAKER pro tempore. Pursuant to House Resolution 1488, the gentleman from Wisconsin (Mr. OBEY) and the gentleman from California (Mr. LEWIS) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. OBEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the pending legislation.

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

There was no objection.

Mr. OBEY. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Pennsylvania (Mr. MURTHA), the Chair of the Defense Appropriations Subcommittee.

Mr. MURTHA. The House Appropriations Subcommittee on Defense has held 22 hearings and our members and staff have visited over 100 military bases and facilities, both here at home and throughout the world. The result is a $487.7 billion fiscal year 2009 Defense Appropriations bill that supports our troops and their families; invests in equipment needed to support the force; imposes fiscal discipline necessary to manage the department's resources; and addresses flaws in the U.S. national security policy.

Earlier this year, I was disappointed to hear the Secretary of Defense say that the U.S. military must prepare for fighting wars against insurgents and militias, he is talking about the future, such as those in Iraq and Afghanistan, rather than spend time and resources preparing for future conventional conflicts.

I find these comments to be misguided and lacking in strategic vision, and the subcommittee agrees. When 90 percent of our ground combat units are rated as not fully mission capable and with what happened in Georgia, we need to be prepared for a contingency to prevent war.

This lack of strategic foresight has left our Armed Forces in a degraded state of readiness, has left our military facilities in disrepair, and has left many defense acquisition programs broken or badly damaged. That is in spite the fact that under JERRY LEWIS and under BILL YOUNG we put all the money we could put into the products in order to get them upgraded.

The bill addresses our future military needs and provides the resources urgently needed by the Department of Defense to prepare the United States military forces for threats to our national security beyond the current wars in Iraq and Afghanistan.

I am inspired by our troops and their families. Their sacrifice and service to this great country are applauded by both the American people and this Congress. We may disagree on matters of policy, but we can all agree on the need to take care of our troops and tend to the needs of their families. This bill addresses these needs in many ways.

For medical treatment and research, the bill adds $1 billion over the budget request within the Defense Health Program. Some of the recommendations include $300 million for traumatic brain injury and psychological help. Our subcommittee has been in the forefront of making sure that we have PTSD in mind; $40 million for medical care centers of excellence at Walter Reed Army Medical Center; $150 million for breast cancer research; $80 million for prostate cancer research; $20 million for ovarian cancer research; and $20 million for lung cancer. We found that 20 percent more military families have lung cancer than nonmilitary families, so we put money in trying to detect it early, which is how we prevent it.

For Family Advocacy Programs, the bill includes $102 million above the budget request, for a total of $410 million.

The bill provides $72 million to compensate servicemembers for Stop-Loss. We originally had more money in, but we couldn't figure out exactly how many people we had with Stop-Loss, so we said to the military, okay, we put $72 million in. After October 1st, anybody that has Stop-Loss gets paid, but you have to go back, do a study, and then tell us how much money you need for the period after that.

The bill provides $734 million above the budget request for the renovation and repair of barracks, military hospitals and other O&M funding for these facilities.

The bill includes language to ensure that the DOD takes steps necessary to ensure that Walter Reed National Military Medical Center and Fort Belvoir remain the gold standard of military medicine.

The bill expresses concern over the frequency of troop deployments and the stress this places on the servicemembers and their families. All of us have seen the stress on the families.

Equipment and support of the forces. Key to improving U.S. military posture is to maintain our domestic industrial base.

Shipbuilding, $14.1 billion.

The bill provides an additional $523 million for the F–22.

The bill more efficiently aligns funding of the Joint Strike Fighter, $6.3 billion.

The bill includes $750 million for the National Guard, and we put $750 million in the supplemental unanimously.

The bill includes $3.6 billion for the Army's Future Combat Systems.

Improving fiscal responsibility. This bill reduces programs which have experienced uncontrolled cost growth due to poor management and designed instability while increasing funding for oversight activities.

The bill cuts $650 million from unjustified and uncontrolled growth in outsourcing, and adds $24 million for additional personnel required by the DOD Inspector General to oversee growth of DOD contracts.

For instance, I just saw in the news media, and that doesn't mean it is true, but there is $13 billion that has gotten lost someplace in the Iraq spending, $9 billion of it U.S. funds, according to the newspaper.

The bill reduces the presidential helicopter program, but we kept it alive, hoping we can get the cost down for the individual.

It cuts $197 million and 16 aircraft from the Armed Recognizance Helicopter.

I recommend that the Members vote for this bill. It is an entire bill. When the bill is signed by the President, it will be money for the rest of the year.

DEPARTMENT OF DEFENSE APPROPRIATIONS - FY 2009
(Amounts in thousands)

	FY 2008 Enacted	FY 2009 Request	Final Bill	Final Bill Vs. Enacted	Final Bill Vs. Request
TITLE I					
MILITARY PERSONNEL					
Military Personnel, Army	31,535,016	36,523,817	36,382,736	+4,847,720	-141,081
Military Personnel, Navy	23,318,476	24,080,598	24,037,553	+719,077	-43,045
Military Personnel, Marine Corps	10,280,180	11,809,845	11,792,974	+1,512,794	-16,871
Military Personnel, Air Force	24,194,914	25,271,443	25,103,789	+908,875	-167,654
Reserve Personnel, Army	3,684,610	3,921,796	3,904,296	+219,686	-17,500
Reserve Personnel, Navy	1,790,136	1,869,968	1,855,968	+65,832	-14,000
Reserve Personnel, Marine Corps	583,108	594,910	584,910	+1,802	-10,000
Reserve Personnel, Air Force	1,363,779	1,436,676	1,423,676	+59,897	-13,000
National Guard Personnel, Army	5,924,699	6,595,293	6,616,220	+691,521	+20,927
National Guard Personnel, Air Force	2,617,319	2,791,994	2,741,768	+124,449	-50,226
Total, title I, Military Personnel	105,292,237	114,896,340	114,443,890	+9,151,653	-452,450
TITLE II					
OPERATION AND MAINTENANCE					
Operation and Maintenance, Army	27,361,574	31,243,092	31,207,243	+3,845,669	-35,849
Operation and Maintenance, Navy	33,087,650	34,922,398	34,410,773	+1,323,123	-511,625
Operation and Maintenance, Marine Corps	4,792,211	5,597,254	5,519,232	+727,021	-78,022
Operation and Maintenance, Air Force	32,176,162	35,902,487	34,865,964	+2,689,802	-1,036,523
Operation and Maintenance, Defense-Wide	22,693,617	26,091,864	25,939,466	+3,245,849	-152,398
Operation and Maintenance, Army Reserve	2,510,022	2,642,341	2,628,896	+118,874	-13,445
Operation and Maintenance, Navy Reserve	1,148,083	1,311,085	1,308,141	+160,058	-2,944
Operation and Maintenance, Marine Corps Reserve	208,637	213,131	212,487	+3,850	-644
Operation and Maintenance, Air Force Reserve	2,815,417	3,142,892	3,018,151	+202,734	-124,741
Operation and Maintenance, Army National Guard	5,764,858	5,875,546	5,858,303	+93,445	-17,243
Operation and Maintenance, Air National Guard	5,468,710	5,879,576	5,901,044	+432,334	+21,468
Overseas Contingency Operations Transfer Fund	---	9,101	---	---	-9,101
United States Court of Appeals for the Armed Forces	11,971	13,254	13,254	+1,283	---
Environmental Restoration, Army	439,879	447,776	457,776	+17,897	+10,000
Environmental Restoration, Navy	300,591	290,819	290,819	-9,772	---
Environmental Restoration, Air Force	458,428	496,277	496,277	+37,849	---
Environmental Restoration, Defense-Wide	12,751	13,175	13,175	+424	---
Environmental Restoration, Formerly Used Defense Sites	280,249	257,796	291,296	+11,047	+33,500
Overseas Humanitarian, Disaster, and Civic Aid	103,300	83,273	83,273	-20,027	---
Cooperative Threat Reduction Account	428,048	414,135	434,135	+6,087	+20,000
Total, title II, Operation and maintenance	140,062,158	154,847,272	152,949,705	+12,887,547	-1,897,567
TITLE III					
PROCUREMENT					
Aircraft Procurement, Army	4,185,778	5,009,835	4,900,835	+715,057	-109,000
Missile Procurement, Army	1,911,979	2,211,460	2,185,060	+273,081	-26,400
Procurement of Weapons and Tracked Combat Vehicles, Army	3,021,889	3,687,077	3,169,128	+147,239	-517,949
Procurement of Ammunition, Army	2,223,176	2,275,791	2,287,398	+64,222	+11,607
Other Procurement, Army	11,428,027	11,367,926	10,684,014	-744,013	-683,912
Aircraft Procurement, Navy	12,464,284	14,716,774	14,141,318	+1,677,034	-575,456
Weapons Procurement, Navy	3,113,987	3,575,482	3,292,972	+178,985	-282,510
Procurement of Ammunition, Navy and Marine Corps	1,064,432	1,122,712	1,085,158	+20,726	-37,554
Shipbuilding and Conversion, Navy	13,597,960	12,732,918	13,054,367	-543,593	+321,449
Other Procurement, Navy	5,317,570	5,482,856	5,250,627	-66,943	-232,229
Procurement, Marine Corps	2,326,619	1,512,765	1,376,917	-949,702	-135,848
Aircraft Procurement, Air Force	12,021,900	12,676,496	13,112,617	+1,090,717	+436,121
Missile Procurement, Air Force	4,985,459	5,536,728	5,442,428	+456,969	-94,300
Procurement of Ammunition, Air Force	754,117	894,478	859,466	+105,349	-35,012
Other Procurement, Air Force	15,440,594	16,128,396	16,052,569	+611,975	-75,827
Procurement, Defense-Wide	3,269,035	3,164,228	3,306,269	+37,234	+142,041
National Guard and Reserve Equipment	980,000	---	750,000	-230,000	+750,000
Defense Production Act Purchases	94,792	36,365	100,565	+5,773	+64,200
Total, title III, Procurement	98,201,598	102,132,287	101,051,708	+2,850,110	-1,080,579

DEPARTMENT OF DEFENSE APPROPRIATIONS - FY 2009
(Amounts in thousands)

	FY 2008 Enacted	FY 2009 Request	Final Bill	Final Bill Vs. Enacted	Final Bill Vs. Request
TITLE IV					
RESEARCH, DEVELOPMENT, TEST AND EVALUATION					
Research, Development, Test and Evaluation, Army	12,126,591	10,524,085	12,060,111	-66,480	+1,536,026
Research, Development, Test and Evaluation, Navy	17,918,522	19,337,238	19,764,276	+1,845,754	+427,038
Research, Development, Test and Evaluation, Air Force	26,255,471	28,066,617	27,084,340	+828,869	-982,277
Research, Development, Test and Evaluation, Defense-Wide	20,790,634	21,499,229	21,423,338	+632,704	-75,891
Operational Test and Evaluation, Defense	180,264	188,772	188,772	+8,508	---
Total, title IV, Research, Development, Test and Evaluation	77,271,482	79,615,941	80,520,837	+3,249,355	+904,896
TITLE V					
REVOLVING AND MANAGEMENT FUNDS					
Defense Working Capital Funds	1,352,746	1,489,234	1,489,234	+136,488	---
National Defense Sealift Fund: Ready Reserve Force	1,349,094	1,962,253	1,666,572	+317,478	-295,681
Defense Coalition Support Fund	---	22,000	---	---	-22,000
Total, title V, Revolving and Management Funds	2,701,840	3,473,487	3,155,806	+453,966	-317,681
TITLE VI					
OTHER DEPARTMENT OF DEFENSE PROGRAMS					
Defense Health Program:					
Operation and maintenance	22,559,501	24,301,359	24,611,369	+2,051,868	+310,010
Procurement	362,861	303,905	311,905	-50,956	+8,000
Research and development	536,330	193,938	902,558	+366,228	+708,620
Total, Defense Health Program	23,458,692	24,799,202	25,825,832	+2,367,140	+1,026,630
National Defense Stockpile Transaction Fund transfer to Defense Health program	---	-1,300,000	-1,300,000	-1,300,000	---
Chemical Agents and Munitions Destruction, Defense:					
Operation and maintenance	1,181,500	1,152,668	1,152,668	-28,832	---
Procurement	18,424	64,085	64,085	+45,661	---
Research, development, test and evaluation	312,800	268,881	288,881	-23,919	+20,000
Total, Chemical Agents 1/	1,512,724	1,485,634	1,505,634	-7,090	+20,000
Drug Interdiction and Counter-Drug Activities, Defense	984,779	1,060,463	1,096,743	+111,964	+36,280
Joint Improvised Explosive Device Defeat Fund 1/	120,000	496,300	---	-120,000	-496,300
Rapid Acquisition Fund 1/	---	102,045	---	---	-102,045
Office of the Inspector General 1/	239,995	247,845	271,845	+31,850	+24,000
Total, title VI, Other Department of Defense Programs	26,316,190	26,891,489	27,400,054	+1,083,864	+508,565
TITLE VII					
RELATED AGENCIES					
Central Intelligence Agency Retirement and Disability System Fund	262,500	279,200	279,200	+16,700	---
Intelligence Community Management Account	725,526	685,042	710,042	-15,484	+25,000
Transfer to Department of Justice	(39,000)	(19,500)	(44,000)	(+5,000)	(+24,500)
Total, title VII, Related agencies	988,026	964,242	989,242	+1,216	+25,000

DEPARTMENT OF DEFENSE APPROPRIATIONS - FY 2009
(Amounts in thousands)

	FY 2008 Enacted	FY 2009 Request	Final Bill	Final Bill Vs. Enacted	Final Bill Vs. Request
TITLE VIII					
GENERAL PROVISIONS					
Additional transfer authority (Sec. 8005)	(3,700,000)	(5,000,000)	(4,100,000)	(+400,000)	(-900,000)
Indian Financing Act incentives (Sec. 8021)	15,000	---	15,000	---	+15,000
FFRDC (Sec. 8026)	-57,725	---	-84,000	-26,275	-84,000
Overseas Military Facility Invest Recovery (Sec. 8031)	1,000	1,000	1,000	---	---
Rescissions (Sec. 8042)	-539,599	---	-1,320,473	-780,874	-1,320,473
Travel Cards	52,000	---	---	-52,000	---
Fisher House Foundation (Sec. 8074)	10,000	---	8,000	-2,000	+8,000
Military Recruitment Assessment & Vet Empl (Sec. 8082)	990	---	3,000	+2,010	+3,000
Special needs students (Sec. 8083)	5,500	---	5,500	---	+5,500
Various grants (Sec. 8084)	62,700	---	112,400	+49,700	+112,400
Shipbuilding & conversion funds, Navy (Sec. 8093)	---	10,000	10,000	+10,000	---
Travel costs/Contractor efficiencies	-506,900	---	---	+506,900	---
Revised Economic Assumptions (Sec.8101)	-1,353,000	---	-829,780	+523,220	-829,780
Tanker replacement transfer fund	150,000	---	---	-150,000	---
Stop Loss transfer fund (Sec. 8116)	---	---	72,000	+72,000	+72,000
Mine Resistant Ambush Protected Vehicle (emergency)	11,630,000	---	---	-11,630,000	---
Tricare cost sharing: Defense Health, O&M (rescission)	---	-1,184,000	---	---	+1,184,000
Working Capital Fund excess cash (Sec. 8119)	---	---	-859,000	-859,000	-859,000
Total, Title VIII, General Provisions	9,469,966	-1,173,000	-2,866,353	-12,336,319	-1,693,353
Total for the bill (net)	460,303,497	481,648,058	477,644,889	+17,341,392	-4,003,169
OTHER APPROPRIATIONS					
JOINT RESOLUTION (PL 110-92)					
Mine Resistant Ambush Protected Vehicle (emergency)	5,200,000	---	---	-5,200,000	---
EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, 2008					
Public Law 110-161, Division L (emergency)	70,000,000	---	---	-70,000,000	---
Special transfer authority (emergency)	(4,000,000)	---	---	(-4,000,000)	---
Total, Public Law 110-161 (emergency)	70,000,000	---	---	-70,000,000	---
SUPPLEMENTAL APPROPRIATIONS ACT, 2008 (PL 110-252)					
Reduction in defense amounts (Sec. 8003) (emergency)	-3,577,845	---	---	+3,577,845	---
Title IX, Defense Matters					
Chapter 1, Defense Supplemental Appropriations for FY 2008 (emergency)	99,652,408	---	---	-99,652,408	---
Special transfer authority (emergency)	(2,500,000)	---	---	(-2,500,000)	---
Rescissions (emergency)	-146,531	---	---	+146,531	---
Subtotal, Chapter 1, FY 2008 (emergency)	99,505,877	---	---	-99,505,877	---
Chapter 2, Defense Bridge Fund Appropriations for FY 2009 (emergency)	---	66,062,936	65,921,157	+65,921,157	-141,779
Special transfer authority (emergency)	---	(4,000,000)	(4,000,000)	(+4,000,000)	---
Subtotal, Chapter 2, FY 2009 (emergency)	---	66,062,936	65,921,157	+65,921,157	-141,779
Total, Public Law 110-252 (emergency)	95,928,032	66,062,936	65,921,157	-30,006,875	-141,779
Total, Other Appropriations	171,128,032	66,062,936	65,921,157	-105,206,875	-141,779
Net grand total (including other appropriations)	631,431,529	547,710,994	543,566,046	-87,865,483	-4,144,948

DEPARTMENT OF DEFENSE APPROPRIATIONS - FY 2009
(Amounts in thousands)

	FY 2008 Enacted	FY 2009 Request	Final Bill	Final Bill Vs. Enacted	Final Bill Vs. Request
CONGRESSIONAL BUDGET RECAP					
Scorekeeping adjustments:					
Lease of defense real property (permanent)	12,000	3,000	3,000	-9,000	---
Disposal of defense real property (permanent)	18,000	17,000	17,000	-1,000	---
Army Venture Capital Fund (reappropriation)	15,000	---	---	-15,000	---
O&M, Army transfer to National Park Service:					
Defense function	---	---	-2,500	-2,500	-2,500
Non-defense function	---	---	2,500	+2,500	+2,500
O&M, Army transfer to Army Corps of Engineers:					
Defense function	-12,500	---	---	+12,500	---
Non-defense function	12,500	---	---	-12,500	---
Navy transfer to Department of the Interior:					
Defense function	-20,000	---	---	+20,000	---
Non-defense function	20,000	---	---	-20,000	---
Tricare accrual (permanent, indefinite auth.) 2/	10,876,000	10,351,000	10,351,000	-525,000	---
Less emergency appropriations	-182,758,032	-66,062,936	-65,921,157	+116,836,875	+141,779
Total, scorekeeping adjustments	-171,837,032	-55,691,936	-55,550,157	+116,286,875	+141,779
Adjusted total (includ. scorekeeping adjustments)	459,594,497	492,019,058	488,015,889	+28,421,392	-4,003,169
Appropriations	(460,134,096)	(493,203,058)	(489,336,362)	(+29,202,266)	(-3,866,696)
Rescissions	(-539,599)	(-1,184,000)	(-1,320,473)	(-780,874)	(-136,473)
Total (including scorekeeping adjustments)	459,594,497	492,019,058	488,015,889	+28,421,392	-4,003,169
Amount in this bill	(631,431,529)	(547,710,994)	(543,566,046)	(-87,865,483)	(-4,144,948)
Scorekeeping adjustments	(-171,837,032)	(-55,691,936)	(-55,550,157)	(+116,286,875)	(+141,779)
Total mandatory and discretionary	459,594,497	492,019,058	488,015,889	+28,421,392	-4,003,169
Mandatory	262,500	279,200	279,200	+16,700	---
Discretionary	459,331,997	491,739,858	487,736,689	+28,404,692	-4,003,169
RECAPITULATION					
Title I - Military Personnel	105,292,237	114,896,340	114,443,890	+9,151,653	-452,450
Title II - Operation and Maintenance	140,062,158	154,847,272	152,949,705	+12,887,547	-1,897,567
Title III - Procurement	98,201,598	102,132,287	101,051,708	+2,850,110	-1,080,579
Title IV - Research, Development, Test and Evaluation	77,271,482	79,615,941	80,520,837	+3,249,355	+904,896
Title V - Revolving and Management Funds	2,701,840	3,473,487	3,155,806	+453,966	-317,681
Title VI - Other Department of Defense Programs	26,316,190	26,891,489	27,400,054	+1,083,864	+508,565
Title VII - Related Agencies	988,026	964,242	989,242	+1,216	+25,000
Title VIII - General Provisions (net)	9,469,966	-1,173,000	-2,866,353	-12,336,319	-1,693,353
Total, Department of Defense	460,303,497	481,648,058	477,644,889	+17,341,392	-4,003,169
Other defense appropriations	171,128,032	66,062,936	65,921,157	-105,206,875	-141,779
Total funding available (net)	631,431,529	547,710,994	543,566,046	-87,865,483	-4,144,948
Scorekeeping adjustments	-171,837,032	-55,691,936	-55,550,157	+116,286,875	+141,779
Total mandatory and discretionary	459,594,497	492,019,058	488,015,889	+28,421,392	-4,003,169

FOOTNOTES:
1/ Included in Budget under Procurement title.
2/ Contributions to Department of Defense Retiree Health Care Fund (Sec. 725, P.L. 108-375).

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I come to the floor today with serious reservations about the process, or rather the lack of process, governing the development of this year's end spending bill.

This package is made up of several components. We have just heard from the Defense Chairman. It also includes the Homeland Security bill and the Military Construction-VA spending bills, all of these together total some $603 billion; a continuing resolution for nine spending bills funded at fiscal year 2008 levels; emergency spending totaling something in the neighborhood of $23 billion; and other provisions costing even billions more.

If you are like me, you have a great many questions about what is actually included in this package. The simple truth is this: Very few people have any idea what is in it. During this time of economic uncertainty, our constituents are demanding oversight, transparency and accountability from Congress.

Last Friday, I began writing a letter to the three leaders writing this legislation. My message was simple: Given the size and scope of this spending bill, it is paramount that House Members and Senators of both parties be active participants in crafting this bill. I felt then, and I feel now, that it is essential that chairmen and ranking members of our Appropriations subcommittees be at the table during substantive negotiations.

I didn't send the letter, Mr. Speaker, because on Saturday morning I was told that the key elements of the spending bill were already in place and that there would be no Member or Senator participation. In other words, no full Appropriations Committee consideration, no meetings involving the key chairmen and ranking members, and no formal House-Senate conference deliberations.

I am convinced that the completion of this legislation without the full participation of Members and Senators will result in lasting long-term damage to not just the Appropriations Committee, but also to the institution, the House of Representatives that I love. It also leads the House and Senate into an unprecedented dangerous territory by handing the sole decision-making authority on national spending practices to a handful of elected leaders and a whole lot of unelected staff members.

It is not as if these leaders were negotiating 12 individual spending bills that had passed the House and the Senate. This year, the House has passed one funding bill. The Senate has not passed any. Over the last 2 years, out of the 24 regular order bills, the Appropriations Committee in the House has produced exactly one regular order conference report.

The challenge of developing and passing a Federal budget requires full active participation of Members and Senators in the full Appropriations Committee, on the floor of the House and Senate, and through an open House-Senate conference committee.

□ 1415

By the way, I might mention it was suggested on the floor earlier today that the chairman of our committee indicated the reason we haven't had a full, open committee hearing regarding this process was because Members tend to stand up and pontificate in open hearings.

Well, let me suggest that may very well be the case, and I wouldn't suggest that our chairman was ever known for pontificating, but, in the meantime, this lack of Member involvement is absolutely unacceptable. All year long, the majority leadership has chosen to ignore regular order. The assumption has been that BARACK OBAMA would be elected President in November, and that he would support higher levels of spending all across the board.

But join me in this question: What happens if JOHN MCCAIN gets elected President? And what if that President draws an even tougher line than President Bush? What does that mean? Does that mean, Mr. Chairman, that we won't have Appropriations Committee meetings or hearings or bills for another 4 years? It is an interesting question.

When I first came to Congress, legislation was drafted by Members with jurisdiction over the issues of the day. Members of both parties had every opportunity to participate in the debate by offering amendments.

Today, whether you are Republican or a Democrat, you no longer have any opportunity to participate, no opportunity to offer amendments, no opportunity to settle meaningful differences in the committee and on the House floor or in the conference between the House and the Senate.

My colleagues, this is no way to govern. We ought to work together, produce spending bills through a legitimate committee process and return to a full and open debate in committee and on the House floor.

Let me say that I did have a conversation just yesterday, indeed a cursory conversation, with my chairman, Mr. OBEY, about what's in this bill. I appreciated that opportunity to chat for a few minutes about this horrendous process as well as this bill.

Let me say that the issue that seemed to have paralyzed the process this year, and caused the committee to essentially close down, involves the majority's unwillingness to address the high price of oil and gas. That issue is finally, at least in part, addressed with this bill. Had we dealt with the OCS moratorium in June, the committee probably would have completed all of its bills, but we chose not to let that process go forward.

It is now late September, and, finally, the voices of millions of Americans, financially drained from paying $4 a gallon for gasoline, they are finally being heard. Section 152 of the CR represents a gigantic step in the right direction relative to energy independence. We actually suspend the moratorium on drilling in the United States.

Now, frankly, depending on who is elected as President, we may have to worry about that next year. I mean, a President could literally be involved in reestablishing that moratorium and thereby hampering America one more time.

In closing, I don't believe we should shut down our government. We must support funding for our troops, our veterans, and protect our homeland. Each of the 535 House Members and Senators should have played a role in shaping this bill.

It is time that we insist upon a return to regular order. It's certainly time that we get back to that which the Speaker promised, an open and transparent process with everybody's involvement, Members, but also the public as well.

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

Mr. OBEY. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from North Carolina, chairman of the Homeland Security subcommittee.

Mr. PRICE of North Carolina. Mr. Speaker, I am pleased that the package we are considering today includes the fiscal year 2009 funding for the Department of Homeland Security.

The Homeland Security provisions are the product of months of information-gathering and analysis by both the House and Senate subcommittees, and they reflect a careful matching of dollars to priorities. Our subcommittee held 15 hearings featuring testimony from department officials, watch-dog agencies and outside experts, and what we are voting on today is well informed by what we learned from those hearings. As always, we are indebted to our dedicated professional staff and the staff from our personal offices who have worked with them.

I want to thank our distinguished ranking member, Mr. ROGERS, for his advice and partnership in helping make this a better bill. He and his staff worked cooperatively with us during the bill-writing process and during our negotiations with the Senate, and they provided many constructive suggestions and additions. I also want to recognize Mr. ROGERS' substantial and lasting contribution as the first chairman of this subcommittee, especially since this is likely to be his last year as our ranking member.

The discretionary total in the bill is $39.98 billion, $2.31 billion or 6 percent above the comparable fiscal year 2008 amount—that includes funding with an emergency designation—and $2.37 billion above the administration's requested funding level.

Our primary objective in this bill was to correct known funding deficiencies,

which were substantial. Prime among these was the President's proposal to cut first responder, transit, and port grant programs by $2 billion, or 49 percent. This bill restores funding for these grants.

A second deficiency in the President's budget was the proposed repeal of law enforcement officer benefits for CBP officers. The bill provides the full $200 million necessary to pay for these benefits in fiscal year 2009.

The last major deficiency in the President's budget was a proposed $140 million cut for explosive detection equipment at airports. This cut was based on assumed revenue from a new passenger surcharge that has not been enacted. The bill restores the $140 million to provide level funding at $544 million for this program.

The bill also reduces funding that was not fully justified, or for which the budget justification overestimated the need, and it uses the savings to provide increases above the President's request for critical priorities. This includes $200 million for the Emergency Food and Shelter Program, $100 million more than the President requested and $47 million more than was provided in fiscal year 2008. Such an increase is warranted by the rising number of Americans who are relying on food banks and other community support organizations to meet their basic needs.

The bill includes $4.99 billion for Immigration and Customs Enforcement, $241 million above the request, and it targets $1 billion for identifying and deporting dangerous criminal aliens. The President proposed no additional dedicated funds for this activity, which should be ICE's top priority.

The bill fully funds the request for border infrastructure and technology, while continuing a requirement that the Department consult with local communities on the character and placement of such infrastructure. This does not give border communities a veto over departmental decisions about fencing or other infrastructure, but it does give them a right to be heard.

As in past years, the bill requires the Department to provide a plan for how it will allocate its appropriation for border infrastructure and technology, and it withholds a portion of the appropriation until that plan is reviewed by GAO and approved by the committee.

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

Mr. OBEY. I yield the gentleman 1½ additional minutes.

Mr. PRICE of North Carolina. The bill, including funding provided through the disaster relief package, includes $9.3 billion for the Disaster Relief Fund, ensuring that FEMA can continue its work helping communities recover from recent disasters.

The bill imposes requirements on the Homeland Security Department to manage its programs efficiently and robustly, and to ensure that programs comply with all laws before they begin operations. The bill withholds a total of $1.4 billion to ensure that this planning takes place before taxpayer dollars are spent. Programs for which funding is conditioned include the Secure Border Initiative, Deepwater, and Cyber Security.

Also, I want to correct some comments made on this floor earlier about a sensitive DHS program. The bill does not provide funding for DHS's National Applications Office to use surveillance satellites for Homeland Security or law enforcement purposes. The bill does allow for the Department to use satellites for scientific and emergency purposes—for example, assessing damage from earthquakes or hurricanes. That's being done today. But provisions in this bill bar the Department from using these assets to pay for any other purpose until the Department explains how it will use them, protecting our citizens' rights and liberties, until the GAO reviews that explanation, and until our committee approves the expenditure of funds.

Mr. Speaker, this Homeland Security portion of the bill represents the right balance of investments and cost savings to ensure that we continue to make our homeland more secure, and it makes clear that the Federal Government will continue to be a faithful partner with State and local governments in that endeavor.

I urge colleagues to support this bill.

Mr. LEWIS of California. Mr. Speaker, I yield 4 minutes to the gentleman from Florida, who is the former chairman of the full committee as well as the Defense subcommittee.

Mr. YOUNG of Florida. Mr. Speaker, the Defense part of this bill is a very important part of the package, although it's only one of three appropriations bills.

It's a good bill. The Republican members and the Democratic members of the subcommittee all played a part in drafting this legislation and coming to the final product.

I want to express my appreciation to Chairman MURTHA for the fact that he included us in every step of the way. I have had the privilege of chairing this subcommittee on two different occasions. Mr. MURTHA is serving as chairman the second time in his career. Whether he was chairman or I was chairman, all members, Republican or Democrat, were included in the process. We were this year as well.

The problem is, once we finished our part of the process, the process broke down. This bill, for the first time, as long as I can remember in many years, did not go to the full committee for the committee to review it, did not go to the floor, did not go to an official formal conference. Nevertheless, the product is a good product. It's a good bill.

Chairman MURTHA has explained the highlights of this bill. I agree with what he said about the importance of all of those issues.

Another one of these bills is the bill that provides for military construction and for our veterans, and I have the privilege of serving as a member of that subcommittee. I would say that under Chairman CHET EDWARDS, the same thing happened. The Republicans and the Democrats all had a chance to be players in making a decision on what was included in that bill.

Chairman EDWARDS had the good fortune to get his bill to the full committee, and it was reviewed and adopted almost the way he wrote it. Then it came to the floor, and it was passed here on the floor with all Members having an opportunity to discuss it, to debate it, and offer amendments if necessary. The bill, a good bill, passed. You have got the Veterans bill and you have got the Defense bill as part of this overall package, and I strongly support both of them.

But I do have to speak out against the procedure. I just don't think that it's right that all of the Members have not had an opportunity to review these bills when they could debate them, when they could offer amendments to the bills. It probably wouldn't have changed either one of these two bills very much, if any, because they are both good bills. So I stand here objecting to the procedure, but I stand here supporting those two bills. From what I have heard, I am not a member of the Homeland Security subcommittee, but I understand that it is also a good bill.

So I have no objection. I support the bills, but I do object to the process. We need to vote this package today. The end of the fiscal year is rapidly approaching. In 5 more days, the fiscal year is over. We don't want the Defense Department and the soldiers and sailors and airmen and marines, who are protecting this country, to go without knowing what they are going to have by way of funds for training, by way of funds for equipment, by way of funds for protective gear for themselves. This is a commitment that I think all of us in this Chamber have made.

We want to guarantee that our military troops, our heroes who protect this Nation, have the best equipment that is possibly available to them to do their job and have the best training on how to use that equipment and use it effectively to do their job and have the best protective gear to protect them while they are doing their job. So all in all, I suggest we vote for this package.

□ 1430

Mr. OBEY. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Texas, the chairman of the Military Construction Subcommittee.

Mr. EDWARDS of Texas. Mr. Speaker, less than 2 years ago, a new Speaker of the House, NANCY PELOSI, made a solemn promise to America's veterans. The gentlewoman from California said that the new 110th Congress would honor our veterans not just with our words, but with our budgets that would be truly worthy of their sacrifice.

With the passage of this bill, Speaker PELOSI has kept her promise to those

who have kept their promise to serve our Nation. With the dedicated leadership of Chairmen OBEY, SPRATT, FILNER, and an incredible staff, in just 2 years this House will have increased veterans' health care and benefits funding by more than the Republican-led House did in the previous 12 years. In 2 years, the 110th Congress will have done more to increase funding for veterans' health care and benefits than any Congress in the history of our Nation. Promises made, promises kept to America's heroes. That's what this bill is all about.

Specifically, this bill adds to last year's historic increase in veterans' programs by increasing VA health care and benefits funding by $4.5 billion. That is $2.8 billion above the President's request.

What does this mean to our veterans?

By hiring more doctors and nurses, health care services will be expanded, and waiting time for doctors' appointments will be shorter. For the first time since 2003 when the Bush administration put a rigid income cap on veterans eligible for VA health care, we will open the doors of VA hospitals and clinics to more middle-income veterans.

For veterans having to drive long distances to VA hospitals and clinics, the VA mileage reimbursement, which was just 11 cents in 2007, will now be 41.5 cents per mile.

For many Iraq and Afghan war veterans, this bill will ensure the mental health care services they need and deserve to rebuild their lives.

For veterans who never delayed in answering their call to duty, this bill will mean shorter waiting times for their earned benefits to be approved.

For military troops and their families, this bill will mean better housing, more daycare centers and modernized training facilities with a military construction budget that is $649 million above the President's request.

And let me thank our ranking member, the gentleman from Tennessee (Mr. WAMP) for his partnership every step of the way; and Mr. YOUNG and the other members of our subcommittee, both Republican and Democrat alike, who helped build this bipartisan bill on military construction and veterans.

Mr. Speaker, a vote for this bill is a vote of respect, respect for those who have given so much in service to our Nation in uniform. They have kept their promise. Today, let us keep ours.

Mr. LEWIS of California. Mr. Speaker, I am proud to yield 5 minutes to my colleague, HAL ROGERS, the chairman of the Homeland Security Committee.

Mr. ROGERS of Kentucky. Mr. Speaker, let me start by echoing Ranking Member LEWIS's misgivings about this so-called process. While I am certainly no stranger to omnibus appropriations bills, I must say we could have avoided this amended bill business that we are going through here today, this kabuki dance, and actually conferenced each bill. That was certainly the case on the Homeland Security bill when Republicans were in the majority. The bill was debated on the House floor. It was brought through the conference committee with the Senate in regular order.

Instead, this has been a closed-door process largely devoid of Member input, no formal conference, no motion to recommit, very little debate. Needless to say, this process falls far short of the open and fair debate that has been a hallmark of this People's House.

Now, having said that, and getting that off my chest, I am reminded a bit of what Mark Twain said about Wagner's music. He said it is really better than it sounds. And this bill is better than I have just described it.

I have to commend Chairman PRICE on doing his very best through this flawed process, looking out for House priorities and putting together a thoughtful agreement on the homeland security portion of this bill.

This division includes substantial funding for critical border security, immigration enforcement, infrastructure protection, and State and local programs that will certainly make our Nation safer and more secure.

I also want to applaud Chairman PRICE's efforts in keeping DHS on track to produce results and continuing our subcommittee's tradition of strict accountability. Tying funding to results has always been the mantra of this subcommittee, and I trust it will thus ever be so.

Lastly, I would be remiss, Mr. Speaker, without personally thanking Chairman PRICE for accommodating the minority's concerns where possible. He has approached his duties as chairman with the honorable statesmanship for which he is known in this chamber, and I have sincerely valued my time in serving alongside him over the last 2 years.

Mr. Speaker, I reflect upon the last 6 years in which I have had the privilege of serving both as chairman and now ranking member on the Homeland Security Appropriations Subcommittee. I am struck by both the progress that we have made since 9/11 and the daunting challenges that remain before us. Homeland security is not just about guns, guards and gizmos. It is about the dedication of hundreds of thousands of people who are working tirelessly and standing the watch to keep us safe. We must all remember that the department is only 5 years old, a fledgling agency that is mature in some areas, sadly deficient in others.

And it is this continued development of DHS that probably concerns me most. I have always cautioned the department to resist a migration toward the bureaucratic inertia that so grips and paralyzes many government agencies. In the case of homeland security, the mission is far too critical to head down such a cumbersome path to failure.

I remain hopeful the vast resources we have devoted to homeland security over the past 6 years have not only made us more secure against known threats, but also more prepared for those we have not even thought of. It is this devotion to resolute vigilance and constant improvement that will carry our great Nation through the fire and over all of those who wish to do us harm.

Again, let me thank the staff for the work that they have contributed on this bill, both majority and minority and personal office staffs have all pitched in. We have had a good time working together, and I would like to say finally how much I have enjoyed working with the new chairman of this subcommittee, DAVID PRICE, who has been agreeable most of the time and has been a gentleman all of the time. I have enjoyed our association, and wish that it would continue.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished majority leader.

Mr. HOYER. I thank the distinguished chairman of the Appropriations Committee for yielding.

I rise obviously in very strong support of this continuing resolution and the three full bills that are attached to it and the other nine of course that will be funded at last year's level with certain exceptions that are necessary to act responsibly. Obviously, passing a CR is never an ideal step.

I want to say that as someone who served on the Appropriations Committee for 23 years, actually 25 years, I guess, I hold that committee in very high regard. And I am pleased that I am following the Representative from Kentucky, the ranking member of this committee, as he spoke not only about the substance of the bill that he has been most intimately involved in, but as well of the respect that he and the chairman have for one another and the ability they have to work together. I think it has been one of the hallmarks of the Appropriations Committee that has been possible.

Regrettably, however, very frankly from my perspective, forces outside of the context of the Appropriations Committee, for whatever reasons, whether they are from the administration or from each of our caucuses, has undermined that ability of the committee to work the way it has worked and wants to work.

No one in this body is more attuned to the needs of this body, loves this institution more, is more a student of this institution, and very frankly is a better legislator than the chairman of this committee, my friend, DAVID OBEY. I want to congratulate him for the extraordinary patience, and he is not known as a patient man, which makes his patience even more extraordinary, that he has been working on a bill that has been so frustrating for him, as well as the committee and the Congress.

The CR does contain a number of important funding provisions: an increase

in the Home Energy Assistance Program which the chairman has been involved in all of his congressional career, which spans some 3½, almost 4 decades. It helps families heat their houses during a winter of high fuel costs.

It includes funding for Pell Grants to ensure that college aid is not cut in the middle of the school year so that our students will have access to college; and nutrition funding for women and children struggling with the economic downturn and food prices that confront them.

Nevertheless, we are debating, frankly, a CR today because we did not complete the appropriations process. I think that is regrettable. I hope we do not repeat that next year. I see Mr. WAMP shaking his head as a ranking member. I think everybody on the Appropriations Committee wants to make sure that we can complete our process next year. And I think we can.

Very frankly, we were confronted, the chairman was confronted with an administration who wanted to limit funding, frankly, far below what was possible in order to meet the responsibilities that we have to this Nation and to our people.

Today's outcome was a direct result, in my opinion, of the White House's unwillingness to come to the table to discuss funding levels for priorities, to determine what those priorities are, whether they be the National Institutes of Health, whether they be vocational education programs, whether they be protecting our environment; or, very frankly, whether they be overseeing in a regulatory way the financial community, the failure of which has led us to a very critical time in our country's history.

There were 20 programs eliminated. Congress did not agree with all of those. The administration would have slashed funds for crumbling infrastructure, law enforcement, for energy research. Those are items which could have been debated and should have been debated and brought to this floor, but because there was no flexibility, that did not occur.

Simply saying, We'll adopt your priorities, Mr. President, is inconsistent with article I of the Constitution which gives to the 435 of us that have been elected by the people of this country to come and to set priorities for our country. We do so in a representative way. The President, very frankly, is elected to make a determination on our product, not to tell us what our product is, but to make a judgment once our product is passed whether or not he will agree. If he does not agree, he vetoes that bill and then we have a determination to make by two-thirds vote that we disagree with his judgment. That is the way that the process should work, not be told that your product is going to be unacceptable unless it is as I tell you.

With his veto threat hovering over the entire appropriations process, stifling debate and compromises, that process simply could not continue.

I want to again congratulate Mr. OBEY. If we do not pass this CR, of course, the government runs out of funding authority on the 30th of this month. October 1 is the beginning of our fiscal year. We really don't have an alternative. The only responsible vote, in my opinion, is to pass this bill.

I want to congratulate Mr. MURTHA and Mr. LEWIS and Mr. YOUNG. I want to thank Mr. YOUNG for the extraordinary leadership he brings to this House. Mr. YOUNG is not of my party, but he is, I think, one of those who has the highest character and care for the people of America. His willingness to work together has been, I think, in large part responsible for us getting a defense product with Mr. MURTHA that this House will overwhelmingly support, in my opinion.

I want to thank Mr. LEWIS as well for helping to bring this bill to the floor. I want to congratulate those with the Homeland Security and the Military Construction and VA parts of this bill.

□ 1445

They are bills which have been considered, and I think are going to be overwhelmingly supported.

I would urge all of my colleagues, meet our responsibilities, fund our government, come back here in an atmosphere in which open debate as to the priorities of our country is welcomed by all sides, and have a full appropriation process next year.

In closing, let me again congratulate and thank the gentleman from Wisconsin for his leadership, without which we would not have been able to get this bill as far as it has gotten to its passage and to fund our government in the coming months.

Mr. LEWIS of California. Mr. Speaker, I yield 5 minutes to the ranking member of the committee dealing with military construction and veterans benefits, the gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. I thank the distinguished ranking member for the time and for the courtesies and instruction and help along the way that he has given me.

It is an honor to follow the majority leader. I know that he and the Speaker of the House, having both served on the Appropriations Committee, are frustrated, as we are, that we're only this far along on the appropriations process, with three of the 12 bills here as the fiscal year ends next week.

Having said that, I want to say that it is really awesome to be on the floor today participating in the discussion around the three bills that are included in this package because of the quality of the people involved in these three bills. The new majority, obviously, is punting on nine bills, but they're rightly bringing the three security-related bills to the floor before the fiscal year starts next week.

And the people involved here on our committee, when I think of the chairman of the full committee, Mr. OBEY, and the ranking member of the full committee, Mr. LEWIS of California, and Chairman MURTHA on the Defense Committee, and former Chairman YOUNG, the ranking member of the Defense Committee, and I think of DAVID PRICE and HAL ROGERS on Homeland Security, CHET EDWARDS, the chairman of the committee that I'm the ranking member on, to be included with these people, from both parties, is a real awesome honor for me because this is my first time at this level of being involved in this process.

But I've got to tell you that a far greater honor than being associated with any of you is this greatest honor of my adult life, outside of my family, in my professional life for sure, is to be the ranking member of the appropriations subcommittee that serves the people who serve us in uniform, past and present. What an unbelievable honor. What an emotional year Chairman EDWARDS and I had, hearing from the commands around the world and their military construction needs and the quality of life issues for every single man and woman in uniform, hearing from the families, the enlisted personnel, the officers.

And former Chairman YOUNG is on our subcommittee, giving us great senior counsel. And then for our veteran communities to come before us and see us come together at record levels of funding for our men and women in uniform, both past and present, this is important. This is incredibly important. It is the highest honor I've had in my professional life to be associated with this responsibility.

But I am frustrated, as I know many are from both sides of the aisle, that the other nine bills effectively are kicked over 5 months into the next fiscal year at flat funding, level funding. And I do know that a fair assessment as the issue of energy became involved in this process, mid summer, one party advancing on the issue of energy, frankly, the other party in retreat on the issue of energy, and it definitely compounded this process because every one of these bills involves energy because energy is everything right now in this country. It's critically tied to the economic condition that we are in.

All I would say, in closing, is I appreciate the work at bringing these important security-related bills to the floor. I'm frustrated that the others are not here and that the entire process broke down. I mean, I could almost say, tongue in cheek, I'm so glad to be here because I have been on the Appropriations Committee for 12 years and I was beginning to wonder if we had an Appropriations Committee anymore, because we haven't met a whole lot lately. We haven't met enough lately.

I hope that the 111th Congress next year brings the committee to the regular order all the way through the process, because I really like that. I like it when we have a conference and we go in with the Senate and we sit

across the table and we hammer out a compromise and we fight for the priorities that we believe in versus what they believe in.

Let me also say, once again, it doesn't matter who's in the majority; the folks on the other side of the dome in the United States Senate are always a problem. They didn't move any of the bills in a timely manner. At least we were trying. And that's a problem. But I don't want to let everybody off the hook. It's up to the majorities in both bodies to move this in regular order. I know Chairman OBEY is an institutionalist and would like to do that. Next year we better do it. No matter who wins the election, we better do it for the good of the taxpayer and for the good of the committee, the tradition. It's important that we reshape the priorities. We're the ones that have the hearings. Mr. EDWARDS and I spent over 100 hours together this year. I enjoyed every minute. I'm grateful.

Mr. OBEY. Mr. Speaker, I have only one remaining speaker, so I will reserve time until the end.

Mr. LEWIS of California. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. WELDON), Dr. WELDON, who's probably going to be speaking for the last time on an appropriations bill since he's chosen to retire at the end of this season. Dr. WELDON.

Mr. WELDON of Florida. Mr. Speaker, I am concerned about a provision in this bill waiving the Iran Nonproliferation Act to allow NASA to purchase launch services from Russia.

NASA is the greatest proliferator to Iran. Indeed, just this week, Russia announced its intent to provide Iran a missile defense system, not to protect its people, but to protect its nuclear weapons production facility.

Now NASA has been asking for this provision because of their concern that without it, they will not be able to get our astronauts to the space station after 2010, when the space shuttle is retired.

Now we are told we have to do this because we can't afford to fly the shuttle anymore.

Mr. Speaker, this is pathetic. In the same week we are debating a $700 billion bailout of Wall Street, we are told we can't afford to fly the shuttle and we have to rely on Russia.

Mr. Speaker, this is bad foreign policy. It sends a bad signal to Russia and a very bad signal to Iran.

Mr. LEWIS of California. Mr. Speaker, I yield 1 minute to the ranking member of the Transportation Committee, the gentleman from Michigan (Mr. KNOLLENBERG).

Mr. KNOLLENBERG. Mr. Speaker, I rise today in support of the appropriations package before us. It includes money that is very important to Michigan and to the domestic auto industry.

I want to thank Mr. OBEY, I want to thank Mr. LEWIS, and I want to thank our colleagues from Michigan for coming together on this important issue. This is a big step toward the successful turnaround of the American auto industry.

Some will lump this in with the other bailouts this Congress is considering. They would be wrong. This is about building a partnership, about working together toward an end goal that we all seek, which is more fuel efficient vehicles.

Automakers are now going to receive a partnering hand from Washington and not just a burdensome mandate. This will help create good jobs in Michigan, especially in the high tech field of alternative energy research.

Michigan first put the world on wheels, and Michigan can put the world on wheels propelled by the next generation of alternative fuel vehicles.

I strongly support the bill and urge passage.

Mr. LEWIS of California. Mr. Speaker, if there's been a Member of the House who has told all of us the urgent need for being able to tap into our resources of oil and gas, it's been the gentleman from Pennsylvania (Mr. PETERSON). I yield him 1 minute.

Mr. PETERSON of Pennsylvania. I have mixed emotions today. It may be the last chance I have to address this body. In 1 minute, I can't say much. I want to tell how much I've appreciated both sides of the aisle, my friendships.

Mr. OBEY. If I yield the gentleman 10 seconds, will he yield to me briefly?

Mr. PETERSON. Surely. I yield.

Mr. OBEY. It's never true that the gentleman cannot say a lot in 1 minute.

Mr. PETERSON. Thank you.

In June when I offered my amendment, I wasn't planning on blowing up the appropriations process. I have, for most of a decade, talked about energy for America, and it's like the blood flowing through our veins. Available, affordable energy will depend on whether we remain a first-rate Nation.

I am pleased today that we've ended up with an appropriations bill without the moratorium. I'm not celebrating, because I know it will depend on the next Congress, you folks, it will depend on the next President whether we provide available, affordable energy for America. I urge you not to follow the last three Presidents, not the last 14 Congresses who have not treated energy with the priority they needed to.

Folks, this is more of a crisis than many people still believe. The future availability of energy at an affordable price will determine whether our people can stay in their homes, can feed their families, can travel to work and whether companies can afford to continue to stay in this country.

It's vital that you, in the next Congress, open up energy for America and yes, go to the renewables with the royalties from it. But we must open up our reserves and not treat them as a liability, but treat them as an asset as they are and enrich this country and the future of this country with available, affordable energy. I'm counting on you, as someone who will be watching on C–SPAN.

It's been a pleasure to serve with you.

Mr. LEWIS of California. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Texas (Mr. POE).

Mr. POE. Mr. Speaker, I'm glad that this package includes disaster assistance. Eleven days ago Hurricane Ike came blasting through the Southeast Texas area. To give some magnitude of how large this hurricane was, if you take the State of New York and superimpose it in Southeast Texas, that's the mass of land affected by this disastrous hurricane, causing power outages even to 2 million still to this day, most of my Congressional district.

Most of my Congressional district was affected, and the area affected most was the areas that refine gasoline for the United States. Twenty percent of the Nation's gasoline that is refined east of the Rockies is refined in my congressional district. All of those refineries shut down. They had damage because of the surge that came into that area; not to mention the people as well that are still suffering today.

So I'm glad to see that both sides came together on this issue to offer disaster assistance to the individuals that were affected by not only Ike but by Gustav and all the other natural disasters that occurred this year.

Mr. LEWIS of California. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Speaker, last year the Congress, this Congress, authorized $25 billion to help the auto industry. But, as we know, an authorization is no good unless you appropriate the money.

The auto industry has to have access to that capital. This is not a bailout. It is a loan. It will be paid back, just like what happened with the Chrysler issue a couple of decades ago. And it impacts tens of thousands of workers across this country, certainly in the Midwest and around the balance of the country as well.

I appreciate the work of the leadership on both sides. They listened and they delivered. Our Michigan delegation, particularly with our leader, the Dean of the House, JOHN DINGELL, we worked together for weeks and weeks, many hours, and we used the strength of every Member, be it Republican or Democrat, to try and get the interests of the appropriators and the leadership to include it as part of this package, and they delivered.

We thank the administration, all of the Cabinet members. They understood the impact that would happen without the money being appropriated.

And we thank both candidates, OBAMA and MCCAIN, for their support as well.

Mr. LEWIS of California. Mr. Speaker, I do have one additional speaker. He doesn't happen to be here, but if the Members would bear with me, I would like to take just a moment on my time.

For just a moment I would like to suggest that because this is likely the last time we will be addressing Appropriations Committee business this year, I want to commend eight of our colleagues who serve on our committee who are leaving Congress at the end of this year to pursue new challenges and new opportunities. They are BUD CRAMER, TOM UDALL, RALPH REGULA, JIM WALSH, DAVE HOBSON, JOHN PETERSON, RAY LAHOOD and DAVE WELDON.

□ 1500

All told, with these retirements, the House is losing over 100 years of cumulative Appropriations Committee experience. The skill and knowledge that they bring to the committee each day will be sorely missed and not easily replaced.

Let me take a moment in a longstanding tradition of our committee in the House to thank each of our retiring colleagues for their friendship, their service, and their fine bipartisan work. Let's stand together, Republicans and Democrats, to show our appreciation and say thank you to our friends and colleagues.

Mr. LEWIS of California. If you have no additional speakers yourself, then with that I will yield back the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself the balance of the time.

Let me first second the comments made by the gentleman from California about our departing Members. They have, I believe, all been professionals. They have been an asset to this institution. They've certainly been an asset to the committee, and I appreciate the many courtesies that we have received from all of them throughout the years and wish them all the very best in retirement.

Mr. Speaker, today we have three moving pieces with which we have to deal between now and the closing of the session. The first is the President's unprecedented bailout request or rescue request, however you choose to term it, of $700 billion, which has, I believe, truly astounded the Nation.

Second is the need to try to pass a second stimulus package which tries to react to the loss of jobs in this economy by providing funding for programs that will help create additional jobs and also provide funding for programs that help mitigate the pain to families of the loss of employment opportunities.

And thirdly, and most immediate, we have to pass a continuing resolution to keep the government functioning. It is important that we pass this and let the other body pass it because we can add at least a small sense of stability to the markets that are in turmoil today and I think also in the process give us more time to address the truly radical proposals that have been sent down to us by the White House with respect to that bailout.

I want to congratulate Mr. MURTHA and Mr. YOUNG because they both know their bill. They both know their brief. And their staff has provided able support to both of them, and I appreciate the hard work that both of them have done, and I appreciate what they've contributed to this institution over their careers.

I want to say the same thing about the Military Construction Subcommittee, which has been ably led by Mr. EDWARDS and Mr. WAMP, and certainly the Homeland Security Subcommittee, led so ably by Mr. PRICE and the gentleman from Kentucky (Mr. ROGERS).

I'm especially proud of what's happened in the Military Construction bill. If you take the last year's budget plus this year's budget, we have had the largest increase in veterans health care in the history of the country, and much of that was adopted over the initial opposition of the President.

Let me also say that I—

Mr. Speaker, could I suspend and ask the gentleman a question. Did the gentleman yield back all of his time?

Mr. LEWIS of California. Yes, I did.

Mr. OBEY. I see the minority leader on the floor, and I'm sure that he would probably like to say some words.

Mr. LEWIS of California. The gentleman is very kind.

Mr. OBEY. If I suspended my remarks, would you like to proceed with the minority leader's comments right now if you could take back your time?

Mr. LEWIS of California. The chairman is most sensitive and generous. Thank you for that.

Mr. Speaker, I ask unanimous consent to reclaim 1 minute.

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

There was no objection.

Mr. LEWIS of California. Mr. Speaker, I yield 1 minute to the Republican leader of the House, JOHN BOEHNER of Ohio.

Mr. BOEHNER. Let me thank my colleague for yielding and thank my friend from Wisconsin for his kindness.

Here we are, we have a bill where we're going to spend $800 billion of taxpayers' money, a bill that has not been through the committee, a bill that if there's a Member who's read it I would like to know who they are.

And the reason I bring the point up is that the appropriations process is not working. It's broken, and I think on behalf of all of our Members that we need to make a commitment to make this process work the way it was intended to work. I know appropriators on both sides of the aisle want it to work. I think Members on both sides of the aisle understand that this process needs to work because when it doesn't work, the kind of transparency and accountability that we owe to our constituents gets done behind closed doors.

There are billions of dollars worth of earmarks in this bill that no one's ever seen. Maybe sometime we'll see them. I guess we could go back here and root them out and try to find them, but nobody knows what they are, how the money is really being spent, and that's why we have a committee process. That's why we need the committee process to work, and we need it to work for appropriators and Members of Congress on both sides of the aisle.

Having said that, I really wanted to rise because there's a significant achievement in this bill, and that is the elimination of the ban on offshore drilling and the ban on drilling for oil shale in the inner mountain West. These bans have been in place now for 25 years that have held up a lot of American energy, and we have had a battle in this Chamber for the last 4 months about bringing about an all-of-the-above energy plan.

Now, this isn't all-of-the-above, but let me tell you what, it is a very big step forward that we will, in fact, lift these bans and allow American companies to drill for more American-made oil and gas in an environmentally responsible way.

It's a joint victory, and I didn't want to miss an opportunity to come down and congratulate Members on both sides of the aisle who stood up and said, enough is enough, we need to go after American energy if we're going to help ourselves.

Now, there's a lot more to do in the energy arena, and if we're serious about helping the American economy, doing all-of-the-above will create almost 1 million new jobs, will reduce gas prices, reduce energy prices, and this is a big step. But there's a lot more to do, and we ought to do it before we leave here.

Right up here above the Speaker's rostrum is a quote from Daniel Webster, and I will just quote the part of it when he says, ''Let us develop the resources of our land.'' That was written a long time ago. Those words were said even longer ago, and I do think the American people want us to develop the resources of our land to help improve our energy security because most Americans understand, without more energy security, our national security and our economy is threatened.

Mr. OBEY. Mr. Speaker, let me resume my comments.

What I was trying to say is that the item I'm the most proud of in this package is the fact that this Congress will have provided the largest increase in veterans health care in the history of the Republic, and in addition to that, we have also provided by action taken just a few months ago the largest increase in education benefits for veterans since the beginning of the GI Bill. I think that's truly an historic action, and I am very pleased that this House was willing to do that.

So this bill does contain the three bills that represent the security-related appropriation bills for the coming year.

Having said that, let me make one observation. As I said earlier, I initially did not plan to have the Defense

bill in this package. Much has been made today by some Members about earmarks in the bill. The fact is if the Defense bill hadn't been in this package, those earmarks would not have been in the bill. We put the Defense bill in, in the end, at the request of the minority and at the request of the Secretary of Defense who asked us to do so, and I suspect in the end it will probably, from the standpoint of the Defense Department, prove to be the right choice.

But having said that, I want to talk about why I believe we have not been able to finish the domestic appropriation bills. The President submitted a budget to us at the beginning of the year in which he insisted that we cut some $14 billion in crucial domestic items. Example: He wanted us last year to cut 50 percent out of vocational education funding, and this year he wanted us to eliminate vocational education. He wanted us in the last 2 years to eliminate all student aid programs except Pell Grant and Work-Study. He wanted us to eliminate the program that teaches medical personnel to deal with the specialized needs of children in children's hospitals.

I've never had anybody in my life come up to me and say, ''OBEY, why don't you guys in Congress get your act together and cut cancer research.'' And yet, that's what the President and the previous Congress did; they cut almost 1,000 research grants out of the National Institutes of Health.

At a time when we've had a 70 percent increase in the cost of home heating, the President asked us to cut the Low Income Heating Assistance Program, to help the victims of those price increases, by 22 percent. So if we had rolled over and accepted the President's domestic budget, that's what we would have had to do.

And we felt therefore, that since the President had made quite clear that he would veto any domestic appropriation bills that exceeded his budget request, we felt that rather than capitulate and make those cuts, we would simply say, ''All right, Mr. President, for the 4 remaining months that you're in office, we'll be living at your budget level, but we will kick the can down the road so that if we have a President who will negotiate like an adult at the end of the road next year, then we will try to cut some compromises that will preserve some of these high-priority areas.''

Now, the President made a Federal case out of our desire to spend $14 billion on our own people, and then he has presented to the Congress in the last 2 weeks a request that we spend 50 times that much, 50 times that much, on the bailout of Wall Street. And so I say that to put in perspective the President's stubbornness.

The fact is, if he had not taken a ''my-way-or-the-highway'' approach to domestic appropriations, we could have sat down. . . . I told Mr. Nussle many times, I would have been happy to sit down and split the differences right down the middle, compromise like adults are supposed to. But no, the President said, ''My levels or no levels.'' So he gave us no choice unless, of course, we wanted to capitulate.

So, by not finishing these bills, we maintained the possibility of providing more support for medical research, more support for energy research, more support for education, and more help to the 50 million people in this country who have no health insurance, and I make no apology whatsoever for doing that. I think it is the right thing to do and the moral thing to do.

Now, let me explain just a bit about what's in this bill. We, therefore, straight-lined all of the domestic bills until March 6. In addition, we've included a number of other items. As I've indicated, we have essentially doubled the Low Income Heating Assistance Program. We're taking it up to the full authorization level.

We have provided the funds that the gentleman from Michigan just referred to, funds requested to try to enable the auto industry to modernize and retool. We did not give them the $50 billion that they wanted. We have cut it to 25, and we did not change the authorization in the way that the auto industry wanted because we did not want government to be on the hook for 80 percent of the cost of those projects.

□ 1515

We also provided the $5 million the White House wanted so that they can conduct their search of e-mails because of subpoenas that have been laid on them. And we have provided $2 billion in this package so that next February, the agency doesn't have to write every family in America and say, ''Sorry, but the Pell Grants for your son or daughter for the next year are going to have to be at a lower level than they were last year.''

We have also provided $23 billion in disaster funding for Iowa, Texas, and all the other States who have been hit by so many bad storms lately. And I will stipulate that I believe that the Community Development Block Grant portion of that disaster funding is inadequate and will have to be revisited next year.

These are some of the initiatives we've taken. As the gentleman has indicated, we have also in the process, at the insistence of the White House, acquiesced in the White House's desire to lift the moratorium on offshore drilling. That will mean that what happens in the future will be determined by who is elected President. To me, that is what ought to happen in a democracy. When politicians can't agree on something, instead of continuing to try to gut each other and have needless wrestling matches for 6 months at a time, the right thing to do on many occasions is to simply say, ''Okay, we're going to take it to the referees. We're going to take it to the final judges, the American people.''

So that's what we're doing with this package. And it is the American people who will decide whether they're comfortable with the President's deep reductions in health, in education, in science, in low-income heating assistance, or whether they believe that our investments represent a better path for America if we want to see this country grow through the coming years. Basically, that is what we are trying to do with this package.

I appreciate the work of the literally hundreds of Members who have had input into this product. I know I have certainly been grabbed every time I turn around by Members who have this idea or that. I'm sure a third of the House is unhappy because of items that are not in the bill and another third is unhappy because of items that are. But that's the way it goes when you have got 535 people, plus a President in the White House who has from time to time been known to have fairly strong views.

With that, I would simply say that I would urge support for the product. I want to especially thank the staff of the committee on both sides of the aisle. On this side especially led by Rob Nabors, our staff chief. I do not think the average American understands how hard they work. I don't know about last week, but I know this week, many of them have not been to bed in 2 or 3 days. That, I think, is a testimony to their dedication and their willingness to step up and help us do what the country needs.

I hope that we will pass this today. But I hope we will keep in mind that we have been asked to do so much with so little in some of these discretionary appropriation bills; and I hope people will keep that in mind in comparison to the huge size of the bailout that the President is asking us to provide for Wall Street.

I make no apology for making one last stand to try to preserve our ability to invest $14 billion in our people here at home at the same time that we're being asked to provide 50 times that much to bail out Wall Street for its past mistakes.

Mr. LATHAM. Mr. Speaker, I rise in support of this funding package, and to tell my colleagues that there is much in this measure that should be supported. I also want to say that we should not be put in the position of scrambling to complete a continuing resolution to keep the government from shutting down. This is no way to run a railroad.

Nevertheless, I want to say that I am pleased that we finally have a disaster funding title. My constituents will be appreciative. While this disaster money is a few months late, the citizens of Iowa will be pleased to know that funding assistance will finally get to them—hopefully, by mid-October—about 4 or 5 months after the floods came.

I do want to say that I am pleased that we have included in this disaster portion of the package, over $100 million in FEMA Community Development Loans. These funds are very much needed by FEMA as they have said in the past so I was pleased that they were included as I had asked. These are monies that

can go to local governments to help offset losses in local utilities, for example.

I have heard some complaints about the dispersal rates for funding assistance from our earlier disaster measure. In some instances, those complaints are justified but we all know bureaucracies are slow. However, one of the reasons that some of the funding did not go forth is that there was no money to send.

As most of you know, I and my colleagues on both sides pushed for a disaster relief measure to be completed before we left for the August recess because I knew that the first relief title passed on the Iraq Supplemental this summer would not go very far. I also knew that if we did not pass another flood disaster measure before we left, it would be four or five months before my fellow Iowans and others in the Midwest would see any significant relief assistance.

Unfortunately, the majority leadership refused to address the needs of Iowa and other Midwestern flood states before the recess. In turn, that meant that no funds would be forthcoming until fall. That was the reason I pushed so hard to get a supplemental before the August recess.

Had we passed that supplemental disaster measure before August, and it would have been easy to do, funds would have already been put to use by now, and the recovery efforts would now be further along.

All of that being said, we do need to pass this package today because we have put ourselves in the position where we have squandered our time. I urge members to vote for the measure.

Mr. BLUMENAUER. Mr. Speaker, while there are some positive steps taken in this legislation to help those hurt by recent disasters, additional funding for cleaning up unexploded ordnance around the country, and some important funding for our veterans, I am extremely disappointed that this bill does not include an extension of the Secure Rural Schools program. The expiration of this program would be a true disaster for my state of Oregon. While the Pacific Northwest states may be the hardest hit by expiration of the program, more than 40 other states from California to Louisiana to Texas will also feel significant impacts.

Clackamas County, in my district, could lose nearly $12.5 million in funding that is crucial to its public and ecological health. In addition to having to lay off teachers and other school employees, other important county programs will be curtailed. Clackamas has already discontinued their road maintenance program this year. The county is also planning to close community health clinics because it is unable to continue the necessary level of funding.

I hope that the House leadership will figure out some way to extend this safety net for rural counties before the end of the year.

I also oppose this bill because it is letting our decades-long moratorium on drilling offshore expire. This means that, starting next week, the Interior Department can prepare leases for oil rigs as close as 3 miles off our coasts.

While I may disagree with my Republican colleagues about the environmental and economic impact of drilling on our nation's coasts, there is little disagreement about how this will impact gas prices—because it won't.

Even the Bush administration's own Department of Energy agrees that more drilling will make no difference for at least a decade, and even then any impact on the price at the pump would be insignificant.

I had hoped that we would at least be able to include provisions of the House-passed energy bill that extended the moratorium to 50 miles off shore, but it appears that even that reasonable compromise is not enough for those who want to keep America addicted to oil.

I don't think this is the end of the story, and I hope the new Congress and new administration will move quickly to enact sensible protections for our coastal communities.

Lastly, I feel that holding funding to fiscal year 2008 levels for many important domestic programs from education to health to transportation will further hurt families at a time when they are already being squeezed by higher food and energy prices and a slumping economy.

Mr. HOYER. Mr. Speaker, Chairman IKE SKELTON and the Armed Services Committee have worked tirelessly to put this bill together, and I want to begin by recognizing that hard work. Chairman SKELTON is among this House's most dedicated advocates for our men and women in uniform. And he and his committee have put together a good authorization bill that deserves our support.

The bill authorizes a total of $601.4 billion, including $531.4B in budget authority for the Department of Defense and the Department of Energy's national security programs. It also includes significant commitments to new shipbuilding, advanced aircraft, and efforts to protect our troops in the field from improvised explosive devices.

This bill goes a long way to rebuild our military, which is still battered from years of fighting in Iraq and Afghanistan. It provides for an increase of 7,000 active-duty Army personnel, 5,000 more Marine Corps personnel, and 1,023 more Navy sailors. It dedicates significant amounts for the reset of worn-down armed forces equipment: $8.6 billion for Army and $1.8 billion for Marine Corps. $800 million is also authorized for the Reserve and National Guard, which have borne a heavy share of the fighting.

But just as importantly, this bill looks out for the needs of our troops at a time when our country has asked so much from them. They deserve all the support we have to give. That's why this bill gives them a much-needed raise of 3.9%, more than the President's request, blocks increases in their healthcare payments, and authorizes $3.2 billion to expand quality family housing.

In sum, this is a bill that strikes a sound balance between the needs of our national defense and the needs of our troops and their families. The road back to full military readiness will be long and hard—but this bill is a big step in the right direction. I urge my colleagues to support this vital piece of legislation—vital for our troops and vital for our Nation's security.

Mrs. LOWEY. Mr. Speaker, on August 16, 2007, the U.S. Government signed a new Memorandum of Understanding, MOU, with Israel to establish the security assistance framework for $30 billion in U.S. military assistance to Israel over the next decade. This agreement reflects the unshakable U.S. commitment to maintaining Israel's qualitative military edge in the region and increases assistance to help Israel meet its security needs in the face of growing threats in the region. I am a staunch supporter of this agreement which continues the strategic relationship between the U.S. and Israel and will help guarantee the security of both Israel and the United States.

Today, with the passage of the Continuing Resolution, Congress has declared its support for meeting our obligation for the first year of the MOU by approving a total of $2.55 billion in FY 2009 for Israel in Foreign Military Financing. The $2.55 billion in FMF funding includes $170 million in the FY 09 ''bridge-funding'' in the FY08 supplemental (P.L. 110–161) and the FY 2008 funding level of $2.38 billion. The Continuing Resolution also adjusts the funding level for Israeli Offshore Procurement to reflect the current percentage of Israel's FMF at $670,650,000, a longstanding provision that has proven critical to ensuring Israel's qualitative military edge. The congressional support for this agreement and the security of Israel is clear and unequivocal.

Mr. SIMPSON. Mr. Speaker, in accordance witt House earmark reforms, I would like to place in the RECORD a listing of the congressionally-directed projects I have requested in my home State of Idaho that are contained in the report of H.R. 2638, the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 Appropriations Bill.

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

The report contains $4,000,000 in the NPPD Infrastructure Protection and Information Security account for the Power and Cyber Systems Protection, Analysis, and Testing Program at the Idaho National Laboratory. The program would conduct vulnerability analysis, testing, and protection of power and cyber connected systems for the Department of Homeland Security, utilizing the unique resources available at the Idaho National Laboratory, such as the electric grid, SCADA and control systems, cyber and communication test beds, and the explosives test range. The proposed work entails collaboration with leading universities and other National Laboratories to leverage ongoing research at these institutions and advance the state-of-the-art in building resilience into infrastructure systems. The funding would be used to obtain full-scale systems in sectors of interest to DHS for testing of vulnerabilities, identification of protection strategies, and evaluation of resilient designs; partner with universities and National Laboratories to develop resilient control systems; and establish a program that develops new protection schemes. The INL is uniquely placed to carry out this program, which would leverage its ongoing work in this area sponsored by DoD, DHS, and Intelligence Agencies and its established relationships with industry, universities, and National Laboratories. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is the Idaho National Laboratory, located at 2525 North Freemont St., Idaho Falls, Idaho 83415.

The report contains $1,600,000 in the Defense Production Act Purchases account for the Read Out Integrated Circuit (ROIC) Manufacturing Improvement. The United States Air Force and the Missile Defense Agency have been investigating ways to improve manufacturing capabilities and improve cryogenic and

radiation performance of these circuits. The thermal imagers of the future will operate in harsh environmental conditions for longer periods of time and will have increased resolution (through increased pixel count) over the detectors of today. Maintaining a domestic source of this technology as well as working to enhance the manufacturing capabilities of this critical technology are equally as important as increasing the yield. Funds for this project will be used to establish a long-term, known U.S. source; improve yields both by the manufacturer and by the vendors who use the contractor as a manufacturing source; decrease the cycle time required in manufacturing ROICs and a reduction of design cycle time by ROIC designers; and provide a roadmap to meet the future needs of the ROIC designers. When the program is completed, ROICs will be available with twice the number of pixels for less money than the ROIC currently costs. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is ON Semiconductor, located at 2300 Buckskin Rd., Pocatello, Idaho 83201.

The report contains $1,600,000 in the Medical Advanced Technology account for the Integrated Patient Quality Program. To directly enhance the patient-provider encounter, the Integrated Patient Quality Program will identify the degree to which physicians utilize consumer content integrated into the DoD Electronic Medical Record (AHLTA) and provide after-visit summaries to patients, and identify the impact this critical medical information has on patients' health and their ability to make informed decisions. This phase of the project will build upon the requirements' definition and technical feasibility study performed within FY08 funding that developed a functional and technical road map, and successfully tested the Integrated Patient Quality concept in a development environment. Additionally, the Integrated Patient Quality Program will explore content delivery options outside of the patient-provider face-to-face interaction to include: secure provider/patient e-mail, online laboratory results, pre-visit/test preparation, surgical decision support, and disease management to at-risk patients. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is Healthwise, Incorporated, located at 2601 N. Bogus Basin Road, Boise, Idaho 83702.

The report contains $2,000,000 in the Support Systems Development account for the Accelerator-Driven Non-Destructive Testing. The Idaho Accelerator Center (IAC) proposes to continue development of penetrating and non-destructive testing (NDT) techniques utilizing new techniques in positron annihilation spectroscopy with accelerator-based gamma-beams, and the use of monochromatic x-ray beams that are produced by colliding high-power laser beams with high-energy electron beams. Both of these core technologies have been under development at the IAC for several years and have matured to the point that serious in-field commercialization is possible. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is Idaho State University, located at 921 South 8th Avenue, Pocatello, Idaho 83209.

The report contains $1,440,000 in the Electronics Technology account for the 3–D Technology for Advanced Sensor Systems Project. The military has a need for new three-dimensional (3–D) packaging of electronic systems, particularly sensor systems for portable applications. The team of Boise State University and RTI International has developed 3–D processing techniques on silicon and LTCC platforms, including technologies for die- and wafer-scale bonding and 3–D interconnects. These funds will allow them to apply these techniques to create 3–D integration and packaging solutions applicable to a general category of high performance sensor systems. These funds will be used to support summer salaries for faculty, and provide salaries for research staff, post-doctoral associates, graduate and undergraduate students. Research supplies, capital equipment, and travel will be funded as required to support the objectives of the project. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is Boise State University, located at 1910 University Drive, Boise, Idaho 83725–1135.

The report contains $1,200,000 in the Critical Infrastructure Protection account for the Electric Grid Reliability/Assurance project. The effort will operationalize advanced electric grid modeling simulation and analysis capability that links disparate critical infrastructure sector models that run simultaneously and dynamically to share information providing greater understanding of critical infrastructure status before, during or after a destructive event. Funds will be used for the enhanced development of electric grid modeling, simulation and testing capabilities at the Idaho National Laboratory (INL). Incorporation of both real-time and distributed system modeling capabilities will provide expanded capabilities for analysis of systems critical to DoD. These efforts will provide DoD an enhanced capability to simulate, prove and make recommendations for techniques to sustain mission operations via continued power generation when power from the electric utilities is no longer present. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is Idaho National Laboratory, located at P.O. Box 1625, Idaho Falls, Idaho 83415.

The report contains $1,200,000 in the Advanced Electronics Technologies for the Hybrid Power Generation System. Research has resulted in a breakthrough technology using compressed magnetic fields which can generate power. The continued research, development, testing and validation of the technology should result in mission extension for dismounted soldiers and considerable savings by reducing the reliance on disposable batteries. Approximately $57,000 is being spent per soldier, per year on batteries alone in theatre. This technology will not only reduce Federal spending needed for such batteries, but will considerably reduce related military logistics costs, reduce the amount of hazardous waste disposal costs (for the toxic substances used in battery materials), and will reduce the man/machine interface by reducing the 20–30 lbs of extra batteries soldiers are currendy required to carry for extended missions. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is M2E Power, Inc., located at 875 W. McGregor Court, Suite 150 Boise, Idaho 83705.

The report contains $3,200,000 in the Chemical and Biological Defense Program Account for the Vacuum Sampling Pathogen Collection and Concentration project. Production and commercialization potential of the recently completed basic wet-vacuum pathogen collection system will be further enhanced through completion and integration of current prototype-stage ''sister'' technologies. The combined systems will provide safer, more accurate and faster sample collection and processing capabilities with GPS-RFID sample site documentation and sample identification, plus handling, transport and lab traceability. Current outsourced production activities will be centralized through expanded in-house production facilities for more stringent cost, QC and delivery schedule management and control. Integrated technology systems will improve safety, accuracy and standardization of bio-agent detection methods for our soldiers and civilian end users. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is Microbial-Vac Systems, Inc., located at 160 Bridon Way, Jerome, Idaho 83338.

The report contains $3,200,000 in the Advanced Spacecraft Technology account for the Ultra Low Power Electronics. Ultra-Low Power (ULP) Electronics is an Air Force Research Lab-sponsored initiative working in collaboration with industry to develop electronics that require less power and provide increased efficiency. A key challenge for DoD electronics applications is the reduction of power consumption in the Complementary Metal Oxide Semiconductor (CMOS)—the technology platform used for advanced integrated circuits. Funding in 2009 will develop a high OPS/Watt ULP platform solution for DoD designers of electronic systems and demonstrate a base technology that can be rapidly scaled to meet general ULP industry requirements for portable electronics. The project is an iterative, multi-lot, fabrication research and development effort that includes design tool and model development necessary to deploy the new technology. A viable scaling method for reducing electronic voltage requirements and the associated ULP products will define an alternative CMOS scaling roadmap specific to portable technology. This program will establish a new technical approach and industrial capability for U.S. electronics. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is American Semiconductor, Inc., located at 3100 S. Vista Ave., Ste 230 Boise, Idaho 83705.

The report contains $800,000 in the New Design Ssn Account for the Highly Corrosive-Resistant Alloy Joining for Nuclear Applications. This funding will be used to develop and test novel prototype design-for-manufacturing methods, flexible automated welding and inspection technology for application in submarine nuclear reactor propulsion systems. The research will result in new joining techniques to shape highly corrosive-resistant alloys to meet the requirements of underwater power generation and radiation containment. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is Premier Technology, located at 1858 W. Bridge Street, Blackfoot, Idaho 83221.

The report contains $1,800,000 in the Air Force Military Construction Account for the Mountain Home AFB Logistics Readiness

Center. The Existing Logistic Supply is a condemned 53-year-old wooden structure beyond economical repair. The building had to be evacuated and now 60% of base supply functions operate from temporary spaces across base, creating significant delays in troop/equipment mobilization. This negatively impacts the Wing's ability to demolish and relocate from other substandard facilities on base. When funded, the Logistics Readiness Center will provide command and control for all materials in-bound and outbound, including freight processing, packing, crating, pallet buildup shop, and provide bulk and bin storage. The facility will also support secure storage and an armory and will include administrative areas. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is the 366th Wing, Mountain Home Air Force Base, Idaho, located at 366 Gunfighter Avenue, Ste. 107, Mountain Home Air Force Base, Idaho 83648.

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

(1) $4 million for the Power and Cyber Systems Protection, Analysis, and Testing Program; Idaho National Laboratory.

(2) $1,600,000 for the Read Out Integrated Circuit (ROIC) Manufacturing Improvement; ON Semiconductor.

(3) $1,600,000 for the Integrated Patient Quality Program; Healthwise Incorporated.

(4) $2,000,000 for the Accelerator-Driven Non-Destructive Testing; Idaho State University.

(5) $1,440,000 for the 3–D Technology for Advanced Sensor Systems; Boise State University.

(6) $1,200,000 for the Electric Grid Reliability/Assurance; Idaho National Laboratory.

(7) $1,200,000 for the Hybrid Power Generation System; M2E Power Inc.

(8) $3,200,000 for the Vacuum Sampling Pathogen Collection and Concentration; Microbial-Vac Systems, Inc.

(9) $3,200,000 for the Ultra Low Power Electronics; American Semiconductor.

(10) $800,000 for the Highly Corrosive-Resistant Alloy Joining for Nuclear Applications; Premier Technology.

(11) $1,800,000 in the Air Force Military Construction Account for the Mountain Home AFB Logistics Readiness Center; Mountain Home Air Force Base.

Mr. WAXMAN. Mr. Speaker, this Congress, the House and Senate have passed important Federal contracting reforms, but neither body has assembled them into a comprehensive package. The ''Clean Contracting Act'' in title 8 of the National Defense Authorization Act consolidates these provisions into a single, comprehensive reform measure.

I want to particularly thank Chairman SKELTON for working with me to help bring these provisions to the House floor today. He has been a tremendous partner in the fight to root out waste, fraud, and abuse.

The Clean Contracting Act requires agencies to enhance competition in contracting, limit the use of abuse-prone contracts, start the effort to rebuild the federal acquisition workforce, strengthen important anti-fraud measures, and increase transparency in federal contracting.

The provisions in the act respond to procurement abuses that the Oversight Committee, the Armed Services Committee, and other committees have identified in hearings and investigative reports. These egregious procurement practices have occurred in Iraq, in the response to Hurricane Katrina, and at the Department of Homeland Security—and they need to be halted. They may enrich companies like Halliburton and Blackwater, but have squandered billions of dollars that belong to the taxpayer.

This legislation says that Congress is serious about stopping waste, fraud, and abuse.

One important provision would limit the length of no-bid contracts awarded in emergencies to one year. This provision would end the abuses that occurred after Hurricane Katrina, when many ''emergency'' contracts were allowed to continue for many years.

Another provision would require regulations and reporting on the use of cost-plus contracts, which provide contractors with little incentive to control costs. Spending under this type 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 were charged almost $2500 dollars apiece for something that actually cost $300.

Other vital provisions in this bill would 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 bill also includes a modified version of a provision which recently passed the House under suspension of the rules. It is based on a bill authored by Rep. MALONEY and requires the development of a database of suspension and debarment information.

My only regret is that some of the other key reforms passed by the House were not included in the final version of the legislation. I am disappointed that the House and Senate compromise does not include a ban on private interrogators in U.S. military detention facilities or mandate congressional approval for any security pact with Iraq that is negotiated by the President. I am also greatly disappointed the bill, which authorizes some additional funding for the war in Iraq, fails to set a timeline for the withdrawal of our troops.

Still, I urge members to support this bill because the Clean Contracting Act provisions will make a fundamental difference in the way our government operates and begin to restore taxpayer confidence.

Mr. SPRATT. Mr. Speaker, I rise in support of H.R. 2638, as amended, but I wish to draw particular attention to the $5 million of funding provided within this bill for a space-based kinetic interceptor study, that, ostensibly, was included as an earmark requested by Senators ALLARD, INHOFE, KYL, and SESSIONS. Chairman OBEY's explanatory statement of the amendment under consideration expressly states, ''The bill provides $5,000,000 to support the study outlined in section 236 of S. 3001, the National Defense Authorization Act for Fiscal Year 2009.''

Section 236 of the Defense Authorizaton bill no longer refers to a space-based kinetic interceptor study. The provision specific to such a study appeared in a Senate version of the authorizing bill, but it was stricken from the House amended version of the bill that we passed this afternoon for good cause.

Mr. Speaker, a study to explore the potential for space-based kinetic interceptors within our ballistic missile defense system is a bad idea. I have many reservations, but chief among them is the message that the purported study would project to the world. It would clearly indicate America's willingness to unilaterally introduce weapons into space. The notion for the proposed study may be couched by its proponents as a low cost method for determining the merits of a purely defensive mechanism, but the dual use technologies associated with kinetic interceptors could be used for a variety of offensive purposes, such as shooting down satellites. Such a step, however small, would surely be perceived as the first step toward an arms race in space, which would only place our vital military and commercial space assets at greater risk. Independent studies in the past concluded that space-based kinetic interceptors would prove impractical and costly. We have no evidence that the proposed study would prove otherwise.

Mr. Speaker, I wish to underscore that the Congress has not granted any authority to fund a space-based kinetic interceptor study and to reiterate for the record that the specific provision relied upon in this bill for authority and guidance to fund such a study does not exist.

Mr. WALSH of New York. Mr. Speaker, I am disappointed. After the disappointment of moving to the minority in 2007, I took some solace in the fact that the three highest elected Democratic leaders are all former members of the Appropriations Committee—I thought they knew and respected the work and procedures of our committee.

I am disappointed that in my last year as a member of the Appropriations Committee, this majority has seen fit to bring just one regular spending bill before the House.

Disappointed that in the continuing resolution and disaster sections of this legislation, our Committee abandoned its traditional bipartisan approach in favor of an attempt to play election-year politics.

Disappointed that, as far back as February, my friends in the majority indicated they did not wish to deal with this President on issues relating to spending and—regardless of the finger pointing that I'm sure will go on—set the stage for the train wreck before us.

It is no secret that I do not always agree with the current President on spending levels, but even if I did, he is brought into the process only after we complete our work.

In short, we gave up without a fight, and that disappoints me and that should disappoint those we represent.

We gave up without letting the Appropriations Committee work its will, without letting the membership of the House work its will.

The Senate is the Senate and we have no control over what happens—or more likely, doesn't happen there. But we do have control over whether or not the House gets its job done, and quite frankly, that did not happen this year.

So here we are, punting on what is the equivalent of a second down. I regret that.

Having said that, reflecting on twenty years here in the Congress, sixteen on the Appropriations Committee, and twelve as a subcommittee chair, there has been far more satisfaction than disappointment.

Since this is probably the last time I'll address the Congress on a pending Appropriations bill, I would respectfully request that the

Committee Chair and Appropriations Committee members return to regular order and fiercely protect the prerogatives of this great committee.

Mr. CAMPBELL of California. Mr. Speaker, today the House of Representatives voted on legislation (H.R. 2638, the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act of 2009) to fund government operations through March 6th of next year. The legislation contained a provision to provide up to $25 billion in loan guarantees to companies that engage in the manufacturing and distribution of automobiles and trucks. Although I was advised by the House Committee on Ethics and Standards that I had no ethical conflict under the rules relative to this provision, I believe that I do have a conflict. A company which I control derives substantial income through real property leases to one of the auto companies that may receive loan guarantees under this bill. Therefore, I felt it would be improper for me to vote on or to engage in any debate or discussion on this bill. Accordingly, I voted "Present" on H.R. 2638.

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

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1488, the previous question is ordered.

The question is on the motion by the gentleman from Wisconsin.

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

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

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

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, this 15-minute vote on concurring in the Senate amendment with an amendment will be followed by 5-minute votes on suspending the rules with respect to H.R. 5265 and House Resolution 1451.

The vote was taken by electronic device, and there were—yeas 370, nays 58, answered "present" 1, not voting 4, as follows:

[Roll No. 632]

YEAS—370

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hayes
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Platts
Poe
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch (VT)
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—58

Barrett (SC)
Blackburn
Blumenauer
Blunt
Boehner
Broun (GA)
Burton (IN)
Cannon
Cantor
Cubin
Davis (KY)
Davis, David
Deal (GA)
DeFazio
Duncan
Flake
Fossella
Foxx
Franks (AZ)
Garrett (NJ)
Goode
Goodlatte
Hastings (WA)
Hensarling
Herger
Inglis (SC)
Issa
Johnson (IL)
Jones (NC)
Jordan
King (IA)
Kucinich
Lamborn
Lee
Linder
Mack
McDermott
Mica
Moran (KS)
Paul
Pence
Petri
Pitts
Price (GA)
Roskam
Ryan (WI)
Sali
Sensenbrenner
Shadegg
Shimkus
Stark
Stearns
Sullivan
Tancredo
Tiahrt
Weldon (FL)
Weller
Woolsey

ANSWERED "PRESENT"—1

Campbell (CA)

NOT VOTING—4

Bishop (UT)
Jefferson
Shuler
Watson

□ 1547

Messrs. FOSSELLA, GOODLATTE, McDERMOTT, PRICE of Georgia, HERGER, STEARNS and MICA changed their vote from "yea" to "nay."

Messrs. WATT, DREIER, ALEXANDER, HALL of Texas and ROYCE and Ms. WASSERMAN SCHULTZ changed their vote from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PAUL D. WELLSTONE MUSCULAR DYSTROPHY COMMUNITY ASSISTANCE, RESEARCH, AND EDUCATION AMENDMENTS OF 2008

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 5265, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 5265, as amended.

The question was taken.

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

RECORDED VOTE

Mr. UPTON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 418, noes 2, not voting 13, as follows:

[Roll No. 633]

AYES—418

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri

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

NOES—2

Flake
Paul

NOT VOTING—13

Bishop (UT)
Broun (GA)
Cubin
Frank (MA)
Johnson, E. B.
Larsen (WA)
Mahoney (FL)
Marshall
Miller (NC)
Schakowsky
Shuler
Walsh (NY)
Watson

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1555

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SCHAKOWSKY. Mr. Speaker, on roll-call No. 633, I was unavoidably detained. Had I been present, I would have voted "aye."

TOM LANTOS HUMAN RIGHTS COMMISSION ESTABLISHMENT RESOLUTION

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 1451.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. SCOTT) that the House suspend the rules and agree to the resolution, H. Res. 1451.

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

A motion to reconsider was laid on the table.

ALTERNATIVE MINIMUM TAX RELIEF ACT OF 2008

Mr. NEAL of Massachusetts. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 7005) to amend the Internal Revenue Code of 1986 to provide alternative minimum tax relief for individuals for 2008.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 7005

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

SECTION 1. SHORT TITLE, ETC.

(a) IN GENERAL.—This Act may be cited as the "Alternative Minimum Tax Relief Act of 2008".

(b) REFERENCE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE PERSONAL CREDITS.

(a) IN GENERAL.—Paragraph (2) of section 26(a) is amended—

(1) by striking "or 2007" and inserting "2007, or 2008", and

(2) by striking "2007" in the heading thereof and inserting "2008".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 3. EXTENSION OF INCREASED ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNT.

(a) IN GENERAL.—Paragraph (1) of section 55(d) is amended—

(1) by striking "($66,250 in the case of taxable years beginning in 2007)" in subparagraph (A) and inserting "($69,950 in the case of taxable years beginning in 2008)", and

(2) by striking "($44,350 in the case of taxable years beginning in 2007)" in subparagraph (B) and inserting "($46,200 in the case of taxable years beginning in 2008)".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 4. INCREASE OF AMT REFUNDABLE CREDIT AMOUNT FOR INDIVIDUALS WITH LONG-TERM UNUSED CREDITS FOR PRIOR YEAR MINIMUM TAX LIABILITY, ETC.

(a) IN GENERAL.—Paragraph (2) of section 53(e) is amended to read as follows:

"(2) AMT REFUNDABLE CREDIT AMOUNT.—For purposes of paragraph (1), the term 'AMT refundable credit amount' means, with respect to any taxable year, the amount (not in excess of the long-term unused minimum tax credit for such taxable year) equal to the greater of—

"(A) 50 percent of the long-term unused minimum tax credit for such taxable year, or

"(B) the amount (if any) of the AMT refundable credit amount for the taxpayer's preceding taxable year (determined without regard to subsection (f)(2)).".

(b) TREATMENT OF CERTAIN UNDERPAYMENTS, INTEREST, AND PENALTIES ATTRIBUTABLE TO THE TREATMENT OF INCENTIVE STOCK OPTIONS.—Section 53 is amended by adding at the end the following new subsection:

"(f) TREATMENT OF CERTAIN UNDERPAYMENTS, INTEREST, AND PENALTIES ATTRIBUTABLE TO THE TREATMENT OF INCENTIVE STOCK OPTIONS.—

''(1) ABATEMENT.—Any underpayment of tax outstanding on the date of the enactment of this subsection which is attributable to the application of section 56(b)(3) for any taxable year ending before January 1, 2008 (and any interest or penalty with respect to such underpayment which is outstanding on such date of enactment), is hereby abated. The amount determined under subsection (b)(1) shall not include any tax abated under the preceding sentence.

''(2) INCREASE IN CREDIT FOR CERTAIN INTEREST AND PENALTIES ALREADY PAID.—The AMT refundable credit amount, and the minimum tax credit determined under subsection (b), for the taxpayer's first 2 taxable years beginning after December 31, 2007, shall each be increased by 50 percent of the aggregate amount of the interest and penalties which were paid by the taxpayer before the date of the enactment of this subsection and which would (but for such payment) have been abated under paragraph (1).''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by this section shall apply to taxable years beginning after December 31, 2007.

(2) ABATEMENT.—Section 53(f)(1) of the Internal Revenue Code of 1986, as added by subsection (b), shall take effect on the date of the enactment of this Act.

The SPEAKER pro tempore (Ms. DEGETTE). Pursuant to the rule, the gentleman from Massachusetts (Mr. NEAL) and the gentleman from New York (Mr. REYNOLDS) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. NEAL of Massachusetts. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to insert extraneous material in the RECORD.

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

There was no objection.

□ 1600

Mr. NEAL of Massachusetts. Madam Speaker, I yield myself such time as I may consume.

The provisions of H.R. 7005, the Alternative Minimum Tax Relief Act of 2008, as scheduled for floor action today, provides alternative minimum tax relief.

Ways and Means Committee Chairman RANGEL and the ranking member, Mr. MCCRERY, have asked the nonpartisan Joint Committee on Taxation to make available to the public a technical explanation of the bill. The technical explanation expresses the committee's understanding and legislative intent behind this important legislation. It is available on the joint committee's Web site at www.jct.gov.

I want to thank Mr. RANGEL for his diligent work on a flurry of last minute bills here. There is some urgency to the bill we are debating today. I also want to acknowledge, to his everlasting relief, that this is the last time Mr. REYNOLDS will have a chance to speak on the issue of the alternative minimum tax.

If we do not pass this legislation today, 25 million families will pay higher taxes this year. That is right, this tax relief is for this year. I might add to this conversation that one of the nice things about this bill, despite how tumultuous these days have been for Members of Congress and for the American citizens watching what has happened to their 401(k) plans, this legislation actually provides middle class tax relief. The current patch expired at the end of the last year, and it is urgent that we pass this relief now.

Of those 25 million families facing higher taxes, 84 percent of them earn less than $200,000. In my constituency alone, families paying alternative minimum tax will rise from 8,000 to 69,000 if we do not enact this patch, and only 500 of those unlucky 69,000 people earn more than half a million dollars annually. Clearly, the alternative minimum tax is not the millionaire's tax it was designed to be.

For the last decade I have sought to repeal or radically reform the AMT because of the unfairness it wreaks on our progressive tax system. The AMT patch we are considering today costs more than $60 billion, and a reminder to all, next year, $70 billion. But unlike the version we considered earlier this year, we should acknowledge, this one is not offset. Despite partisan efforts in outreach to the other side on the issue of fiscal responsibility, we have, unfortunately, been unable to find common ground. We have run up against the reality of the closing days of Congress, and this legislation simply must be accomplished.

Again, I want to congratulate Chairman RANGEL on crafting a responsible bill and one which picks up on the good work of our colleagues, Mr. VAN HOLLEN of Maryland and Mr. JOHNSON of Texas, on the issue of incentive stock options. For a decade, Mr. JOHNSON and I have tried to find relief for those taxpayers unfortunately caught with a massive AMT bill on phantom stock gains, and today's bill provides relief by abating penalties and interest on underpayments and by allowing quicker recovery of AMT credits.

The bill we are considering today is a true hold-harmless patch because it not only extends but increases the AMT exemption level. It also extends protection from AMT for taxpayers with personal, nonrefundable credits, such as education credits and the dependent care credits. Otherwise, taxpayers might lose these essential credits to AMT.

I urge adoption of this bill, Madam Speaker.

Madam Speaker, I reserve the balance of my time.

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

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

Mr. REYNOLDS. Madam Speaker, I thank the chairman of the Select Revenue Measures Subcommittee of Ways and Means. Mr. NEAL has been a true leader in the goal of trying to get permanent repeal of AMT, and while it is something that we share, we have not yet reached a solution.

So I find myself rising today on behalf of middle class families all across America in strong support of this bill. As my colleagues well know, I have fought year in and year out for the AMT patch, and I am disappointed that Congress has not addressed a permanent solution. Absent a long-term proposal, I think we have no choice but to once again pass a temporary 1-year fix.

Without patch legislation, more than 25 million families will be hit by this stealth tax. This includes more than 21 million taxpayers who didn't owe AMT in 2007. If Congress does not act, each American affected by AMT will, on average, face a tax increase of almost $2,500. We delayed action for so long last year that 13.5 million taxpayers were forced to delay filing their returns. Because we did not act earlier this year, millions more have been hanging in the balance.

We have an opportunity to end the uncertainty of the middle class that they have been facing all year long. Each Member of this House has the opportunity to live up to their responsibility and truly help the middle class trapped in this stealth tax that was so unintended for the middle class.

Yesterday the other body passed their bipartisan tax extenders package. The Senate majority leader was as candid as I have ever heard him when he bluntly told the House, ''Don't send us back something else. We can't get it passed.'' He went on to make it clear that if we do, the important extenders we have all been working so hard to accomplish will die and we will have ''snatched defeat from the jaws of victory.''

In these difficult and uncertain economic times, we have an obligation to pass a bill that can be signed into law as quickly as possible to protect middle class Americans. While I believe our time today would be better spent moving a comprehensive tax extenders package, I am nonetheless pleased to see the majority put up a clean AMT bill before this House.

I thank Chairman RANGEL for his leadership on this legislation and Chairman NEAL for his additional leadership as the Chair of the Subcommittee of Select Revenues.

Madam Speaker, I reserve the balance of my time.

Mr. NEAL of Massachusetts. Madam Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Madam Speaker, I thank the Chair of the subcommittee, and I too want to commend the Chair and ranking member of the committee for bringing this important AMT fix before the Congress today.

Madam Speaker, I couldn't agree with my friend from New York more. These 1-year fixes of the alternative

minimum tax are just not sustainable. It is not fair, because it doesn't build in predictability and certainty with the Tax Code. That is why I commend the gentleman from Massachusetts, given the groundwork he has so far laid in trying to find a permanent fix to the AMT dilemma we face in the Nation.

Obviously, none of us in this Chamber or in this Congress would want to see millions of working families wake up on Tax Day realizing that because of bracket creep and the inability to index the AMT, that they are going to be facing a higher tax liability. Given the doldrums that the economy is facing right now, working class families especially can't afford to take an additional tax hit.

But at some point in this Chamber and in this Congress and in this country, we have to start paying for things again. That is why one of the first things that we did as a new majority last year was reinstitute pay-as-you-go budgeting rules. Not because we thought it was going to be easy or simple or fun, but because we thought it would be necessary to restore some fiscal discipline.

While many of us have been working on the extension of tax provisions and making sure AMT doesn't capture more working families, we are trying to do it in a fiscally responsible manner by finding appropriate offsets to pay for it so we are not adding to the debt burden of future generations. That is the great task left before us.

It is unfinished today, because obviously this AMT fix is not paid for, but it is something we have to take up in the next session of Congress, finding a permanent fix, and getting into the Tax Code with major reform, which is coming up next year already.

Again, I appreciate the leadership that the gentleman from Massachusetts and others on the subcommittee have shown so far on this issue. I encourage my colleagues to support it.

Mr. REYNOLDS. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. BRADY), a member of the Ways and Means Committee.

Mr. BRADY of Texas. Mr. REYNOLDS, thank you for your leadership, as well as Mr. NEAL, on trying to not only keep more middle class families from being hit by the alternative minimum tax, but hopefully to find a long-term solution where there is no AMT looming over our families.

The truth of the matter is, this was a tax created many years ago to hit the very, very wealthy in America, at the time just 155 or so, who did not pay taxes. Unfortunately, it wasn't indexed. It is now each year more and more attacking middle class families who frankly are still struggling to make ends meet. Then after they do their regular taxes, they find they have a second tax that comes after them and catches them even if they didn't owe on the first.

So this Congress has taken seriously the need to not allow the AMT to hit more families. This action today makes sure that 24 million American families are not hit by this second tax at an average tax rate increase of about $2,400. For a lot of families in America, that is real money in a big way.

It is time to repeal the AMT permanently. It is time for both parties to work together to do that. I look forward to the day when we can bury it and help protect our families.

All year long, Republicans have urged Democrats to enact a clean AMT patch without tax increases and to do so in a more timely manner than occurred in 2007.

Last year, House Democrats' insistence on linking the 2007 patch to unrelated tax hikes resulted in the patch being enacted later in the year than ever before, causing headaches and uncertainty for taxpayers and the IRS alike.

On May 21, 2008, and again on June 25, 2008, Republicans supported Motions to Recommit that would have provided a clean AMT patch—without tax hikes. Unfortunately, Democrats opposed those common-sense proposals, putting us on the same regrettable path as last year—toward another historically late AMT patch.

Today, just days before Congress's scheduled adjournment, the Majority has finally acknowledged the obvious: an AMT patch that is offset with tax increases stands no chance of being enacted.

Unfortunately, instead of considering the Senate's comprehensive, bipartisan tax package that addresses not just the AMT patch, but other critically important tax priorities as well, the Majority is pursuing a piecemeal approach that seems unlikely to advance in the Senate.

During debate on the comprehensive Senate package on September 23rd, Senate Majority Leader HARRY REID made precisely this point, stating: "I say to my friends on the other side of the Capitol, the House: 'Don't send us back something else. We can't get it passed.' If they try to mess with our package, it will come back here, it will die, and we will . . . have snatched defeat from the jaws of victory."

While it is a welcome development that Democrats have abandoned their efforts to patch the AMT by raising taxes, the Majority should be working with the Senate to ensure enactment of all our critical tax priorities.

An estimated 26 million taxpayers will owe higher taxes for 2008 because of the AMT, according to the latest Treasury Department estimates. This is sharply up from about 4 million people last year in 2007 that would have been affected if Democrats had not agreed to patch the AMT without tax increases.

The AMT was created in the late 1960s to ensure that fewer than 200 high-income taxpayers couldn't avoid paying any income tax at all. The AMT was intended as a fail safe mechanism, NOT as a tax Increase. However, the tax is now hitting the middle class and hitting them hard.

From 1992–2002, the number of filers paying AMT increased tenfold to 1.3 million people. By 2010, nearly 1 in 3 tax filers will be subject to the AMT.

Although the AMT is highly progressive, the distribution of AMT liability will shift toward tax units with lower incomes. In 2006, taxpayers with $500,000 or more in income will pay 47 percent of the tax. By 2010, they will pay only 16 percent.

Over 80 percent of households with incomes between $100,000–200,000 and almost half of those with incomes between $75,000–100,000 will pay the AMT by 2010 (compared to 4.8 percent and 0.7 percent in 2006).

Simply put, Congress should act decisively to prevent $61.5+ billion of tax increases on the American people. Not patching the AMT means an average tax hike of $2,400 for over 25 million taxpayers.

Delaying action on patching the AMT hurts taxpayers. According to Treasury Secretary Paulson, the failure of Congress to enact an AMT patch earlier in the year results in delayed tax refunds totaling approximately $75 billion for as many as 50 million taxpayers. Tax compliance is onerous enough for Americans without Congress getting into the mix to make it even harder!

Mr. NEAL of Massachusetts. Madam Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. Pascrell), a fine member of the Ways and Means Committee.

Mr. PASCRELL. Madam Speaker, the legislation we have before us today arises at a time when our American workers are suffering under a failing housing market and struggling financial market. I want to commend Mr. NEAL and Mr. REYNOLDS for being advocates for this, not just yesterday, but through the past many years. This is an injustice on the middle class in America. We know it very clearly.

I want to commend you, Mr. NEAL, for trying to get this done on a permanent basis and paying for it. The sin of this administration is trying to provide tax relief for folks and not finding a way to pay for it. Now we see what situation we are in. Kudos to you. You stuck to your guns.

The economic burden on the American worker is enormous, and it should compel us to take a bold and affirmative stand on serving their best interests today. As a proud cosponsor of H.R. 7005, the AMT Tax Relief Act of 2008, I want to also thank our distinguished colleague, Chairman RANGEL, for bringing it to the floor.

We must remind ourselves that the impact on the AMT as it currently stands will continue to harm the wrong taxpayer. The AMT no longer targets just wealthy taxpayers engaged in tax avoidance. Instead, it targets the unintended taxpayer, the middle class family.

The AMT is not adjusted for inflation. In the absence of an indexing provision, it is largely responsible for the rising numbers of middle class taxpayers subject to the AMT.

Filers in high-tax States are more likely to face the AMT to a surprising degree. In my State, the State of New Jersey, one of the three highest ranking States in terms of AMT filers, in my home State of New Jersey, $800 million in AMT taxes were paid last year. The three States of New Jersey, New York and California account for 40 percent of the country's 3.15 million AMT returns, just those three States. You tell me about justice in the tax system.

Texas, a State with 200 percent larger population than New Jersey, has roughly half the number of AMT filers.

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

Mr. NEAL of Massachusetts. I yield 1 additional minute to the gentleman.

Mr. PASCRELL. Texas, mind you, with a 200 percent larger population than the State of New Jersey, has roughly half the number of folks who file for the AMT. This is simply not an equitable tax system. It is very clear to all of us on Ways and Means, it is clear to the American people. More and more become eligible, and they have to be informed by those people who do their taxes, ''oh, by the way, you are susceptible to the AMT.'' ''What are you talking about?''

This administration has consistently ignored the tough issues. We could have dealt with the AMT permanently if this administration had taken tax reform seriously. But they refused to sit down with this Congress to have these important discussions. Now we need to take a stand and make these significant changes. In a week we will have to take many stands, because we allowed things to get worse.

I urge all my colleagues on both sides of the aisle to vote ''yes'' on the extension of the AMT relief for 2008.

□ 1615

Mr. REYNOLDS. Madam Speaker, it is now my pleasure to yield 2 minutes to the ranking member of the Rules Committee, who has long been an expert on trade as well as tax issues that affect this body and the country, the gentleman from California, DAVID DREIER.

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

Mr. DREIER. I thank my friend for yielding.

Madam Speaker, I would like to begin by saying that I suspect that after many decades of stellar public service, this will be one of the last times that we see our good friend from Buffalo (Mr. REYNOLDS) who served ably as a member of the Rules Committee for many years and now as a member of the Ways and Means Committee actually manage a measure on the floor. I would like to thank him for his wonderful public service and to say that we are very pleased to be here with this very important measure.

I don't want to be the skunk at a picnic, but I have to point to a couple of very, very important issues. I listened to my good friend from New Jersey (Mr. Pascrell) talk about the fact that Mr. NEAL has moved forward with a measure that is paid for. The fact of the matter is we are waiving PAYGO on this provision which will allow us to deal with this patch for the AMT relief.

We all know back in 1969, 155 millionaires were the target of the alternative minimum tax, as was pointed out by my friend from Houston (Mr. BRADY). The fact is, the indexation has created a situation whereby millions and millions and millions of Americans are now saddled with this responsibility.

Madam Speaker, what we heard time and time again was that in this new Congress, we were going to have everything paid for. I find it interestingly ironic that here, as we deal with the alternative minimum tax, this measure, we have suspended the rules and waived PAYGO on this. Yet we did not choose to do that when we dealt with the very important issue that the American people wanted us to try to address, and that is to bring gasoline prices down with a responsible energy bill.

We chose to waive it for the farm bill. Unfortunately, again, on the gas issue, we didn't waive it there, and we are waiving it again here.

I would also like to point to the fact that my good friend from New Jersey talked about the fact that his State, I guess, has the third highest number of people impacted by the alternative minimum tax. The issue of repealing the alternative minimum tax is a high priority for many of us. I believe that it should be completely eliminated.

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

Mr. REYNOLDS. I yield the gentleman 1 additional minute.

Mr. DREIER. I thank my friend.

Let me say that I believe it's important for us to remember that a very short 8 years ago, in 1999, the House and the Senate passed a repeal of the alternative minimum tax. Unfortunately, President Clinton at that time chose to veto that measure.

We can get into the issue of paid for or not paid for, but it's interesting that the measure we are considering today is basically under the same structure that we in 1999 passed the repeal of the alternative minimum tax out under and President Clinton chose to veto it at that point.

Mr. PASCRELL. Will my friend yield?

Mr. DREIER. I would be happy to yield to my friend from New Jersey.

Mr. PASCRELL. The problem is back in 1998 there were just a few people that were eligible. It didn't make it less onerous, but there were many less people that were subject to the AMT tax. That was the difference. You know what the situation is today, my friend from California.

Mr. DREIER. If I could reclaim my time, Madam Speaker, let me just say I concur. But if we had, in fact, in 1999, when President Clinton chose to veto that bill 8 years ago, if we had had that passed, we wouldn't be here dealing with this issue as we are today. I just wanted to make that clear for the record.

Thanks again, and congratulations to my friend from Buffalo.

Mr. NEAL of Massachusetts. Madam Speaker, I appreciate my friend, Mr. DREIER's, comments, about the alternative minimum tax and how we are going to proceed today, but, let me be blunt, over my objections for the last 8 years, what we talked about today is simply this for the American people that might be viewing this discussion, we are going to borrow the money. I object to it, but I have tried time and again to find concurrence on the other side with a common way forward and have been unsuccessful.

Madam Speaker, I would like to yield 2 minutes to the gentlelady from Nevada, a very valued member of the Ways and Means Committee, Ms. BERKLEY.

Ms. BERKLEY. I thank the gentleman for yielding.

Madam Speaker, I rise in support of the AMT Relief Act. While I strongly believe the alternative minimum tax should be eliminated, this bill will provide a necessary, temporary solution to protect the more than 25 million Americans who would otherwise be hit by the AMT this year.

If this legislation is not enacted, more than 138,000 Nevada taxpayers will see their tax bill increased by the AMT. This includes more than 32,000 hardworking Las Vegas families who were never intended to be affected by this tax.

I am also pleased that the bill contains language to help those who face gargantuan alternative minimum tax liabilities on stock option income that they never actually received. I have several constituents in my district affected by this so-called ISO AMT, including one citizen who received a $1.2 million tax bill on a $30,000 stock option gain. This provision will help make these individuals whole.

With the current economic downturn, the rising cost of food and gas, increased unemployment and people losing their homes due to mortgage foreclosure, the last thing Las Vegas needs is a tax increase on thousands of middle class families.

I urge my colleagues to support this legislation.

Mr. REYNOLDS. Madam Speaker, today is solution day. There have been times where I have come to the floor and indicated I was sad over the circumstances we were in. Today I am not sad. We are moving the result of legislation I have introduced since probably 2005, a 1-year patch that protects anyone else from getting trapped in the middle class of AMT and make sure that we do this patch.

I don't believe, and most of the Members on my side of the aisle don't believe you need to raise taxes in order to pay for a tax cut on middle class Americans here.

But I am bringing concern, not sadness, but concern, because Chairman RANGEL and Chairman NEAL have moved this legislation to the floor and that we, I hope, will pass this legislation, as we have in the past, with very strong bipartisan measure. But I don't take lightly a message from the leader of the other body on the closing days of this session that we make sure that we don't fall through the cracks, our

version versus the Senate—the other body—version that could cause this to fall through the cracks and 25 million middle class Americans are trapped.

So while we are looking to move this in the spirit of strong bipartisan support, it's indicative that the leadership of this body make sure that they full well know how we can get the mechanics with the other body to make this law as the President gets it to his desk.

So the caution is we are not quite there yet because we have taken action today. While I like the version of the bill, we have taken our legislative prerogative and advanced it to have just this free-standing AMT bill.

I support however we get the law signed, but I bring the caution that leadership in this House will have to work very closely with the Senate leadership of the other body to match a solution that's law so we don't put our 25 million Americans in the same harm's way of inaction that we have seen in other years past.

Madam Speaker, I reserve the balance of my time.

Mr. NEAL of Massachusetts. Madam Speaker, I want to agree with some of what Mr. REYNOLDS said, but I also want to remind the American citizenry today, we have now borrowed hundreds of billions of dollars to fix the alternative minimum tax, only to discover that a temporary patch is hardly a fix.

Think of what we might have done had we adhered to some fiscal rectitude and actually paid for this legislation as opposed to borrowing the money.

The reality is, in a legislative body, that there are some days that you can't get the votes to do what you would like, and this is one of those days.

But be mindful as we proceed to the next session of the Congress that the request for fixing the alternative minimum tax, or patching the alternative minimum tax, you will be out $70 billion, the following year $80 billion, maybe more. Then when you calculate the interest that attends to the issue, we quickly find that we will be at $500 billion to have temporarily patched alternative minimum tax, when we have offered a remedy here to do away with it?

We can argue about percentage of GDP that results in taxation to administer the Federal Government. I have heard that argument. The difficulty with that argument is that it doesn't take into consideration the reality of what we might have done in the intervening time to address the issue.

We have put very thoughtful pieces of legislation to permanently repeal it, to put it behind us once and for all, alternative minimum tax, only to discover that we have had difficulty securing the necessary cooperation to get it done. So, I will be standing here next year, talking about alternative minimum tax, asking for a permanent repeal. I hope, in the atmosphere of tax reform, that we might accomplish that task.

Madam Speaker, I would like to yield 2 minutes to the gentleman from New York, a classmate of mine from 1988, my friend, Mr. ENGEL.

Mr. ENGEL. I thank my friend from Massachusetts for yielding, and it's hard to believe that it has been 20 years. We are classmates, and I am very proud of the work that Mr. NEAL is doing on the Ways and Means Committee.

Madam Speaker, I rise to strongly support the bill, but I want to express the frustration that so many people here have expressed that we are not permanently repealing the AMT. Every year, it seems, we come and we talk about a fix, which we are doing now, which needs to be done, but we point fingers at each other, we play the blame game and somehow or other a total repeal and a redoing of the AMT doesn't happen.

If you come from a high-tax State like mine, like New York, which also happens to be a very high cost-of-living State, people are making more money because it costs more money to live in a high cost-of-living State.

Yet many of these middle class families find that they are being hit with the AMT. Even if we pass this today, as I am sure we will, those families will continue to be hit with the AMT, even though they are middle class, and, as all my colleagues have mentioned, the AMT was never supposed to affect them.

We need to put our heads together and come up with a plan to have alternative means of raising revenue and not have the AMT that affects so many middle class families. We are talking about a $700 billion bailout for Wall Street, and yet we never seem to have the money to bail out the middle class.

We need to do that. We need to do it, and we need to do it now. We need a permanent fix, not patchwork every year. PAYGO, I am certainly for it, but the main thing is, middle class families should not be harmed by the AMT. And in a State like New York where there is a high taxation and high cost of living, we have a double whammy.

I thank my friend, I support the bill, and I hope that next year we will come back for a permanent fix and finally repeal the onerous AMT.

Mr. REYNOLDS. Madam Speaker, if I might inquire to the chairman if he has any other speakers, I am prepared to close.

Mr. NEAL of Massachusetts. I would be prepared to close upon listening to the eloquence of the gentleman from New York.

Mr. REYNOLDS. Madam Speaker, it's interesting in the debate, and many of us who spoke today and so many others that have come forward in years past have presented the history or the finger pointing or the direction of how we got to where we are.

The important thing is that we know that we must produce a result, even if it's a 1-year patch. It has been admirable, as Chairman RANGEL took over Ways and Means, a goal he had was to rid the AMT tax from the books. We need to work in a bipartisan fashion, I suspect, to reach that permanent goal.

But as we banter some on PAYGO or pay not, or whether they are in or they are not, it reminds me to think as a Member who will not be going home to campaign, maybe I should spend a little time to see how many times we have waived PAYGO on this bill after we beat up the fact that we should do it, it's the right thing, it must happen. And then at the end of the day, we take the Republican version of not raising taxes. Quite frankly, I don't think we are borrowing money for the bill, we are just not raising taxes in order to prevent a tax increase, particularly one to the middle class which both parties so dearly want to preserve.

□ 1630

So as we look to the reality of this year, I remind my colleagues, we have caution to get this bill matched with the other body so that we make law in order to send it to the President's desk to protect our middle class taxpayers.

Last year 352 bipartisan Members of the House voted for the AMT extension that was not offset by devastating tax increases, just like this bill coming before us today.

I urge my colleagues to do the same today by supporting this bill so it may be included in a comprehensive tax extenders package equal to the Senate version, or that the other body relinquishes their very clear, strong warning from their leader. Ignoring the other body's warning will not get this across the finish line. So I urge adoption of the resolution, and I thank Chairman RANGEL and Chairman NEAL for their efforts and work to get this before us today as we are in the final days of this legislative session.

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

Mr. NEAL of Massachusetts. Madam Speaker, let me, as I close, acknowledge the work of Chairman RANGEL. He has given me considerable latitude not only on this issue but on a range of other issues within the jurisdiction of the committee. We have come up with some pretty good pieces of legislation during the last couple of years.

What is striking about this debate is we find ourselves in the same predicament where we will once again convene next year to discuss it. Mr. RANGEL's legislation that I helped to author actually repealed the alternative minimum tax and did it in a responsible manner. The fact that we are here today because we couldn't find enough numbers in the House to move forward on the proposal, I think, demonstrates the frustration that we all feel with what has now become a very onerous position for the Congress to entertain.

But I do want to thank my friend, TOM REYNOLDS. And he is my friend. We probably on tax policy disagree on where the sun rises and the sun sets, but it is an example of a friendship

that has been able to supersede any of those differences because after the debate of this House is over, socially he has been a good pal for a long time. And I have the impression that he is not going to miss debating alternative minimum tax when he is back in New York. His position has been steadfast in this arena on the issue of AMT, and we have really worked hand in glove with one minor difference: I think rather than borrow the money, I think we should pay for it. And at the same time, I must tell you, he has been a good and humorous friend along the way, and we will miss his presence in the House and on the Ways and Means Committee.

Madam Speaker, I urge adoption of the resolution.

Mr. BLUMENAUER. Madam Speaker, the alternative minimum tax was introduced to the tax code in 1969 to capture a small number of millionaires who had escaped tax liability. Since that laudable beginning, however, the tax has morphed from a millionaire's tax to a middle class tax.

In fact, a failure to pass an alternative minimum tax patch this year will result in millions of additional families being subject to that tax. In my district alone, H.R. 7005 will prevent over 40,000 additional taxpayers from facing the AMT.

Nationally, the alternative minimum tax would, but for this bill, affect over 50 percent of taxpayers with incomes between $50,000 and $100,000 this year. This is a tax on nearly every middle class family—and it falls hardest on those raising a family. A 1-year patch is necessary to protect those families.

It is for those reasons that I reluctantly voted in favor of this legislation. However, a piecemeal, year-by-year approach that places the burden on our children's credit cards is insufficient for a challenge of this magnitude. When Congress returns to this issue, I am looking forward to permanently reforming the alternative minimum tax in a way that does not add to our national deficit.

Mr. LEVIN. Madam Speaker, I rise in support of the Alternative Minimum Tax Relief Act.

I do so because this legislation is necessary to protect 25 million middle class families from a tax that was never intended to apply to them, including more than 53,000 families in my district.

But the bill before us will also increase the Federal deficit by more than $64 billion.

Earlier this year, we passed an AMT patch in a fiscally responsible manner. We paid for it by closing loopholes and improving the fairness of our tax code.

The minority argued that we should just borrow more money, ignoring the ballooning deficit and mounting debt, and the Bush administration's reckless fiscal policies. At no time did we hear the minority oppose our offsets on the merits. At no time did they argue we should not close these loopholes.

They just engaged in absurd ideological arguments and claimed that closing a loophole is a tax increase.

Today we will take this action to protect 25 million taxpayers because it's the necessary thing to do.

Mr. DINGELL. Madam Speaker, I rise today in support of H.R. 7005, legislation that will provide critical tax relief to 25 million middle class families and provide a solution to the looming Alternative Minimum Tax crisis. Had Congress failed to act, tens of thousands of my constituents in Michigan's 15th Congressional District would have been required to pay the AMT when filing their 2008 tax return. At a time when middle class families are already finding their budgets stretched thin because of rising costs for things like gasoline, groceries, and health care expenses, imposing an increased tax burden would be unconscionable.

The Democratic majority has shown a continuing commitment to responsible fiscal policies, and made numerous efforts to offset the cost of the AMT fix by closing tax loopholes that allow corporate CEOs to receive deferred compensation from offshore companies. Unfortunately, President Bush and the Republican minority have opposed our efforts to find a way to pay for the AMT fix, and have chosen to pass the cost of this bill onto our children and grandchildren rather than require the wealthiest Americans to pay their fair share of taxes.

This is especially disappointing because the expansion of the AMT was an accounting gimmick designed to make the Bush tax cuts for the wealthy more affordable. Since the enactment of those tax cuts, the President has committed us to a war that costs hundreds of billions of dollars every year and the budget deficit has exploded. Despite inheriting balanced budgets, President Bush's irresponsible fiscal policies have caused the national debt to rise to nearly $9 trillion; three times the size of our debt when President Clinton left office. Clearly, it is time for a change. I look forward to working with a new President next year to find a way to enact a permanent AMT fix, and rewrite our tax laws and put an end to irresponsible Bush fiscal policies.

Mr. SHAYS. Madam Speaker, I rise in strong support of the passage of the Alternative Minimum Tax patch we are considering today that will prevent the AMT from affecting an additional 20 million taxpayers in 2009. I am pleased that we are considering this legislation now, which should give taxpayers and the Internal Revenue Service plenty of time to prepare for this important tax change.

According to a 2007 study by the Tax Foundation, Connecticut's Fourth Congressional District, which I represent, is the seventh most affected district by the AMT. Over 10 percent of our residents' tax returns are subject to the AMT, and the average tax liability of those affected by it is $5,235 per return.

I would prefer us to be considering an AMT bill today that is offset by a combination of spending cuts and temporary revenue increases, but I am pleased that we are not considering legislation that pays for a 1-year fix in the process with a permanent revenue increase.

Finally, I urge Congress to take up legislation soon that would fully repeal the AMT permanently. While the revenue loss will need to be made up in other ways, it was never the intent for the AMT to affect 41 million taxpayers, which it could by 2013 if it is not changed.

I thank the Ways and Means Committee for bringing this legislation to the floor and urge its adoption.

Mr. ETHERIDGE. Madam Speaker, I rise in support of H.R. 7005, the Alternative Minimum Tax Relief Act of 2008.

H.R. 7005 is critical to easing the burden on middle-class taxpayers. The Alternative Minimum Tax, AMT, was originally intended to ensure that the Nation's wealthiest taxpayers were not able to avoid paying taxes altogether. However, it was not indexed for inflation, and today millions of middle income Americans who pay their taxes as required would see a huge tax increase because of the AMT. In my district alone, over 30,000 people would be affected by the AMT this year. H.R. 7005 provides 1 year of AMT relief to protect ordinary taxpayers who are threatened by this extra tax by increasing the amount of income exempt from the Alternative Minimum Tax. In addition, this bill would protect individuals who exercised incentive stock options from being required to pay tax on gains that never materialized. This legislation will protect over 25 million middle-class families from paying the AMT.

I would have preferred that this bill was fully paid for. I supported H.R. 6275, the 1-year AMT patch legislation that the House passed in June of this year. This bill was fully offset and did not add to the deficit. Unfortunately, the Administration and Senate Republicans have continued to ignore fiscal responsibility and have threatened to veto any AMT bill that includes offsets. However, H.R. 7005 is a crucial part of providing tax relief to millions of middle-income Americans and strengthening our lagging economy.

I support H.R. 7005, the Alternative Minimum Tax Relief Act of 2008, and I urge my colleagues to join me in voting for its passage.

Mr. NEAL of Massachusetts. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. NEAL) that the House suspend the rules and pass the bill, H.R. 7005.

The question was taken.

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

Mr. NEAL of Massachusetts. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. HASTINGS of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 110–879) on the resolution (H. Res. 1490) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. HASTINGS of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 110–880) on the

resolution (H. Res. 1491) providing for consideration of motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

DISASTER TAX RELIEF ACT OF 2008

Mr. RANGEL. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 7006) to amend the Internal Revenue Code of 1986 to provide disaster assistance relief.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 7006

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

SECTION 1. SHORT TITLE, ETC.

(a) IN GENERAL.—This Act may be cited as the ''Disaster Tax Relief Act of 2008''.

(b) REFERENCE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title, etc.
Sec. 2. Losses attributable to federally declared disasters.
Sec. 3. Expensing of qualified disaster expenses.
Sec. 4. Net operating losses attributable to federally declared disasters.
Sec. 5. Waiver of certain mortgage revenue bond requirements following federally declared disasters.
Sec. 6. Determination of standard mileage rate for charitable contributions deduction.
Sec. 7. Additional low income housing allocations.
Sec. 8. Private activity disaster bonds.
Sec. 9. Waiver of limitation on charitable contributions for disaster relief.

SEC. 2. LOSSES ATTRIBUTABLE TO FEDERALLY DECLARED DISASTERS.

(a) WAIVER OF ADJUSTED GROSS INCOME LIMITATION.—

(1) IN GENERAL.—Subsection (h) of section 165 is amended by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively, and by inserting after paragraph (2) the following new paragraph:

''(3) SPECIAL RULE FOR LOSSES IN FEDERALLY DECLARED DISASTERS.—

''(A) IN GENERAL.—If an individual has a net disaster loss for any taxable year, the amount determined under paragraph (2)(A)(ii) shall be the sum of—

''(i) such net disaster loss, and

''(ii) so much of the excess referred to in the matter preceding clause (i) of paragraph (2)(A) (reduced by the amount in clause (i) of this subparagraph) as exceeds 10 percent of the adjusted gross income of the individual.

''(B) NET DISASTER LOSS.—For purposes of subparagraph (A), the term 'net disaster loss' means the excess of—

''(i) the personal casualty losses—

''(I) attributable to a federally declared disaster occurring after December 31, 2007, and before January 1, 2012, and

''(II) occurring in a disaster area, over

''(ii) personal casualty gains.

''(C) FEDERALLY DECLARED DISASTER.—For purposes of this paragraph—

''(i) FEDERALLY DECLARED DISASTER.—The term 'federally declared disaster' means any disaster subsequently determined by the President of the United States to warrant assistance by the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

''(ii) DISASTER AREA.—The term 'disaster area' means the area so determined to warrant such assistance.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 165(h)(4)(B) (as so redesignated) is amended by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (3)''.

(B) Section 165(i)(1) is amended by striking ''loss'' and all that follows through ''Act'' and inserting ''loss occurring in a disaster area (as defined by clause (ii) of subsection (h)(3)(C)) and attributable to a federally declared disaster (as defined by clause (i) of such subsection)''.

(C) Section 165(i)(4) is amended by striking ''Presidentially declared disaster (as defined by section 1033(h)(3))'' and inserting ''federally declared disaster (as defined by subsection (h)(3)(C)(i)''.

(D)(i) So much of subsection (h) of section 1033 as precedes subparagraph (A) of paragraph (1) thereof is amended to read as follows:

''(h) SPECIAL RULES FOR PROPERTY DAMAGED BY FEDERALLY DECLARED DISASTERS.—

''(1) PRINCIPAL RESIDENCES.—If the taxpayer's principal residence or any of its contents is located in a disaster area and is compulsorily or involuntarily converted as a result of a federally declared disaster—''.

(ii) Paragraph (2) of section 1033(h) is amended by striking ''investment'' and all that follows through ''disaster'' and inserting ''investment is located in a disaster area and is compulsorily or involuntarily converted as a result of a federally declared disaster''.

(iii) Paragraph (3) of section 1033(h) is amended to read as follows:

''(3) FEDERALLY DECLARED DISASTER; DISASTER AREA.—The terms ''federally declared disaster'' and ''disaster area'' shall have the respective meaning given such terms by section 165(h)(3)(C).''.

(iv) Section 139(c)(2) is amended to read as follows:

''(2) federally declared disaster (as defined by section 165(h)(3)(C)(i)),''.

(v) Subclause (II) of section 172(b)(1)(F)(ii) is amended by striking ''Presidentially declared disasters (as defined in section 1033(h)(3))'' and inserting ''federally declared disasters (as defined by section 165(h)(3)(C)(i))''.

(vi) Subclause (III) of section 172(b)(1)(F)(ii) is amended by striking ''Presidentially declared disasters'' and inserting ''federally declared disasters''.

(vii) Subsection (a) of section 7508A is amended by striking ''Presidentially declared disaster (as defined in section 1033(h)(3))'' and inserting ''federally declared disaster (as defined by section 165(h)(3)(C)(i))''.

(b) INCREASE IN STANDARD DEDUCTION BY DISASTER CASUALTY LOSS.—

(1) IN GENERAL.—Paragraph (1) of section 63(c) is amended by striking ''and'' at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting '', and'', and by adding at the end the following new subparagraph:

''(D) the disaster loss deduction.''.

(2) DISASTER LOSS DEDUCTION.—Subsection (c) of section 63 is amended by adding at the end the following new paragraph:

''(8) DISASTER LOSS DEDUCTION.—For the purposes of paragraph (1), the term 'disaster loss deduction' means the net disaster loss (as defined in section 165(h)(3)(B)).''.

(3) ALLOWANCE IN COMPUTING ALTERNATIVE MINIMUM TAXABLE INCOME.—Subparagraph (E) of section 56(b)(1) is amended by adding at the end the following new sentence: ''The preceding sentence shall not apply to so much of the standard deduction as is determined under section 63(c)(1)(D).''.

(c) INCREASE IN LIMITATION ON INDIVIDUAL LOSS PER CASUALTY.—Paragraph (1) of section 165(h) is amended by striking ''$100'' and inserting ''$500 ($100 for taxable years beginning after December 31, 2011)''.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to—

(A) taxable years beginning after December 31, 2007, and

(B) the taxpayer's last taxable year beginning before January 1, 2008, solely for purposes of determining the amount allowable as a deduction with respect to any net disaster loss (as defined in section 165(h)(3)(B) of the Internal Revenue Code of 1986) for such year by reason of an election under section 165(i) of such Code.

(2) INCREASE IN LIMITATION ON INDIVIDUAL LOSS PER CASUALTY.—The amendment made by subsection (c) shall apply to taxable years beginning after December 31, 2008.

SEC. 3. EXPENSING OF QUALIFIED DISASTER EXPENSES.

(a) IN GENERAL.—Part VI of subchapter B of chapter 1 is amended by inserting after section 198 the following new section:

''SEC. 198A. EXPENSING OF QUALIFIED DISASTER EXPENSES.

''(a) IN GENERAL.—A taxpayer may elect to treat any qualified disaster expenses which are paid or incurred by the taxpayer as an expense which is not chargeable to capital account. Any expense which is so treated shall be allowed as a deduction for the taxable year in which it is paid or incurred.

''(b) QUALIFIED DISASTER EXPENSE.—For purposes of this section, the term 'qualified disaster expense' means any expenditure—

''(1) which is paid or incurred in connection with a trade or business or with business-related property,

''(2) which is—

''(A) for the abatement or control of hazardous substances that were released on account of a federally declared disaster,

''(B) for the removal of debris from, or the demolition of structures on, real property which is business-related property damaged or destroyed as a result of a federally declared disaster, or

''(C) for the repair of business-related property damaged as a result of a federally declared disaster, and

''(3) is otherwise chargeable to capital account.

''(c) OTHER DEFINITIONS.—For purposes of this section—

''(1) BUSINESS-RELATED PROPERTY.—The term 'business-related property' means property—

''(A) held by the taxpayer for use in a trade or business or for the production of income, or

''(B) described in section 1221(a)(1) in the hands of the taxpayer.

''(2) FEDERALLY DECLARED DISASTER.—The term 'federally declared disaster' has the meaning given such term by section 165(h)(3)(C)(i), except that such term shall not include any disaster occurring before January 1, 2008, or after December 31, 2011.

''(d) DEDUCTION RECAPTURED AS ORDINARY INCOME ON SALE, ETC.—Solely for purposes of section 1245, in the case of property to which a qualified disaster expense would have been capitalized but for this section—

''(1) the deduction allowed by this section for such expense shall be treated as a deduction for depreciation, and

''(2) such property (if not otherwise section 1245 property) shall be treated as section 1245

property solely for purposes of applying section 1245 to such deduction.

''(e) COORDINATION WITH OTHER PROVISIONS.—Sections 198, 280B, and 468 shall not apply to amounts which are treated as expenses under this section.

''(f) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.''.

(b) CLERICAL AMENDMENT.—The table of sections for part VI of subchapter B of chapter 1 is amended by inserting after the item relating to section 198 the following new item:

''Sec. 198A. Expensing of Qualified Disaster Expenses.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2007.

SEC. 4. NET OPERATING LOSSES ATTRIBUTABLE TO FEDERALLY DECLARED DISASTERS.

(a) IN GENERAL.—Paragraph (1) of section 172(b) is amended by adding at the end the following new subparagraph:

''(J) CERTAIN LOSSES ATTRIBUTABLE FEDERALLY DECLARED DISASTERS.—In the case of a taxpayer who has a qualified disaster loss (as defined in subsection (j)), such loss shall be a net operating loss carryback to each of the 5 taxable years preceding the taxable year of such loss.''.

(b) QUALIFIED DISASTER LOSS.—Section 172 is amended by redesignating subsections (j) and (k) as subsections (k) and (l), respectively, and by inserting after subsection (i) the following new subsection:

''(j) RULES RELATING TO QUALIFIED DISASTER LOSSES.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified disaster loss' means the lesser of—

''(A) the sum of—

''(i) the losses allowable under section 165 for the taxable year—

''(I) attributable to a federally declared disaster (as defined in section 165(h)(3)(C)(i)) occurring after December 31, 2007, and before January 1, 2012, and

''(II) occurring in a disaster area (as defined in section 165(h)(3)(C)(ii)), and

''(ii) the deduction for the taxable year for qualified disaster expenses which is allowable under section 198A(a) or which would be so allowable if not otherwise treated as an expense, or

''(B) the net operating loss for such taxable year.

''(2) COORDINATION WITH SUBSECTION (b)(2).—For purposes of applying subsection (b)(2), a qualified disaster loss for any taxable year shall be treated in a manner similar to the manner in which a specified liability loss is treated.

''(3) ELECTION.—Any taxpayer entitled to a 5-year carryback under subsection (b)(1)(J) from any loss year may elect to have the carryback period with respect to such loss year determined without regard to subsection (b)(1)(J). Such election shall be made in such manner as may be prescribed by the Secretary and shall be made by the due date (including extensions of time) for filing the taxpayer's return for the taxable year of the net operating loss. Such election, once made for any taxable year, shall be irrevocable for such taxable year.''.

(c) LOSS DEDUCTION ALLOWED IN COMPUTING ALTERNATIVE MINIMUM TAXABLE INCOME.—Subsection (d) of section 56 is amended by adding at the end the following new paragraph:

''(3) NET OPERATING LOSS ATTRIBUTABLE TO FEDERALLY DECLARED DISASTERS.—In the case of a taxpayer which has a qualified disaster loss (as defined by section 172(b)(1)(J)) for the taxable year, paragraph (1) shall be applied by increasing the amount determined under subparagraph (A)(ii)(I) thereof by the sum of the carrybacks and carryovers of such loss.''.

(d) CONFORMING AMENDMENTS.—

(1) Clause (ii) of section 172(b)(1)(F) is amended by inserting ''or qualified disaster loss (as defined in subsection (j))'' before the period at the end of the last sentence.

(2) Paragraph (1) of section 172(i) is amended by adding at the end the following new flush sentence:

''Such term shall not include any qualified disaster loss (as defined in subsection (j)).''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to net operating losses for taxable years beginning after December 31, 2007.

SEC. 5. WAIVER OF CERTAIN MORTGAGE REVENUE BOND REQUIREMENTS FOLLOWING FEDERALLY DECLARED DISASTERS.

(a) IN GENERAL.—Paragraph (11) of section 143(k) is amended to read as follows:

''(11) SPECIAL RULES FOR FEDERALLY DECLARED DISASTERS.—

''(A) PRINCIPAL RESIDENCE DESTROYED.—If the principal residence (within the meaning of section 121) of a taxpayer is—

''(i) rendered unsafe for use as a residence by reason of a federally declared disaster, or

''(ii) demolished or relocated by reason of an order of the government of a State or political subdivision thereof on account of a federally declared disaster, then for the 2-year period beginning on the date of the disaster declaration, subsection (d)(1) shall not apply with respect to such taxpayer and subsection (e) shall be applied by substituting '110' for '90' in paragraph (1) thereof.

''(B) PRINCIPAL RESIDENCE DAMAGED.—

''(i) IN GENERAL.—If the principal residence (within the meaning of section 121) of a taxpayer resulting from a federally declared disaster, was damaged, any owner-financing provided in connection with the repair or reconstruction of such residence shall be treated as a qualified rehabilitation loan.

''(ii) LIMITATION.—The aggregate owner-financing to which clause (i) applies shall not exceed the lesser of—

''(I) the cost of such repair or reconstruction, or

''(II) $150,000.

''(C) FEDERALLY DECLARED DISASTER.—For purposes of this paragraph, the term 'federally declared disaster' has the meaning given such term by section 165(h)(3)(C)(i), except that such term shall not include any disaster occurring before January 1, 2008, or after December 31, 2011.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to obligations issued after the date of the enactment of this Act.

SEC. 6. DETERMINATION OF STANDARD MILEAGE RATE FOR CHARITABLE CONTRIBUTIONS DEDUCTION.

(a) IN GENERAL.—Subsection (i) of section 170 (relating to standard mileage rate for use of passenger automobile) is amended by adding at the end the following new sentence: ''In the case of the use of a passenger automobile after the date of the enactment of this sentence and before January 1, 2012, the standard mileage rate shall be the rate determined by the Secretary, which rate shall not be less than the standard mileage rate used for purposes of section 213.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 7. ADDITIONAL LOW INCOME HOUSING ALLOCATIONS.

(a) IN GENERAL.—Subsection (h) of section 42 of is amended by redesignating paragraph (8) as paragraph (9) and by inserting after paragraph (7) the following new paragraph:

''(8) ADDITIONAL ALLOCATIONS FOR DISASTERS.—

''(A) IN GENERAL.—In addition to any other allocation made under this subsection, the Secretary may, upon application by any State, make allocations of housing credit dollar amounts to such State for allocation to buildings in such State consistent with the requirements of subparagraph (C).

''(B) LIMITATIONS.—The aggregate qualified disaster allocations made by the Secretary under this paragraph may not exceed $190,000,000. Any allocation which is terminated by the Secretary (by reason of disuse or otherwise) shall not be treated as having been allocated for purposes of the preceding sentence.

''(C) DISASTER HOUSING ALLOCATIONS.—For purposes of this section—

''(i) IN GENERAL.—Allocations under this paragraph may be made by the Secretary only to States which include a disaster area.

''(ii) PRIORITY FOR HOUSING LOSS DISASTER AREAS.—In making allocation under this paragraph, the Secretary shall give priority to housing loss disaster areas.

''(iii) LIMITATION TO BUILDINGS LOCATED IN HOUSING LOSS DISASTER AREAS.—Any allocation of housing credit dollar amounts under this paragraph may be allocated by such State (or a housing credit agency of such State) only to—

''(I) buildings located in a disaster area, and

''(II) in the case of any allocation made by reason of a priority under clause (ii), buildings located in the housing loss disaster area with respect to which such priority was given.

''(iv) PRO RATA ALLOCATIONS.—The allocations made by the Secretary under this paragraph shall be made ratably over the period described in subparagraph (F) unless the Secretary determines, on the basis of the severity or frequency of disasters, that a different allocation is appropriate.

''(D) HOUSING LOSS DISASTER AREA.—For purposes of this paragraph, the term 'housing loss disaster area' means any county or municipality—

''(i) with respect to which the Governor of the State in which such county or municipality is located demonstrates to the satisfaction of the Secretary that the lesser of—

''(I) 1,000 dwelling units, or

''(II) 10 percent of the dwelling units located in such county or municipality,

have been rendered uninhabitable by reason of damage to or destruction of such units caused by a federally declared disaster, and

''(ii) which is located in a disaster area.

''(E) DEFINITIONS AND SPECIAL RULES.—For purposes of this paragraph—

''(i) FEDERALLY DECLARED DISASTER; DISASTER AREA.—The terms ''federally declared disaster'' and ''disaster area'' shall have the respective meaning given such terms by section 165(h)(3)(C).

''(ii) NO EFFECT ON CARRYOVERS.—An allocation of housing credit dollar amount to a State under this paragraph shall not be taken into account under paragraph (3).

''(iii) CONSULTATION WITH FEMA.—Any allocation made under this paragraph by the Secretary shall be made after consultation with the Director of the Federal Emergency Management Agency.

''(F) TERMINATION.—Allocations under this paragraph may be made only with respect to disasters occurring during the period beginning on January 1, 2008, and ending on December 31, 2011. No allocation under this paragraph may be made to any building after December 31, 2012.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to allocations made after the date of the enactment of this Act.

SEC. 8. PRIVATE ACTIVITY DISASTER BONDS.

(a) IN GENERAL.—Section 144 is amended by adding at the end the following new subsection:

''(d) QUALIFIED DISASTER BOND.—

''(1) IN GENERAL.—For purposes of this part, the term 'qualified disaster bond' means any bond issued as part of an issue if—

''(A) 95 percent or more of the net proceeds of the issue are to be used for the replacement, repair, reconstruction, or renovation of property of a character subject to the allowance for depreciation which was damaged or destroyed as a result of a federally declared disaster, and

''(B) such bond is designated by a State for purposes of this subsection.

''(2) DESIGNATION OF BONDS.—

''(A) DESIGNATION BY STATE.—The maximum aggregate face amount of bonds designated under paragraph (1)(B) by any State may not exceed the bond limitation allocated to such State by the Secretary under subparagraph (B).

''(B) ALLOCATION OF BOND LIMITATION.—

''(i) IN GENERAL.—The Secretary may, upon application by any State, make allocation of bond limitation to such State if such State includes a disaster area.

''(ii) LIMITATION.—The aggregate amount of bond limitation allocated to the States by the Secretary under clause (i) may not exceed $13,000,000,000. Any allocation which is terminated by the Secretary (by reason of disuse or otherwise) shall not be treated as having been allocated for purposes of the preceding sentence.

''(iii) PRIORITY FOR BUSINESS LOSS DISASTER AREAS.—In making allocation under this subsection, the Secretary shall give priority to business loss disaster areas.

''(iv) LIMITATION TO BUILDINGS LOCATED IN BUSINESS LOSS DISASTER AREAS.—Any allocation of bond limitation under this subsection may be used by such State only to issue bonds with respect to—

''(I) property located in a disaster area, and

''(II) in the case of any allocation made by reason of a priority under clause (iii), property located in the business loss disaster area with respect to which such priority was given.

''(v) PRO RATA ALLOCATIONS.—The allocations made by the Secretary under this subparagraph shall be made ratably over the period described in paragraph (5) unless the Secretary determines, on the basis of the severity or frequency of disasters, that a different allocation is appropriate.

''(3) BUSINESS LOSS DISASTER AREA.—For purposes of this subsection, the term 'business loss disaster area' means any county or municipality—

''(A) with respect to which the Governor of the State in which such county or municipality is located demonstrates to the satisfaction of the Secretary that business property located in such county or municipality has sustained damages by reason of a federally declared disaster of at least the lesser of—

''(i) $50,000,000, or

''(ii) 5 percent of the value of all such business property (determined immediately before such disaster on the basis of property tax records or such other method as the Secretary determines appropriate), and

''(B) which is located in a disaster area.

''(4) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

''(A) FEDERALLY DECLARED DISASTER; DISASTER AREA.—The terms ''federally declared disaster'' and ''disaster area'' shall have the respective meaning given such terms by section 165(h)(3)(C).

''(B) CERTAIN USES PROHIBITED.—A bond which is part of an issue shall not be treated as a qualified disaster bond if any proceeds of such issue are to be used for any property described in section 1400N(p)(3).

''(C) CONSULTATION WITH FEMA.—Any allocation made under this subsection by the Secretary shall be made after consultation with the Director of the Federal Emergency Management Agency.

''(5) TERMINATION.—Allocations under this subsection may be made only—

''(A) before December 31, 2012, and

''(B) with respect to disasters occurring during the period beginning on January 1, 2008, and ending on December 31, 2011.''.

(b) EXEMPTION FROM ALTERNATIVE MINIMUM TAX.—

(1) Subparagraph (C) of section 57(a)(5) is amended by redesignating clauses (iv) and (v) as clauses (v) and (vi) and by inserting after clause (iii) the following new clause:

''(iv) EXCEPTION FOR QUALIFIED DISASTER BONDS.—For purposes of clause (i), the term 'private activity bond' shall not include any qualified disaster bond (as defined in section 144(d)).''.

(2) Clause (iii) of section 56(g)(4)(B) is amended—

(A) by striking ''section 57(a)(5)(C)(iii)'' and inserting ''clause (iii) or (iv) of section 57(a)(5)(C)'', and

(B) by striking ''HOUSING'' in the heading thereof.

(c) CONFORMING AMENDMENTS.—

(1) Section 141(e)(1) is amended by striking ''or'' at the end of subparagraph (F), by striking the period at the end of subparagraph (G) and inserting '', or'', and by adding at the end the following new subparagraph:

''(H) qualified disaster bond.''.

(2) Section 146(g) is amended by striking ''and'' at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting '', and'', and by inserting after paragraph (4) the following new paragraph:

''(5) any qualified disaster bond.''.

(3) The heading of section 144 is amended by inserting ''**; QUALIFIED DISASTER BOND**'' after ''**QUALIFIED REDEVELOPMENT BOND**''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 9. WAIVER OF LIMITATION ON CHARITABLE CONTRIBUTIONS FOR DISASTER RELIEF.

(a) IN GENERAL.—Section 170(b) is amended by adding at the end the following new paragraph:

''(3) WAIVER OF LIMITATION IN CASE OF DISASTER RELIEF.—

''(A) IN GENERAL.—Except as otherwise provided in subparagraph (B), paragraphs (1) and (2) shall not apply to qualified disaster contributions and such contributions shall not be taken into account for purposes of applying such paragraphs or subsection (d) to other contributions.

''(B) TREATMENT OF EXCESS CONTRIBUTIONS.—For purposes of this section—

''(i) INDIVIDUALS.—In the case of an individual—

''(I) LIMITATION.—Any qualified disaster contribution shall be allowed only to the extent that the aggregate of such contributions does not exceed the excess of the taxpayer's contribution base over the amount of all other charitable contributions allowable under paragraph (1).

''(II) CARRYOVER.—If the aggregate amount of qualified disaster contributions made in the contribution year (within the meaning of subsection (d)(1)) exceeds the limitation of subclause (I), such excess shall be added to the excess described in the portion of subparagraph (A) of such subsection which precedes clause (i) thereof for purposes of applying such subsection.

''(ii) CORPORATIONS.—In the case of a corporation—

''(I) LIMITATION.—Any qualified disaster contribution shall be allowed only to the extent that the aggregate of such contributions does not exceed the excess of the taxpayer's taxable income (as determined under paragraph (2)) over the amount of all other charitable contributions allowable under such paragraph.

''(II) CARRYOVER.—Rules similar to the rules of clause (i)(II) shall apply for purposes of this clause.

''(C) EXCEPTION TO OVERALL LIMITATION ON ITEMIZED DEDUCTIONS.—So much of any deduction allowed under this section as does not exceed the qualified disaster contributions paid during the taxable year shall not be treated as an itemized deduction for purposes of section 68.

''(D) QUALIFIED DISASTER CONTRIBUTIONS.—

''(i) IN GENERAL.—For purposes of this subsection, the term 'qualified disaster contribution' means any charitable contribution if—

''(I) such contribution is paid during the period beginning on the date of the enactment of this paragraph, and ending on December 31, 2009, in cash to an organization described in paragraph (1)(A) (other than an organization described in section 509(a)(3)),

''(II) such contribution is for relief efforts related to a federally declared disaster (as defined in section 165(h)(3)(C)(i)), and

''(III) the taxpayer has elected the application of this subsection with respect to such contribution.

''(ii) EXCEPTION.—Such term shall not include a contribution if the contribution is for establishment of a new, or maintenance in a donor advised fund (as defined in section 4966(d)(2)).

''(iii) APPLICATION OF ELECTION TO PARTNERSHIPS AND S CORPORATIONS.—In the case of a partnership or S corporation, the election under clause (i)(III) shall be made separately by each partner or shareholder.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

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

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. RANGEL. Madam Speaker, I ask that all Members have 5 legislative days to revise and extend their remarks and insert extraneous material in the RECORD.

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

There was no objection.

Mr. RANGEL. Madam Speaker, the provisions of H.R. 7006, the Disaster Tax Relief Act of 2008, provide tax relief for victims of disasters. I, along with Ways and Means Committee Ranking Member JAMES MCCRERY, have asked the nonpartisan Joint Committee on Taxation to make available to the public a technical explanation of the bill, JCX–73–08. The technical explanation expresses the committee understanding and the legislative intent

behind this important piece of legislation. It is available on the Joint Committee's Web site www.jct.gov.

Madam Speaker, the United States as a Nation has experienced a terrible number of natural disasters. We started early this year with tornadoes in Georgia and Tennessee. We saw wildfires consume parts of these great United States, millions of acres in California. We saw the mighty rivers of the Midwest overflow their banks and damage the homes and businesses of so many Americans. And most recently, we saw the tremendous power of hurricanes Ike and Gustav devastate parts of Texas and the gulf coast.

I don't think anyone in this Chamber would disagree with me when I say unfortunately, we probably haven't seen the end of these horrible events this year. The hurricane season does not end until November 30.

The individuals hit by these natural disasters all shared one thing in common: they are victims of Mother Nature's strength, and they are looking for assistance from their Federal Government.

The bill before us today, H.R. 7006, the Disaster Tax Relief Act of 2008, provides a framework for the Congress to be able to provide all Americans that they be able to count on us in the unfortunate event that they get hit by a natural disaster. The Congress for years has been forced to negotiate between individual Representatives and Senators to decide which victims deserve Federal relief and which ones do not. It is a process that not one single one of us enjoys being a part of.

My bill today makes certain that every victim of a natural disaster gets the relief they need when they are trying to rebuild their homes and businesses, and trying to rebuild their lives. It does not pick winners and losers. It does not leave the recovery of these victims to a handful involved in political control.

My bill offers a variety of relief to victims of natural disasters, and the bill would first waive the income limitations on personal loss deductions. It would allow businesses to write off certain qualified disaster cleanup expenses. It would permit a 5-year carryback for certain losses. It waives certain mortgage revenue bond requirements to allow bond proceeds to be used for this rebuilding. It provides for additional low-income housing tax credits for communities with housing losses to build $2 billion in affordable housing. It adds a new set of disaster private activity bonds for business reconstruction, and it waives certain limitations on charitable contributions for disaster relief.

The bill would also increase the standard mileage rate for the charitable use of a vehicle whether they are involved in the disaster or not. And most importantly, the relief will be in place for disasters that may occur for years to come. The provisions are in place through 2011.

That means that when hurricanes like Ike and Gustav come back next year, albeit with different names, the Federal Government will have relief in place for the victims of these terrible storms.

I urge my colleagues to work to protect their constituents and hope and pray that they are never hit. But if they are suffering, that we will be able to swiftly pass this legislation so that we can provide some security for these victims.

I hope that you will listen to two of my fellow Democrats, Representative LAMPSON and Representative CAZAYOUX, who know all too well the pain which these disasters have done to their constituents. And I hope you appreciate, those who have yet to be hit, that this Congress has provided the need and support for their constituents.

At this time I ask unanimous consent to yield the balance of my time to an outstanding member of the Ways and Means Committee, RON KIND, who has drafted the outlines of this not for his district, not for his region, but so that this great country of ours would have the type of relief that all of us wish we had done before, but we are now doing it today.

The SPEAKER pro tempore. Without objection, the balance of the time is yielded.

There was no objection.

Mr. BRADY of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support in H.R. 7006, the Disaster Tax Relief Act of 2008, a bill that provides targeted tax benefits to victims of federally declared natural disasters.

As the chairman and gentleman from New York said, we have had a tough year here in the United States for disasters across this country; most recently, Hurricane Ike which hit the gulf coast and Texas especially. Ike will likely be the worst storm to hit Texas in 50 years. Ike damaged or destroyed about $52 billion worth of homes and businesses. It was far worse than Hurricane Rita that just hit us 3 years ago. And this is the region of Texas that was so quick to open their homes and their hearts and their churches to those victims of Hurricane Katrina, so it feels a bit like we are being piled on.

We look to areas like Galveston and Bolivar, and Orange and Bridge City where the storm surge destroyed thousands of homes and damaged businesses and left people homeless. Today, 11 days after Hurricane Ike, despite heroic efforts, 250,000 people are still without running water and many more are still without power as the Texas heat continues to bear down on them.

So these folks are suffering. They need our help now. Damage from the hurricane was widespread, and lives were disrupted and destroyed. Yet here it is 11 days after Hurricane Ike, and to its credit, this Congress, which I have criticized at times as not moving quickly enough or substantively enough, has moved quickly to respond to the needs of not just Texas, but Louisiana, the Midwest and throughout this country. I am grateful to them for that.

I am encouraged that Congress responded so quickly, and I urge my colleagues to support this assistance.

I, along with my friend and colleague from Houston, AL GREEN, along with the Texas delegation, introduced a bill much like Congressman KIND's to provide even more expansive tax benefits to Hurricane Ike victims. While we hope that Congress will consider it in the future because it has some key provisions important to our recovery, this legislation today is a very good step forward, especially coming so quickly after the hurricane.

This bill will provide Texans and others much-needed help through a variety of tax relief measures. One provision is enhanced casualty loss deductions, which in plain English just allows families to write off more of the property loss from Hurricane Ike and other disasters without regard to their adjusted gross income.

We have increased low income housing tax credits by $2 billion under this bill. That is important to help those who most need housing.

Another provision is the ability to allow States to use mortgage revenue bonds to provide loans to repair or reconstruct homes and rental housing units that are now unsafe for use as residences because of hurricane damage.

In addition, we all must recognize that the business community, those who provide our jobs, experienced severe disruption and damage from Hurricane Ike. To help businesses recover quickly, this legislation will allow them to write off and immediately expense costs for disaster recovery, including demolition, repair, cleanup and environmental remediation.

Any business with net operating losses from the disaster, and there are many, will be allowed to carry back those losses for 5 years, which means they will be able to put more money back into recovery and put workers back to work and getting back into business which is important for property values and sale tax values in our affected communities.

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Also, the Treasury Department is authorized under this bill to permit States to issue $13 billion of tax-exempt bonds to finance the replacement, the repair, the reconstruction and renovation of business property damaged or destroyed by a federally declared disaster like Hurricane Ike. I believe these private activity bonds are a critical tool to help damaged businesses through these hard times.

And we should not forget the remarkable charitable work that people and businesses provided to their friends and

neighbors in hard times. I witnessed this myself throughout our district that was hit so hard. We've seen this in past disasters. To assist those who come selflessly to work so that they do not get hit so hard by the high price of gasoline, the mileage reimbursement rate for charitable work will be increased and, moreover, limits for charitable relief contributions in response to a federal disaster are waived.

This is a very important bill. And while I strongly believe and hope that Congress might take a look at additional measures in the future, this bill is a crucial first step, and I strongly support it.

With that, I reserve the balance of my time.

Mr. KIND. Madam Speaker, I rise, obviously, in support of the legislation. I do want to take a moment and thank my good friend from Texas for being an original sponsor of the legislation that we had introduced earlier this year in regards to disaster relief.

Madam Speaker, as you know all too well, it's always bittersweet to be before the Congress promoting a disaster relief bill; bitter because of the disastrous effect that disasters have on so many families and businesses throughout the country, and certainly we have received our fair share this year alone. But also sweet, given the bipartisan cooperation that we're seeing from the leadership, the leadership on the committee, and I thank Chairman RANGEL and Ranking Member MCCRERY for their help and assistance with this package, and the urgency in order to get this done so that we can get the assistance out and the help provided, so we can start rebuilding our communities again, getting people back in their homes, getting businesses up and functioning, hiring people and restoring people's lives.

And we believe this Disaster Tax Relief Act is the right approach. It has three major features to it that I think merits attention. One is, by using the Tax Code, you build in some predictability and certainty for anyone throughout the country who's affected by disaster. Doing it this way, we don't have to wait for Congress to take an action on an appropriation bill or provide FEMA with more funding in order to get help out there.

Another important feature is that it is a nationwide, consistent and fair approach; so that Members, given their seniority or position on certain committees, don't have increased leverage in providing assistance to their area while neglecting other areas throughout country. By dealing with these tax provisions, it applies uniformly throughout the Nation in every district, every State, they qualify merely based on a Federal disaster declaration in that area.

Then, finally, I believe it provides additional assistance to businesses. Over the last year in dealing with the floods that have devastated the upper Midwest and talking to community leaders, but especially business owners, I was struck by the frustration business owners had in what little disaster assistance is out there for them to get their businesses up and going. About their only recourse, since they don't qualify for direct FEMA grants, was for them to go to the Small Business Administration and negotiate a loan at a rate that's typically not even competitive with local bank rates in their area. By revising these tax provisions this is, I think, a direct response of the need for providing more help to businesses, large and small, that are also affected by these disasters.

Real quickly, to highlight some of the provisions, the measure changes limitations to the deduction of personal casualty losses. It waives limits on charitable deductions for relief associated with federally declared disasters. Businesses can write off or deduct qualified disaster expenses through 2011. Businesses hurt by disasters can carry back now net losses for up to 5 years.

And two more provisions that I have to commend the Iowa delegation especially in promoting and getting including in this legislation, from Mr. BOSWELL to Mr. LOEBSACK and Mr. BRALEY, the additional low-income housing credits that's in this bill, and the private activity bond provisions for housing bonds and for business property projects.

As Mr. BRADY also indicated, there is an increase in the charitable mileage rate that Mr. LEWIS from Georgia has been advocating for some time in order to help those who are incurring travel expenses for charitable purposes to keep pace with the increased energy costs that they're facing. This will make it a little bit more affordable for them to continue these activities.

About a little over a year ago, Madam Speaker, the rains came, the waters rose, and the flooding occurred in the upper Midwest. And just when so many people were returning to their homes and getting back into their business, early in June this year we suffered the same type of flooding phenomena. It was a double whammy within a 10-month period of time.

To go through it once is one thing. People have this rallying effect and this collective responsibility to one another, and it's truly inspirational seeing how complete strangers show up on people's doorsteps to help. Seeing how the local community leaders and the first responders are the first ones out there battling the devastating effects of these disasters.

But to get hit within a 10-month period of time with the same type of disaster really takes the wind out of the sails. People have been looking for the government, the Federal Government, along with State and local agencies and all the help that they're getting from the private sector to enable them to get back up on their feet.

The floods in the upper Midwest over the past year that devastated the State of Iowa, northern Illinois, southern Minnesota and southern Wisconsin and portions of my district were tough enough. And then to see Hurricanes Gustav and Ike and the devastating effect that that has caused to so many lives in the southern part of our country, the wildfires out west, there is a great urgency and need in order to move this disaster relief package forward.

This is one aspect of it. There will still be an emergency supplemental appropriation bill to provide disaster assistance as well. But again, given the outlines and the contours of this legislation, we think it's a uniform, fair approach with built-in predictability, so that if a disaster declaration is declared, people know what they can expect and what type of relief they can have. And then coupled with the assistance that FEMA is able to provide.

Let me just conclude by thanking FEMA for the assistance that they've provided, at least in the upper Midwest that I personally witnessed. They brought teams in that were the height of professionalism, very sensitive to the needs. They tried to expedite the process as quickly as possible while staying true and responsible to taxpayer funds. We appreciated that assistance as well as the coordination that they provided at the State and local level.

With that, Madam Speaker, I would encourage my colleagues to support the legislation.

I will reserve the balance of my time.

Mr. BRADY of Texas. Madam Speaker, I reserve the balance of my time.

Mr. KIND. Madam Speaker, at this time I would like to yield 2 minutes to my good friend and colleague from the great State of Texas who obviously has suffered greatly under the effects of Hurricane Ike, Mr. LAMPSON.

Mr. LAMPSON. Thank you, Mr. KIND, for allowing me to have a little bit of time to talk.

I come to the floor in strong support of H.R. 7006, the Disaster Relief Act of 2008.

Last Saturday, September 13, Hurricane Ike barreled through southeast Texas and in its wake left some of the worst destruction in U.S. history.

I had the pleasure of working closely with my friend, Congressman BRADY, and other colleagues in the Houston area, in trying to put our pieces back together again for so many people.

Hurricane Ike inflicted massive wind and flood damage, leaving many residents without a home, others in homes without power. Texans endured the largest power outage in our State's history, leaving millions without electricity and with limited access to water, food and fuel. People like my own daughter, who, thank goodness, had evacuated to some 300 miles away from her home, and when they returned, found that a tree had crashed through their house, left a 3-foot by 5-foot hole which flooded their home. Thank goodness, that tree, unfortunately, had fallen into the bed where

my 2-year-old granddaughter sleeps. But even in the face of devastation, we can find mighty blessings for which we can be most thankful.

Last week I spent every waking moment helping my constituents recover and rebound from this storm. I worked with House Chief Administrative Officer Dan Beard to establish a mobile congressional office with some 225 laptop computers and telephones. The mobile office allowed displaced residents with nowhere to turn to have an opportunity to quickly get information and to get in touch. Texans used that office for everything from registering for FEMA assistance, finding a hotel, to finding a loved one, or just getting in touch with someone to talk to.

After witnessing the expansive destruction and devastation left by Hurricane Ike, I am determined to make certain that essential Federal tax relief flows quickly to our communities. It is absolutely critical that the Disaster Tax Relief Act of 2008 pass this Chamber and be signed into law without delay.

By removing income limitations on personal loss deductions, this bill helps hardworking Texans affected by the storm get back on their feet more quickly. This bill also helps Texans rebuild by waiving mortgage revenue bond requirements to allow bond proceeds to be used for rebuilding purposes.

The storm left thousands of businesses shuttered and closed, unable to operate without power or with significant property destruction and flood damage.

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

Mr. KIND. I yield the gentleman 1 additional minute.

Mr. LAMPSON. This bill helps businesses recover by allowing them to write off disaster clean-up expenses. The act's 5-year carry-back provision will help businesses that sustained disaster-related losses, and the new disaster private activity bonds will greatly aid business reconstruction.

Every Texan lent a helping hand during this crisis. I was amazed at how many neighbors welcomed neighbors into their homes, how many churches and hospitals and businesses and military facilities opened their doors to evacuees, how many volunteers showed up on our doorstep from around the State and around the country. Now it is important that the Federal Government lend a helping hand to Texas.

Thank you, Mr. KIND, for the time. I encourage my colleagues to pass H.R. 7006 with dispatch.

Mr. BRADY of Texas. Madam Speaker, at this time I reserve the balance of my time.

Mr. KIND. Mr. Speaker, at this time I would like to yield 3 minutes to our good friend and colleague from Louisiana (Mr. CAZAYOUX) who has been instrumental in helping to shape and put this disaster package together and ushering it through the Congress.

Mr. CAZAYOUX. Thank you, Mr. KIND, for your great leadership on this important issue.

I rise in strong support of H.R. 7006, the Disaster Tax Relief Act of 2008. It's a good bill that deserves passage so citizens in disaster ravaged areas across the country have the assurances they need to rebuild their lives.

On Labor Day of this year, Hurricane Gustav tore across the Sixth District of Louisiana, packing winds of up to 90 miles per hour, while downing trees and power lines across the district and destroying and damaging homes and farms and businesses in its wake. It was, as nearly everyone has concurred, the worst storm that has ever hit the Baton Rouge area.

We are now facing the challenge of rebuilding. One problem that has become glaringly apparent is the named storm deductible issue. Instead of paying normal insurance deductibles to rebuild, constituents in Louisiana are now faced with a deductible of up to 5 percent of the value of their homes, sometimes thousands more than they had paid in the past.

This has been one of the most important issues to me after Hurricane Gustav, and we have asked the House to act and provide relief to these homeowners. I am proud to say that the legislation before us today will do that by expanding tax deductions for people who incurred damages during hurricanes such as Gustav and Ike. By waiving the minimum 10 percent adjusted gross income requirement for deducting losses, this will provide homeowners with much needed relief.

We will also continue to push FEMA on this issue that FEMA recognize these losses as covered by its individual disaster assistance programs.

In addition to expanding tax deductions for disaster-related losses, the bill also contains important tax provisions for businesses recovering from disasters across the country, such as extending the net operating loss carryback period from 3 to 5 years, and allowing businesses to immediately write off certain expenses relating to Federal disasters. It also increases private activity bond financing for States to issue to businesses following a disaster.

Furthermore, it allows States to use their tax-exempt housing bonds to provide loans to repair or reconstruct homes and rental housing units damaged by storms. It also allocates additional low-income housing tax credits for States suffering a loss of affordable housing as a result of a Federal disaster.

This is a solid start to the long-term recovery for regions trying to rebuild. This year should be a wake-up call for everyone around the country, from Florida to Louisiana to Iowa and California, that we cannot avoid natural disasters but we can hope to mitigate their effects.

This bill shows that Congress is committed to helping our citizens recover, and it deserves our support.

Mr. BRADY of Texas. Madam Speaker, I would reserve the balance of my time.

Mr. KIND. Madam Speaker, may I inquire as to the time remaining on our side?

The SPEAKER pro tempore. The gentleman has 3½ minutes remaining.

Mr. KIND. At this time I would like to yield 2 minutes to my good friend from Iowa, who has been in the front lines of battling the flooding that his State unfortunately incurred, Mr. BOSWELL.

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

□ 1700

Mr. BOSWELL. Madam Speaker, I appreciate the time and effort you have put into this and all the people of Iowa do, across the Nation in fact, because I know that when Congressman BRALEY and Congressman LOEBSACK and I took it upon ourselves to visit with the Speaker about this before we were on the work period last July, there was assurance that something would happen. And I felt that she could give us that assurance because we are a United States and we stand together when things happen that we have no control over, natural disaster.

Some parts of Iowa were hit by windstorms, tornado, and then almost immediately followed with flood. So we were hit pretty hard.

Our Speaker stopped and spent a day with us on the way back after the work period and went to all three of the areas that were hit the worst, and how much it was appreciated by the people of Iowa and, of course, as people were watching across the Nation. We appreciate it very much, and she was able to say, because of the confidence that I'm sure she has in not only her leadership but in this institution, that we do stand together when it comes to natural disasters, and that's been our history.

So I'm very appreciative of this. It will be a great help to homeowners, small businesses, getting levees put back in place, and preparing for whatever Mother Nature may bring us next.

I thank you again for the time. I appreciate again your good, hard work.

Mr. BRADY of Texas. Madam Speaker, at this time, I yield 2 minutes to my colleague from Houston, the gentlelady from Texas, Congresswoman SHEILA JACKSON-LEE.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Let me thank the managing member, Mr. KIND of the Ways and Means Committee, for his leadership and the leadership of Chairman RANGEL. And as well, let me thank my colleague Congressman KEVIN BRADY who over the last 10 days we have traveled throughout our respective districts, along with Congressman LAMPSON and Congressmen AL GREEN, GENE GREEN and RON PAUL, and

we've worked together in a bipartisan effort to obviously respond to the devastation and needs of our constituents.

People are suffering through the impact of Hurricane Ike. We've been told that there will be billions and billions of dollars of damage, 40,000 to 35,000 people still evacuated, many of them coming back to devastated housing and loss of housing.

This is an important initiative. I think one of the most important aspects of it is the ability to increase low-income housing tax credits to States that contain Federal disaster areas. That is particularly important because we've seen the damage to our multiple family housing units. I've also seen the damage that comes about through our regular housing.

Mortgage revenue bond financing for individuals suffering home damage as a result of Federal disaster, there's a limit to the annual amount of taxing housing bonds that each State may issue. This bill allows an increase, a very important part of recovery.

In addition, a business is allowed a 5-year carryback period for certain losses related to the disaster. Of course, the State of Texas has Federal disaster counties, and we have an enormous impact in our business communities, particularly small businesses in our neighborhoods and in our cities.

So this legislation is an important tax relief bill that I believe responds to the crux of the need for recovery, and that's what we want to do in the gulf region. We want to recover. Galveston wants to recover. The southeast part of Harris County wants to recover, and the inner city neighborhoods that I represent such as southeast, such as Acres Home, South Park, Sunny Side, northeast Houston, all of those want to recover.

For that reason, I rise to support The Disaster Tax Relief Act of 2008, H.R. 7006, and I ask my colleagues to support it.

Mr. KIND. Madam Speaker, we have no further requests for time, and I am prepared to yield, if my friend from Texas is.

Mr. BRADY of Texas. I yield myself, for closing, as much time as I may consume.

Disasters are so hard on families and especially on small businesses and on communities as they try to recover, whether it is the flooding in the Midwest or wildfires in the West or Hurricane Ike, Hurricane Gustav or hurricanes that have hit Florida. It is just a terrible time.

And I know in our case, you always know your own communities best, and we saw 8- to 10-foot storm surge in Orange County that went over the levees, flooded one-third of that town and most of its historic district. It completely flooded about 6 feet up in every home in Bridge City. I think out of almost 4,000 homes, 15 were left untouched.

And when I was there touring the area, we toured it the day after by boat, and these are land cities. We could see the devastation, and today, those communities are trying to recover and those families are trying to repair their homes.

The problem we have is that Hurricane Rita, which had just come through 3 years ago, wiped out all the hotel-motels, had wiped out all available rental housing. So our workers in our energy refineries and shipbuilding and chemical refineries are staying 90, 100 miles away in available hotels, driving each day an hour-and-a-half each way to try to pull the carpet and the sheetrock out of their homes. They have all their possessions in the world piled in the front yard for insurance adjusters to appraise or for others to just simply take away.

And to give them hope that they can recover, it's important Congress do all that we can, and these tax provisions help those families and small businesses try to take those first steps, which is why not only do I strongly support this, I appreciate the gentleman from Wisconsin's long effort to provide disaster relief throughout this country.

I appreciate Chairman RANGEL and the Ways and Means Committee taking a leadership role to move this bill to the floor before the session is over. I appreciate the support of our Texas delegation, Republicans and Democrats, as we move forward.

I strongly support this and appreciate the responsiveness of this Congress.

I yield back.

Mr. KIND. Madam Speaker, I yield myself the remainder of my time.

Again, Madam Speaker, I do want to thank and commend the leadership of this Congress, from Speaker PELOSI to Minority Leader BOEHNER, as well as the leadership on the House Ways and Means Committee, to Mr. RANGEL, to Mr. MCCRERY, and my colleagues on the committee.

I also want to thank all the hard work and effort that our staff on the committee and off the committee have put in to putting this legislation in order.

And disasters, as my friend from Texas so eloquently stated, is not fun. It is not fun seeing the effect that it has on families, on little children, on businesses and the spirit of the communities. But they also are a time of great inspiration, and it really tests the true character of any community.

And we've unfortunately seen that in a span of 10 months twice in the State of Wisconsin. We still have communities there that are wrestling with some very important decisions about possibly relocating whole towns into higher ground or to different locations where there have been businesses and homes for generations there, and it's not an easy decision.

At times like that, it's inspirational seeing how people come together and rally from the agencies, to local leaders, to first responders, to volunteer organizations, and complete strangers just showing up because of their concern and compassion for their fellow citizens.

Now, it's the country's time, and this Nation has always shown that compassionate streak, that when one area has been hit by a disaster, we all rally and collectively respond. And no one, no matter where they live, is immune from this, and that's been demonstrated again over the course of this last year.

We think this is an appropriate direction. We think the provisions in here are the right way to go, and I would encourage my colleagues to support this legislation.

Mr. BRADY of Texas. Would the gentleman yield?

Mr. KIND. I would be happy to yield.

Mr. BRADY of Texas. Again, I want to thank you for your leadership, and this is a great piece of legislation.

I was remiss in not recognizing my colleague, Congressman AL GREEN from Houston. He's the lead Democrat cosponsor with me on the Texas portion of disaster relief. He is tied up in Financial Services today working on issues. I know he is here in spirit, and I just wanted to publicly thank him for his role as well.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today to speak on a very important issue to me, House Resolution 7006, the Disaster Tax Relief Act of 2008. Right now, over 800,000 people in the greater Houston area are without power; this is not acceptable. We must pass responsible legislation to make it easier for people to get back on their feet after natural disasters ravage their communities. It is time to show the Nation that we learned the lessons of Katrina and Rita and now Ike as well as the other natural disasters we have faced in recent memory.

Katrina and Rita taught FEMA quite a lot on how to recover from natural disasters that destroy thousands of people's homes and livelihood. We now have more advanced warning systems in place, a better plan to evacuate those in the storm's path and our first responders are better trained to deal with the medical crisis for those whose best option is to stay. All these things helped save countless lives in my district, but now we face the true test of how a nation responds to a natural disaster.

While we have plenty to praise about the response, sadly, we also have plenty to criticize. The utility companies were told to improve their infrastructure so that a disaster like this would not cripple the region; however, more than a week after Hurricane Ike, these utility companies left my constituents to clean up with flashlights and candles. Power still has not been restored to almost a million people, and we face an emerging health crisis because of it.

I have taken every opportunity to talk to people facing this crisis and to find out what the Government can do to help them rebuild their shattered lives. A number of stories that I have heard have been inspirational, they want, more than anything, to help their friends, family and neighbors. My staff has received hundreds of calls from people begging to be of any assistance. These brave souls look at the

devastation and refuse to sit by and watch as people they don't know, as well as their loved ones, suffer.

This bill will honor those wonderful human beings by helping ease the burden they have willingly placed on themselves to help. They will get a higher reimbursement for the miles they drive in the service of others. The limit that corporations are allowed to write off on their taxes would be waived. This will allow companies to help the communities they support and still remain responsible officers for the employees who work for them.

Madam Speaker, this legislation would also help people's way of life remain protected during Federal disasters. Being able to deduct a greater cost for their damaged property help keep homes in the affected areas instead of them not being rebuilt and relocating. Allowing small businesses to write off expenses relating to these disasters assures that the jobs for those who return still exist. Businesses would also be able to focus on healing before they focus on gathering what is owed to them. Moving the carry-back period, the statue of limitations on claiming damages from natural disasters, from 2 years to 5 years would provide financial assistance as well as peace of mind.

Since the time of the founding of our country, the Government has been helping out towns and cities affected by disasters. In 1803 a small fire ravaged the town of Portsmouth, New Hampshire, and the Congress reacted. This is widely considered the first use of any type of disaster relief.

Today, a lot of my constituents are no better off than they were a week ago; this must be remedied. This bill is a great step forward to help communities recover, and we must pass this bill. With that, I am also pleased to be an original cosponsor of this legislation with my Texas colleagues, Congressman AL GREEN and Congressman KEVIN BRADY.

Mr. LEWIS of Georgia. Madam Speaker, I support this Disaster Tax Relief Act, and I want to thank my colleagues on the Ways and Means Committee, Congressman KIND and Chairman RANGEL, for working to bring this bill to the floor today.

The Disaster Tax Relief Act addresses deep concerns I had after tornadoes struck Atlanta. Tornadoes touched down right in the heart of Atlanta. They blew the windows out of my very own office. They destroyed sections of neighborhoods and damaged businesses in our city and across Georgia.

The damage caused by these tornadoes and storms was no different than the damage caused anywhere else in America this year. If you lose your home or business, a loss is a loss and damage is damage. Yes, some disasters are more severe than others. But when it comes to rebuilding homes and businesses, when it comes to recovery, the tax code should be fair.

Some think when floods, hurricanes, and tornadoes strike it means States deserve special treatment based on old politics. Some can overlook natural disasters that have occurred all over our country and try to provide specific disaster tax recovery assistance for just one State and just one tragedy. This is wrong. It is not right. It is not just.

This Disaster Tax Relief Act provides fair tax relief and recognizes all disasters, like those in Atlanta, Iowa, Wisconsin, Florida, Kansas, and other places. It also recognizes the role of volunteers performing charity work every day but often in the wake of a disaster.

On September 10th I introduced with my good friend and colleague, JIM RAMSTAD, H.R. 6854, the Fair Deal for Volunteers Act of 2008. Among other things, this bill will increase the standard mileage rate tax deduction from 14 cents a mile to an amount determined by the Secretary of Treasury that is not less than the standard rate used for medical purposes. It is currently 27 cents a mile.

With the cost of gas and the precious need for volunteers to keep delivering meals and blankets and supplies, this is the very least we can do. I am proud that so many members of the House and Senate have pushed for this kind of change. I hope we can push harder and pass the entire Fair Deal for Volunteers Act.

I thank the staff on the Ways and Means Committee and the Oversight Subcommittee for their good work on this measure.

Mr. KIND. Madam Speaker, I yield back.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. RANGEL) that the House suspend the rules and pass the bill, H.R. 7006.

The question was taken.

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

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

The yeas and nays were ordered.

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

TREATMENT OF FARMS WITH LIMITED BASE ACRES

Mr. ETHERIDGE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6849) to amend the commodity provisions of the Food, Conservation, and Energy Act of 2008 to permit producers to aggregate base acres and reconstitute farms to avoid the prohibition on receiving direct payments, counter-cyclical payments, or average crop revenue election payments when the sum of the base acres of a farm is 10 acres or less, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6849

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

SECTION 1. TREATMENT OF FARMS WITH LIMITED BASE ACRES.

(a) SUSPENSION OF PROHIBITION.—

(1) IN GENERAL.—Section 1101(d) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8711(d)) is amended by adding at the end the following:

''(4) SUSPENSION OF PROHIBITION.—Paragraphs (1) through (3) shall not apply during the 2008 and 2009 crop years.''.

(2) PEANUTS.—Section 1302(d) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8752(d)) is amended by adding at the end the following:

''(4) SUSPENSION OF PROHIBITION.—Paragraphs (1) through (3) shall not apply during the 2008 and 2009 crop years.''.

(b) EXTENSION OF 2008 SIGNUP FOR DIRECT PAYMENTS AND COUNTER-CYCLICAL PAYMENTS.—

(1) IN GENERAL.—Section 1106 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8716) is amended by adding at the end the following:

''(f) EXTENSION OF 2008 SIGNUP.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall extend the 2008 crop year deadline for the signup for benefits under this subtitle by producers on a farm with base acres of 10 acres or less until the later of—

''(A) November 14, 2008; or

''(B) the end of the 45-day period beginning on the date of the enactment of this subsection.

''(2) PENALTIES.—The Secretary shall ensure that no penalty with respect to benefits under this subtitle is assessed against producers on a farm described in paragraph (1) for failure to submit reports under this section or timely comply with other program requirements as a result of compliance with the extended signup deadline under that paragraph.''.

(2) PEANUTS.—Section 1305 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8755) is amended by adding at the end the following:

''(f) EXTENSION OF 2008 SIGNUP.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall extend the 2008 crop year deadline for the signup for benefits under this subtitle by producers on a farm with base acres of 10 acres or less until the later of—

''(A) November 14, 2008; or

''(B) the end of the 45-day period beginning on the date of the enactment of this subsection.

''(2) PENALTIES.—The Secretary shall ensure that no penalty with respect to benefits under this subtitle is assessed against producers on a farm described in paragraph (1) for failure to submit reports under this section or timely comply with other program requirements as a result of compliance with the extended signup deadline under that paragraph.''.

(c) OFFSETTING REDUCTION.—Section 515(k)(1) of the Federal Crop Insurance Act (7 U.S.C. 1515(k)(1)) is amended by striking ''not more than $15,000,000 for each of fiscal years 2008 through 2011'' and inserting ''not more than $15,000,000 for fiscal year 2008, not more than $9,000,000 for fiscal year 2009, and not more than $8,000,000 for each of fiscal years 2010 and 2011''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. ETHERIDGE) and the gentleman from Virginia (Mr. GOODLATTE) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

GENERAL LEAVE

Mr. ETHERIDGE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this bill.

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

There was no objection.

Mr. ETHERIDGE. Madam Speaker, I rise in strong support of H.R. 6849.

Let me also thank Chairman PETERSON, chairman of the full committee, and Ranking Member GOODLATTE for their hard work and effort in making

sure that we got a quick markup on this bill in committee and got it to the floor.

I introduced this legislation with my good friend and colleague, Representative JERRY MORAN, to help thousands of American farmers who would have been adversely affected by really the willful misinterpretation in the 2008 farm bill by the Department of Agriculture.

Madam Speaker, the Department has interpreted the language in the 2008 farm bill in a manner that would prevent thousands of small farmers from receiving the program payments they are owed, putting them in jeopardy, in some cases, of financial hardship and some might even have to go out of business.

This is based on its misinterpretation of a provision in title I of the farm bill that was meant to prevent payments to those farms that are 10 acres or less. Despite clear report language outlining how USDA is to implement this provision, the Secretary has chosen not to read it as written.

I personally, along with a number of my colleagues, opposed the 10-acre provision in the farm bill when it was debated in the committee and again during conference, because we should not punish small farmers in America. But I understand the provision's intent: to prevent people who are not active farmers from gaming the system and getting government payments on land they didn't actively farm. I think that's appropriate.

However, I cannot abide by the interpretation that puts thousands of farmers who rent or lease small tracts of land for their farming operations and place them at risk of not receiving payments and could, in some cases, put them in jeopardy of being out of business, an interpretation that puts existing contracts between landowners and farmers at risk of being voided.

Let me just share with you what this means. In the State of Iowa, roughly 12,000 farms are affected; in Illinois, approximately 16,000 farms would be affected; in Ohio, 16,000 farms; in Kentucky, 20,000 farms; and in my home State of North Carolina, almost 16,000 farms would be adversely impacted if Congress let's the department rule stand. Nationwide, this number could be as high as 460,000 farms.

H.R. 6849 fixes this problem. It suspends the provisions in title I for the 2008–2009 crop years that would have required producers to have a minimum of a 10-acre base to receive program benefits. This provision provides time to consider a more permanent fix in the future.

Madam Speaker, I urge my colleagues to support this important legislation.

I reserve the balance of my time.

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

I support H.R. 6849 which voids the payment prohibition to farmers who have fewer than 10 acres of working farmland for the 2008 and 2009 crop years.

□ 1715

This measure protects farmers who would be denied benefits because it addresses a specific provision in the farm bill that the U.S. Department of Agriculture has misinterpreted. The intent of that original provision was to stop gardeners in New York City from getting program payments. It was never intended to prevent bonafide farmers from participating in commodity programs.

The farm bill provision and the accompanying report encourage the Secretary of Agriculture to allow farmers to aggregate base acres from multiple working farms to qualify for those program benefits.

However, the USDA has decided to interpret the language of that provision differently and prohibit aggregation. It is unfortunate that we are forced to pass further legislation to make sure this intent cannot be misconstrued. However, if we do not take action, the result will be damaging to thousands of farmers who depend on program payments.

I believe it is necessary that we pass this bill in order to protect those thousands of farmers who are being adversely affected by the USDA's interpretation of a specific provision in the farm bill. This is a growing concern throughout the country. Specifically, in my State of Virginia, the Virginia Farm Bureau contacted me directly because it was worried about the negative impact this interpretation would have on the livelihood of its producers.

I support this bill, and I urge my colleagues to support it as well.

I reserve the balance of my time.

Mr. ETHERIDGE. Madam Speaker, I am pleased to yield 2 minutes to the gentleman from Iowa (Mr. BOSWELL) who has worked hard on this and this has a significant impact on his State.

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

Mr. BOSWELL. Madam Speaker, I appreciate this opportunity. I want to thank my good friend and colleague from North Carolina (Mr. ETHERIDGE) and Mr. GOODLATTE and the rest of you for us coming together and correcting this error that's taken place, or this misrepresentation.

As the cosponsor of H.R. 6849, I'm extremely pleased the full House has taken action today so that Iowa and the Nation's small working farmers across the Nation will have an opportunity for an adequate safety net. The legislation suspends a provision in the new farm bill which prohibits producers farming 10 acres or less to receive USDA payments.

Now hear this. When the farm bill was drafted and during the conference process, it was the intent of Congress to allow farmers to aggregate their base acres, to bring them together. This is evident by the Joint Explanatory Statement of the managers that accompanied the 2008 farm bill which clearly states, ''The managers intend for the department to allow for aggregation of farms for purposes of determining the suspension of payments on farms with 10 base acres or less.''

This needs to be corrected. I ask that everybody that would participate to be sure we make this clear and make sure small farmers will be taken care of. The USDA has misrepresented Congress' intent putting thousands of small producers at risk.

I would like to urge my colleagues to support this resolution.

Mr. GOODLATTE. Madam Speaker, at this time it is my pleasure to yield to the gentleman from Kansas (Mr. MORAN), the ranking member of the Commodity Subcommittee, such time as he may consume.

Mr. MORAN of Kansas. I thank the gentleman for yielding, and I rise in support of H.R. 6849.

I certainly support the fundamental purpose of this bill. I do have some concerns about the offset, the pay-for, that is necessary. I am also concerned that the bill only provides temporary relief.

As has been indicated, decisions were made in the farm bill to eliminate 10 acres from being considered for program payments under the new farm bill, and the attempt was made to make it clear that farmers could aggregate their properties. That has not been the case as the farm bill has been implemented by the Department of Agriculture, and we now are here to correct that mistake.

Mr. ETHERIDGE and I, the gentleman from North Carolina, introduced legislation to do that in September, and this is the base behind the bill that we have before us today, although our plan was to allow farmers to combine base acres through two processes: either reconstitution or aggregation.

And when it became a concern that that bill would not pass in sufficient time and the offset was not there, the bill we have before us became the compromise; and I'm pleased knowing that this legislation must pass to be supportive of this compromise bill. It does mean that this Congress, the House Agriculture Committee, will need to come back in future years to make certain that we get this corrected.

Also, by speaking today, I want to raise the concern that I have with the offset that we're using. For a long time I have worried that my farmers, when they go to see their USDA officers, particularly FSA, at their county office, they have had tremendous delays in access to computers. And the offset for this bill is computer/IT funding in the Risk Management Agency, RMA. In my opinion, we need to find a more appropriate offset because we authorized only $60 million in the farm bill, $15 million in each of the 4 fiscal years for the IT system at the Risk Management Agency, and those systems were only updated—the last time was 15 years ago.

This would remove nearly $20 million from the original $60 million authorized in the farm bill, removing about a third of the money allocated for computer upgrades.

And so we have an opportunity, I hope, when the Senate passes similar legislation to sit down and see if we can't agree upon a different way of paying for this needed correction.

Without sufficient funding, the Risk Management Agency will be forced to limit future product approvals, enhancements, and expansions, and I believe that will adversely affect farmers and ranchers. RMA must be able to interface with 17 insurance companies that deliver Federal crop insurance covering more than 1.1 million policies and $89 billion in liability.

Upgrades are not only needed to allow services to continue but are also necessary to implement current technology to improve program integrity and data security and the protection of personally identifiable information.

Again, I raise the concern and hope that as this bill works its way through the process, that we can find a more satisfactory offset than the information technology, the RMA IT account, at the Department of Agriculture.

I am here to support this legislation. I appreciate the fix that it provides. We need to figure out a permanent solution, and we need to figure out a different way of paying for it. I look forward to continuing to working in the process to see that those two things occur.

Mr. ETHERIDGE. Madam Speaker, I now yield 2 minutes to the gentleman from Pennsylvania (Mr. HOLDEN) who has also been instrumental in this piece of legislation and works hard on the Ag Committee.

Mr. HOLDEN. I thank the gentleman for yielding, and I thank the gentleman for his leadership as well as the gentleman from Kansas (Mr. MORAN) and the ranking member, Mr. GOODLATTE, and Chairman PETERSON.

This is a pretty timely debate, Madam Speaker. I just came from a meeting with Deputy Secretary Conner about this very issue. The deputy secretary said that he would like to be helpful and Secretary Schaeffer would like to be helpful. They're just having difficulty struggling with the legal interpretation of what ''congressional intent'' was.

So it's very important that we pass this legislation today by as strong a vote as possible. The deputy secretary promised to go back and look and see if there's a way they can interpret it for what I told him that was my understanding of what congressional intent was.

I remember that evening in conference when the gentleman from North Carolina offered an amendment and a discussion came about. It was pretty clear to me, and I think everyone else in the room, that it was the intent of the conference to have this be in the aggregate. We're still having difficulty working with the department, as I mentioned. They just promised me 10 minutes ago to continue to work on it.

But I think one way that we can send a clear message is to pass this bill tonight by as overwhelming a vote as we possibly can and send it over to the Senate.

Mr. GOODLATTE. Madam Speaker, I have no further speakers, I would urge my colleagues to support this legislation, and yield back.

Mr. ETHERIDGE. Madam Speaker, we have no further speakers.

Let me thank the gentleman from Virginia for his help, Ranking Member GOODLATTE, Chairman PETERSON, and all the members of the committee, and also my good friend, Congressman MORAN from Kansas, who really was instrumental in working on this piece of legislation.

Let me just say to my colleagues, every State in America is affected by this piece of legislation from an agricultural standpoint. With that, Madam Speaker, I urge my colleagues to support this legislation.

Mrs. MILLER of Michigan. Madam Speaker, I rise in strong support of H.R. 6849 and on behalf of Michigan's farmers and agricultural community.

When thinking of Michigan, most people automatically think of the automobile industry. However, many people don't realize that agriculture is the second largest industry in the state and in many ways defines us, our culture and our values.

Michigan's agriculture industry is made up of small and medium sized farms. However, the family farmer is alive and well in my district. And that is why this bill is so critical to Michigan producers and the rest of the country.

This legislation waives the 10 acre provision for farm program eligibility for the 2008 and 2009 crop years. This provision, which was included in the Farm Bill, prevents farmers with less than 10 base acres from receiving a program crop payment such as Direct, Counter-Cyclical, or ACRE payments.

There are many producers which are prohibited from receiving the benefits of the Farm Bill because of this provision. It is my sincere belief that farmers that work multiple plots of less than 10 acres were never intended to be denied access to this program. This legislation today will force the USDA to recognize that fact. I am proud to stand in support of this bill and urge all of my colleagues to vote in favor of this measure.

Mr. PETERSON of Minnesota. Madam Speaker, I rise today in support of H.R. 6849, which will prevent the U.S. Department of Agriculture from denying farm program benefits to farmers who have several small plots of land that are eligible for commodity program payments.

H.R. 6849 is a bipartisan bill that was introduced by my House Agriculture Committee colleagues, Representatives BOB ETHERIDGE and JERRY MORAN, the Chairman and Ranking Member, respectively, of the General Farm Commodities and Risk Management Subcommittee. An amended version of the bill passed the Committee by voice vote last week.

On June 30 of this year, about a month after Congress overrode the President's veto on the Farm Bill, the US Department of Agriculture published a notice stating their intent to "not approve requests for farm combination reconstitutions of farms having base acres of 10 acres or less."

The Department's notice is a substantial change from what was in place prior to the 2008 Farm Bill and runs contrary to what was intended by House and Senate conferees who wrote the provision. The manager's report states that small base acreages could be aggregated to allow for farm program eligibility if the sum of the acres is over 10.

The USDA's decision to eliminate such a large number of base acres could affect hundreds of thousands of producers all across this country.

Their selective interpretation of the Farm Bill is doing no favors for America's farmers and ranchers, who are rightly concerned that the Department is ignoring the Congress's clearly stated intent.

Madam Speaker, in recognition of the difficulties in paying for this fix over a ten year period, the Committee amended the bill to temporarily solve this problem by suspending the 10 base acre provision for two years. This temporary, less expensive solution is fully offset in order to meet Congressional Paygo requirements.

With passage of this bill today, Madam Speaker, it is my hope that we can make clear to farm country that the Farm Bill will be implemented as Congress intended.

I urge my colleagues to support H.R. 6849.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. ETHERIDGE) that the House suspend the rules and pass the bill, H.R. 6849, as amended.

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

A motion to reconsider was laid on the table.

REGARDING INSPECTOR GENERAL OF COMMODITY FUTURES TRADING COMMISSION

Mr. TOWNS. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6406) to elevate the Inspector General of the Commodity Futures Trading Commission to an Inspector General appointed pursuant to section 3 of the Inspector General Act of 1978, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6406

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

SECTION 1. INSPECTOR GENERAL OF COMMODITY FUTURES TRADING COMMISSION.

(a) ELEVATION OF OFFICE.—

(1) INCLUSION OF CFTC IN DEFINITION OF ESTABLISHMENT.—

(A) Section 11(1) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking ''or the Federal Cochairpersons of

the Commissions established under section 15301 of title 40, United States Code;'' and inserting ''the Federal Cochairpersons of the Commissions established under section 15301 of title 40, United States Code; or the Chairman of the Commodity Futures Trading Commission;''.

(B) Section 11(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking ''or the Commissions established under section 15301 of title 40, United States Code,'' and inserting ''the Commissions established under section 15301 of title 40, United States Code, or the Commodity Futures Trading Commission,''.

(2) EXCLUSION OF CFTC FROM DEFINITION OF DESIGNATED FEDERAL ENTITY.—Section 8G(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking ''the Commodity Futures Trading Commission,''.

(b) EFFECTIVE DATE; TRANSITION RULE.—

(1) EFFECTIVE DATE.—The amendments made by this section shall take effect 30 days after the date of enactment of this Act.

(2) TRANSITION RULE.—An individual serving as Inspector General of the Commodity Futures Trading Commission on the effective date of this section pursuant to an appointment made under section 8G of the Inspector General Act of 1978 (5 U.S.C. App.)—

(A) may continue so serving until the President makes an appointment under section 3(a) of such Act consistent with the amendments made by this section; and

(B) shall, while serving under subparagraph (A), remain subject to the provisions of section 8G of such Act which apply with respect to the Commodity Futures Trading Commission.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. TOWNS) and the gentleman from Tennessee (Mr. DUNCAN) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

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

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

There was no objection.

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

H.R. 6406 will elevate the Inspector General of the Commodity Futures Trading Commission to a Presidentially appointed, Senate-confirmed position. This bill strengthens the integrity of the Commodity Futures Trading Commission by giving the Inspector General more authority and independence to investigate CFTC's regulation of commodity futures and option markets.

H.R. 6406 builds upon legislation recently passed by the House to give the CFTC more authority to investigate and regulate speculations in all and future markets. In light of the current financial crisis, this bill is an important step in boosting the independence, accountability, and credibility of a key financial regulator.

Under current law, the Inspector General is hired by the chairman of the CFTC. This process may prevent the IG from conducting a thorough investigation into CFTC's programs and operations. This bill will separate the IG's oversight function from day-to-day management by the chairman and commissioners and reassure market users and the public that they are being protected from fraud, manipulation, and abusive practices related to the sale of commodity and financial futures.

Madam Speaker, this bill is a small but important step towards improving public trust in the Commodity Futures Trading Commission. I fully support its passage and urge my colleagues to do the same.

I reserve the balance of my time.

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

Madam Speaker, I'm honored to be on the floor on this legislation with my good friend, Chairman TOWNS, who is one of our great Members on the other side.

Today we take up H.R. 6406 which elevates the Inspector General of the Commodity Futures Trading Commission to an Inspector General position requiring a Presidential appointment and Senate confirmation, or, as some people refer to it, a PAS position.

On behalf of Ranking Member DAVIS, I do want to express one concern, and that is that this legislation does not come to the floor through regular order, and while we understand the need to move quickly to ensure that we have solid oversight from an independent source at the CFTC, this bill could have benefited from a review by the Oversight and Government Reform Committee.

Recommendation 6 of Paul Volcker's National Commission on Public Service issued in January of 2003 said, ''Congress and the President should work together to significantly reduce the number of executive branch political positions.''

□ 1730

The Commission noted that President Kennedy had 286 leadership positions to fill when he became President in 1960, and that by the end of the Clinton administration there were 914 principle leadership positions; and that in 2001, the new President, George W. Bush, at that time confronted a total of 3,361 offices to be filled by political appointment.

The Commission pointed to several reasons for this, mostly due to a bad Federal management structure. But regarding Inspectors General, we believe much of this stems from an assumption that the PAS process generates a more professional and independent Inspector General. To our knowledge, no one has successfully demonstrated a nexus between the PAS process and professional excellence. And our fear is that a growing lag in the PAS process will cause even larger gaps in leadership during the Presidential transitions.

With that said, however, on our side, we're inclined to support this bill given the current crisis that we face. And we know that the CFTC is a very important agency, particularly at this time. But we caution our colleagues to pay more attention to these ''elevation bills'' in the future and insist on a specific articulated need for any proposed change, and also, hopefully, full committee hearings.

Madam Speaker, I reserve the balance of my time.

Mr. TOWNS. Madam Speaker, I yield 2 minutes to the gentleman from North Carolina, Congressman ETHERIDGE.

Mr. ETHERIDGE. I thank the gentleman for yielding.

Madam Speaker, I rise in support of H.R. 6406, Mr. LARSON's bill to make the Inspector General at the CFTC a Presidential appointment, and hence more of an independent office within the Commission.

Madam Speaker, as you know, the provisions of H.R. 6406 were originally part of the Commodity Markets Transparency and Accountability Act introduced by the Ag chairman, Chairman PETERSON, and myself after Representative LARSON had brought it to us. The House has already supported those provisions with 276 votes when the CMTA was first considered on July 30 of this year. Unfortunately, because of jurisdictional issues, the provisions were not a part of the version of the CMTA Act that passed the House last week. I am pleased that we are able to take this vote today to promote an independent Inspector General for the CFTC as originally intended.

We passed the CMTA to bring some more sunshine to the commodities market and over-the-counter trading of energy and agricultural commodities. This greater transparency will help establish greater confidence in the markets. An independent Inspector General will contribute further to that goal.

I applaud the gentleman from Connecticut for his perseverance in moving the bill forward. The points he has raised regarding the need for this bill have merit. Currently, the Department of the Treasury is the only financial regulator with a Presidentially-appointed Inspector General. This bill will make the CFTC the second financial regulator with this kind of independent oversight.

Given the financial turmoil that we have seen in other financial markets, the arguments for a more independent Inspector General for the CFTC also apply to other financial regulators, like the Federal Reserve Board and the SEC. Congress may want to consider requiring similar provisions for other financial regulators.

This bill is a step in the right direction to bring confidence to financial markets. I urge my colleagues to support the bill.

Mr. DUNCAN. Madam Speaker, I continue to reserve our time.

Mr. TOWNS. Madam Speaker, I yield 3 minutes to the sponsor of the bill, Congressman LARSON from the great State of Connecticut.

Mr. LARSON of Connecticut. Thank you, Chairman TOWNS.

I appreciate the opportunity to speak on behalf of this important bill that's a

vital piece of our anti-speculation measures we have passed in the House this session.

By elevating the Inspector General of the Commodities Futures Trading Commission to the level of a wholly independent office will provide for greater oversight in our commodities markets and, as Mr. ETHERIDGE has said and as Mr. PETERSON and the committee acknowledged, was important in terms of us letting all the sunshine we can into what is commonly referred to as the ''dark market.'' And this would provide us a great opportunity to make sure that, on behalf of the American people, that we return the sheriff to the job and bring back much-needed regulation in these areas.

I want to thank Chairman PETERSON and Ranking Member GOODLATTE for their leadership and Chairman WAXMAN and Ranking Member TOM DAVIS for helping with this legislation. But I must say that the genesis of this legislation comes from individuals from my home State who came to me with concerns about senior citizens having to take their entire Social Security check and put it into home heating oil. And what they had noted is that rampant speculation was driving the costs up in these markets and the laws of supply and demand have been suspended, and what was needed was an antiseptic, a way to open up and look at these markets in terms of allowing the sunshine to come in.

As my grandfather Nolan would say, ''It's a simple case of trust everyone, but cut the cards.'' And in this, not only do we have an opportunity to cut the cards, but shuffle and give a new deal to the American people. That's why this legislation is so important.

I appreciate all of the work and effort the committee has done. Certainly the surge in oil prices this summer has worsened the concerns on behalf of the American people. It's important, especially given all that has happened as we sit here, that this Congress, that this body do everything that it can to restore oversight and review and bring back to the American people the notion that this is the people's House, and we're watching what's happening on Wall Street on their behalf and empowering people with all the appropriate tools to go after those who will break the law or move outside of the law and not act on behalf of the interests of the American people.

Again, I want to thank the chairman. And I want to thank those in the committee for ushering this legislation forward.

Mr. DUNCAN. Madam Speaker, we continue to reserve.

Mr. TOWNS. Madam Speaker, let me say, I want to first commend the gentleman from Connecticut for putting this legislation together.

This is a very timely piece of legislation; we need it today more than ever. We need to have an independent IG. We need to make certain that his hands are not tied or her hands are not tied, that they're able to go and to look, and wherever the problem is, that they're able to go without being interfered with.

So I think this is a great piece of legislation. And I'm happy to have a presidential appointment, because that's the kind of independence that's needed, as you know what's going on in this country today. I mean, let's face it. And of course we need to make certain that we have transparency. We need to make certain that people in the position are able to carry out that position without any kind of restrictions at all. So this legislation addresses that.

I think it's a good piece of legislation. I encourage my colleagues and friends to support it. And I say to the author of it and to the members who have been very involved in the Ag Committee for this, I really want to say to you, thank you for doing the right thing.

On that note, Madam Speaker, I reserve the balance of my time.

Mr. DUNCAN. Madam Speaker, I'm sorry. We didn't realize that Chairman TOWNS didn't have any other speakers. So I urge all Members to support the passage of H.R. 6406.

Mr. DAVIS of Virginia. Madam Speaker, today, we take up H.R. 6406, which elevates the Inspector General of the Commodity Futures Trading Commission to an Inspector General position requiring a Presidential appointment and Senate confirmation, PAS positions.

This legislation does not come to the floor through regular order—and while I understand the need to move quickly to ensure we have solid oversight from an independent source at the CFTC, this bill could have benefited from a review by the Oversight and Government Reform Committee.

Recommendation 6 of Paul Volcker's National Commission on the Public Service, issued in January 2003 is, and I quote, ''Congress and the President should work together to significantly reduce the number of executive branch political positions.''

The Commission noted that President Kennedy had 286 leadership positions to fill when he became President in 1960; that by the end of the Clinton administration, there were 914 principal leadership positions; and that, in 2001, the new President George W. Bush confronted a total of 3,361 offices to be filled by political appointment.

The Commission pointed to several reasons for this—mostly due to a bad Federal management structure. But I think much of this—and let's focus on IGs here—stems from an assumption that the PAS process generates a more professional and independent Inspector General.

I see little evidence this is true. I don't think anyone has successfully demonstrated a nexus between the PAS process and professional excellence.

Since we already have too many PAS positions and I doubt the next President and the next Congress will take the Volcker Commission's Recommendation 6 to heart, large gaps will continue to occur in leadership during Presidential transitions.

With that said, however, I am inclined to support this bill given the current crisis we face. But I caution my colleagues to pay more attention to these ''elevation bills'' in the future and insist on a specific, articulated need for any proposed change.

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

Mr. TOWNS. Madam Speaker, I yield back the balance of my time and urge my colleagues to support this legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. TOWNS) that the House suspend the rules and pass the bill, H.R. 6406, as amended.

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

A motion to reconsider was laid on the table.

FIRST LIEUTENANT NOAH HARRIS ELLIJAY POST OFFICE BUILDING

Mr. TOWNS. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6847) to designate the facility of the United States Postal Service located at 801 Industrial Boulevard in Ellijay, Georgia, as the ''First Lieutenant Noah Harris Ellijay Post Office Building''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6847

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

SECTION 1. FIRST LIEUTENANT NOAH HARRIS ELLIJAY POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 801 Industrial Boulevard in Ellijay, Georgia, shall be known and designated as the ''First Lieutenant Noah Harris Ellijay Post Office Building''.

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

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. TOWNS) and the gentleman from Tennessee (Mr. DUNCAN) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

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

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

There was no objection.

Mr. TOWNS. Madam Speaker, as a member of the House Committee on Oversight and Government Reform, I stand with my colleagues from the State of Georgia in support of H.R. 6847, which designates a postal facility in Ellijay, Georgia, in honor of First Lieutenant Noah Harris.

H.R. 6847 enjoys the support of the entire House congressional delegation

from Georgia and was introduced by my colleague, Representative NATHAN DEAL of Georgia, on September 9, 2008.

H.R. 6847 calls for honoring First Lieutenant Harris and his service for our country by designating the post office in his hometown of Ellijay, Georgia, as the ''Noah Harris Post Office.''

First Lieutenant Noah Harris was assigned to the 2nd Battalion, 69th Armor Regiment, 3rd Brigade, 3rd Infantry Division out of Fort Benning, Georgia, when he died on June 18, 2005 in Iraq of injuries sustained on June 17 when he was on mounted patrol and his Humvee was attacked by enemy forces using rocket-propelled grenades. Also killed was First Lieutenant Harris' friend and comrade, Corporal William A. Long.

Madam Speaker, in honor of First Lieutenant Noah Harris, his sacrifice and service to this Nation, I urge my colleagues to join in support in the passage of H.R. 6847.

Madam Speaker, I reserve the balance of my time.

Mr. DUNCAN. Madam Speaker, I have a statement that I wish to place into the RECORD on behalf of Ranking Member DAVIS and myself in support of this legislation.

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

I rise today in strong support of this bill designating the facility of the United States' Postal Service located at 801 Industrial Boulevard in Ellijay, Georgia, as the "First Lieutenant Noah Harris Ellijay Post Office Building."

On June 17, 2005 First Lieutenant Noah Harris was conducting a mounted patrol in Baquba, Iraq, when enemy forces fired rocket-propelled grenades at his armored Humvee. Noah Harris died from the injuries on June 18, one week before his 24th birthday.

By all accounts, Noah Harris was a remarkable person.

While attending Gilmer High School in Ellijay Georgia, Harris was the captain of the football team, a state wrestling champion, and Honor Bar Thespian in the theater club.

After graduating high school in 1999, Harris attended the University of Georgia's Terry College of Business, where he continued his involvement in the community and athletics. He was the captain of the cheerleading squad, a member of the Sigma Phi Epsilon fraternity, and a volunteer for Watch Dawgs, an organization that works to prevent alcohol related accidents among students.

In 2001, Harris was one of the first participants in the Leonard Leadership Scholars Program, a leadership development program for undergraduates by the Terry College Institute for Leadership Advancement. It was during that time, shortly after the September 11 terrorist attacks, that Harris first considered serving our country through military service and joined the ROTC.

After graduation, Harris was commissioned as a second lieutenant and stationed at Fort Benning. To keep up morale among his soldiers' Harris began a pen pal program with family and friends. He also started "Operation Noah's Dream" by encouraging members of his community to send him beanie babies, which he passed out to children in Iraq.

He was truly a person that strove to make a difference at home and Iraq. Tragically his life was cut short but his memory will live on and he will be greatly missed.

With gratitude for his sacrifice to his country, I ask all members to join me in support of HR 6847, to name the 801 Industrial Boulevard Post Office in Ellijay, Georgia in his honor.

At this time, I yield the balance of our time to the gentleman from Georgia (Mr. DEAL).

Mr. DEAL of Georgia. Madam Speaker, I thank Mr. DUNCAN for yielding the time to me. And I thank Mr. TOWNS for the very kind words that he has spoken on behalf of this outstanding young man.

And I do rise today to honor the memory of First Lieutenant Noah Harris by dedicating the United States Post Office located in Ellijay, Georgia, and naming it the ''First Lieutenant Noah Harris Ellijay Post Office.''

As Mr. TOWNS has indicated, Lieutenant Harris was killed at the age of 23, serving in Buritz, Iraq, and was returning from a successful mission when his Humvee was hit by two rocket-propelled grenades.

Many times we talk about individuals that we don't know. Tonight, I talk about a young man I did know. Noah Harris served as an intern in my office in the summer of 2002. He was a star athlete at Gilmer County High School, captain of his football team, captain of the wrestling team, State wrestling champion, and a star scholar.

When he graduated from high school, he went to the University of Georgia and he joined the football cheerleading squad. Now, at first you would think, as did his captain in Iraq, that if you're a cheerleader, you're not physically fit. Of course, if you watched college cheerleaders, you know when they lift somebody over their head and hold them, they are physically fit, as was Noah. And he became the captain of that cheerleading squad.

He was a student at the University of Georgia on September 11 of 2001. And when our country was attacked on that day, he made the decision that he wanted to join the ROTC unit and become an Army officer. The story goes that he went over to the ROTC Department and he said, I'd like to join the ROTC. And he was asked, well, what class level are you in? And he said, I'm a senior. And the response was, Well, you've just waited too late. You can't join the ROTC in your senior year. And he said, Is there no way that that can happen? And they said, Well, you would have to be an outstanding scholar and you would have to be an outstanding athlete in order to be able to put all the things together here in your senior year. It's told that Noah Harris sort of smiled and said, Well, I am a Presidential scholar, attending the University of Georgia on a Presidential scholar scholarship. And I am the captain of the football cheerleading squad. And needless to say, he met all of those requirements, he was commissioned, and he served our country in Iraq.

□ 1745

While he was serving in Iraq, he e-mailed me and he said this, ''Each day I patrol the street and stop and talk to the people. They are thankful that we're here and for what we are doing. Though the process is slow, each day, the Iraqi police and the Iraqi army are becoming better able to protect and defend the citizens of Iraq. Through the efforts and perseverance of both the United States and Iraq, peace will prevail. Please pass on my thanks to your staff and the rest of the individuals in Washington that support the cause of freedom for our Nation and the world.''

I attended Noah Harris' funeral, one of the saddest and yet at the same time one of the greatest celebrations that I have ever attended. His life is a reminder that it really doesn't matter how long you live, it's how you live. Noah Harris is a role model for young people who follow behind him. He is an inspiration for all of us who knew him and for those who will learn about him as the story of his life has now been compiled in a book put together by his parents, Lucy and Rick Harris, and contains the remembrances of people who knew Noah Harris. He will also have a continuing legacy of hope, dedication and courage. A scholarship has been founded at the University of Georgia in his memory, and it will continue his tradition.

Madam Speaker, First Lieutenant Noah Harris was indeed a true American hero. I am proud today to rise and pay attribute to him and to have the honor of joining with the constituents from the community in which he grew up in naming the local post office the First Lieutenant Noah Harris Ellijay Post Office.

Madam Speaker, I include for the RECORD a copy of a letter from Mr. Jerry Farist, the chairman of the Gilmer County Board of Commissioners, supporting that this post office be named in honor of First Lieutenant Noah Harris.

I appreciate the time, and I think indeed these are the kind of moments that symbolize what makes our country great.

GILMER COUNTY BOARD OF COMMISSIONERS,
SEPTEMBER 12, 2008.

Re Request to name the Ellijay Post Office after 1st LT. Noah Harris.

MS. GAIL MUSSELWHITE,
Office of Congressman Nathan Deal,
P.O. Box 1015, Gainsville, GA.

TO WHOM IT MAY CONCERN: As Chairman of the Gilmer County Board of Commissioners I speak for my fellow commissioners and the citizens of Gilmer County by saying that we take great pride in our hometown boy, LT. Noah Harris. He paid the ultimate price for his patriotism and we sincerely thank him for his service.

Per the request to rename the Ellijay Post Office, ''1st LT. Noah Harris United States Post Office'', the Gilmer County Board of Commissioners would like to go on record as having no objection to this action. If further information is necessary please feel free to contact me.

Sincerely,

JERRY FARIST, CHAIRMAN,
Gilmer County Commissioners.

Mr. TOWNS. Madam Speaker, let me join my colleague in saying that it is

also important that we recognize people that do outstanding things. And, of course, even at a young age, he was able to accomplish quite a bit. To name a post office in his honor I think is a great thing to do. I want to commend Congressman DEAL and the entire Georgia delegation for taking the time to name a post office in honor of this young lieutenant.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. TOWNS) that the House suspend the rules and pass the bill, H.R. 6847.

The question was taken.

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

Mr. DUNCAN. Madam 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. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

PROVIDING FOR AGREEMENT BY HOUSE WITH AMENDMENT TO SENATE AMENDMENT TO H.R. 2095, RAIL SAFETY IMPROVEMENT ACT OF 2008

Mr. OBERSTAR. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1492) providing for agreement by the House of Representatives to the Senate amendment to the bill, H.R. 2095, with an amendment.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1492

Resolved, That upon the adoption of this resolution the bill (H.R. 2095) entitled ''An Act to amend title 49, United States Code, to prevent railroad fatalities, injuries, and hazardous materials releases, to authorize the Federal Railroad Safety Administration, and for other purposes.'', with the Senate amendment thereto, shall be considered to have been taken from the Speaker's table to the end that the Senate amendment thereto be, and the same are hereby, agreed to with the following amendment: Strike all after the enacting clause and insert the following:

DIVISION A—RAIL SAFETY

SEC. 1. SHORT TITLE; TABLE OF CONTENTS; AMENDMENT OF TITLE 49.

(a) SHORT TITLE.—This division may be cited as the ''Rail Safety Improvement Act of 2008''.

(b) TABLE OF CONTENTS.—The table of contents for this division is as follows:

Sec. 1. Short title; table of contents; amendment of title 49.
Sec. 2. Definitions.
Sec. 3. Authorization of appropriations.

TITLE I—RAILROAD SAFETY IMPROVEMENTS

Sec. 101. Federal Railroad Administration officers and duties.
Sec. 102. Railroad safety strategy.
Sec. 103. Railroad safety risk reduction program.
Sec. 104. Implementation of positive train control.
Sec. 105. Railroad safety technology grants.
Sec. 106. Reports on statutory mandates and recommendations.
Sec. 107. Rulemaking process.
Sec. 108. Hours-of-service reform.
Sec. 109. Protection of railroad safety risk analyses information.
Sec. 110. Pilot projects.

TITLE II—HIGHWAY-RAIL GRADE CROSSING AND PEDESTRIAN SAFETY AND TRESPASSER PREVENTION

Sec. 201. Pedestrian crossing safety.
Sec. 202. State action plans.
Sec. 203. Improvements to sight distance at highway-rail grade crossings.
Sec. 204. National crossing inventory.
Sec. 205. Telephone number to report grade crossing problems.
Sec. 206. Operation Lifesaver.
Sec. 207. Federal grants to States for highway-rail grade crossing safety.
Sec. 208. Trespasser prevention and highway-rail grade crossing safety.
Sec. 209. Accident and incident reporting.
Sec. 210. Fostering introduction of new technology to improve safety at highway-rail grade crossings.

TITLE III—FEDERAL RAILROAD ADMINISTRATION

Sec. 301. Human capital increases.
Sec. 302. Civil penalty increases.
Sec. 303. Enforcement report.
Sec. 304. Expansion of emergency order authority.
Sec. 305. Prohibition of individuals from performing safety-sensitive functions for a violation of hazardous materials transportation law.
Sec. 306. Railroad radio monitoring authority.
Sec. 307. Update of Federal Railroad Administration's website.
Sec. 308. Emergency waivers.
Sec. 309. Enforcement by the Attorney General.
Sec. 310. Criminal penalties.

TITLE IV—RAILROAD SAFETY ENHANCEMENTS

Sec. 401. Minimum training standards and plans.
Sec. 402. Certification of certain crafts or classes of employees.
Sec. 403. Track inspection time study.
Sec. 404. Study of methods to improve or correct station platform gaps.
Sec. 405. Locomotive cab studies.
Sec. 406. Development and use of rail safety technology.
Sec. 407. Unified treatment of families of railroad carriers.
Sec. 408. Study of repeal of Conrail provision.
Sec. 409. Limitations on non-Federal alcohol and drug testing by railroad carriers.
Sec. 410. Critical incident stress plan.
Sec. 411. Railroad carrier employee exposure to radiation study.
Sec. 412. Alcohol and controlled substance testing for maintenance-of-way employees.
Sec. 413. Emergency escape breathing apparatus.
Sec. 414. Tunnel information.
Sec. 415. Museum locomotive study.
Sec. 416. Safety inspections in Mexico.
Sec. 417. Railroad bridge safety assurance.
Sec. 418. Railroad safety infrastructure improvement grants.
Sec. 419. Prompt medical attention.
Sec. 420. Employee sleeping quarters.

TITLE V—RAIL PASSENGER DISASTER FAMILY ASSISTANCE

Sec. 501. Assistance by National Transportation Safety Board to families of passengers involved in rail passenger accidents.
Sec. 502. Rail passenger carrier plan to assist families of passengers involved in rail passenger accidents.
Sec. 503. Establishment of task force.

TITLE VI—CLARIFICATION OF FEDERAL JURISDICTION OVER SOLID WASTE FACILITIES

Sec. 601. Short title.
Sec. 602. Clarification of general jurisdiction over solid waste transfer facilities.
Sec. 603. Regulation of solid waste rail transfer facilities.
Sec. 604. Solid waste rail transfer facility land-use exemption authority.
Sec. 605. Effect on other statutes and authorities.

TITLE VII—TECHNICAL CORRECTIONS

Sec. 701. Technical corrections.

(c) AMENDMENT OF TITLE 49.—Except as otherwise expressly provided, whenever in this division an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 2. DEFINITIONS.

(a) IN GENERAL.—In this division:

(1) CROSSING.—The term ''crossing'' means a location within a State, other than a location where one or more railroad tracks cross one or more railroad tracks at grade where—

(A) a public highway, road, or street, or a private roadway, including associated sidewalks and pathways, crosses one or more railroad tracks either at grade or grade-separated; or

(B) a pathway explicitly authorized by a public authority or a railroad carrier that is dedicated for the use of nonvehicular traffic, including pedestrians, bicyclists, and others, that is not associated with a public highway, road, or street, or a private roadway, crosses one or more railroad tracks either at grade or grade-separated.

(2) DEPARTMENT.—The term ''Department'' means the Department of Transportation.

(3) RAILROAD.—The term ''railroad'' has the meaning given that term by section 20102 of title 49, United States Code.

(4) RAILROAD CARRIER.—The term ''railroad carrier'' has the meaning given that term by section 20102 of title 49, United States Code.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

(6) STATE.—The term ''State'' means a State of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(b) IN TITLE 49.—Section 20102 is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(2) by inserting before paragraph (2), as redesignated, the following:

''(1) 'Class I railroad', 'Class II railroad', and 'Class III railroad' mean railroad carriers that have annual carrier operating revenues that meet the threshold amount for Class I carriers, Class II carriers, and Class III carriers, respectively, as determined by the Surface Transportation Board under section 1201.1-1 of title 49, Code of Federal Regulations.''; and

(3) by adding at the end thereof the following:

''(4) 'safety-related railroad employee' means—

''(A) a railroad employee who is subject to chapter 211;

''(B) another operating railroad employee who is not subject to chapter 211;

''(C) an employee who maintains the right of way of a railroad;

''(D) an employee of a railroad carrier who is a hazmat employee as defined in section 5102(3) of this title;

''(E) an employee who inspects, repairs, or maintains locomotives, passenger cars, or freight cars; and

''(F) any other employee of a railroad carrier who directly affects railroad safety, as determined by the Secretary.''.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

Section 20117(a) of title 49, United States Code, is amended to read as follows:

''(a) IN GENERAL.—(1) There are authorized to be appropriated to the Secretary of Transportation to carry out this part and to carry out responsibilities under chapter 51 as delegated or authorized by the Secretary—

''(A) $225,000,000 for fiscal year 2009;

''(B) $245,000,000 for fiscal year 2010;

''(C) $266,000,000 for fiscal year 2011;

''(D) $289,000,000 for fiscal year 2012; and

''(E) $293,000,000 for fiscal year 2013.

''(2) With amounts appropriated pursuant to paragraph (1), the Secretary shall purchase Gage Restraint Measurement System vehicles and track geometry vehicles or other comparable technology as needed to assess track safety consistent with the results of the track inspection study required by section 403 of the Rail Safety Improvement Act of 2008.

''(3) There are authorized to be appropriated to the Secretary $18,000,000 for the period encompassing fiscal years 2009 through 2013 to design, develop, and construct the Facility for Underground Rail Station and Tunnel at the Transportation Technology Center in Pueblo, Colorado. The facility shall be used to test and evaluate the vulnerabilities of above-ground and underground rail tunnels to prevent accidents and incidents in such tunnels, to mitigate and remediate the consequences of any such accidents or incidents, and to provide a realistic scenario for training emergency responders.

''(4) Such sums as may be necessary from the amount appropriated pursuant to paragraph (1) for each of the fiscal years 2009 through 2013 shall be made available to the Secretary for personnel in regional offices and in Washington, D.C., whose duties primarily involve rail security.''.

TITLE I—RAILROAD SAFETY IMPROVEMENTS

SEC. 101. FEDERAL RAILROAD ADMINISTRATION OFFICERS AND DUTIES.

Section 103 is amended by striking subsections (b) through (e) and inserting the following:

''(c) SAFETY AS HIGHEST PRIORITY.—In carrying out its duties, the Administration shall consider the assignment and maintenance of safety as the highest priority, recognizing the clear intent, encouragement, and dedication of Congress to the furtherance of the highest degree of safety in railroad transportation.

''(d) ADMINISTRATOR.—The head of the Administration shall be the Administrator who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be an individual with professional experience in railroad safety, hazardous materials safety, or other transportation safety. The Administrator shall report directly to the Secretary of Transportation.

''(e) DEPUTY ADMINISTRATOR.—The Administration shall have a Deputy Administrator who shall be appointed by the Secretary. The Deputy Administrator shall carry out duties and powers prescribed by the Administrator.

''(f) CHIEF SAFETY OFFICER.—The Administration shall have an Associate Administrator for Railroad Safety appointed in the career service by the Secretary. The Associate Administrator shall be the Chief Safety Officer of the Administration. The Associate Administrator shall carry out the duties and powers prescribed by the Administrator.

''(g) DUTIES AND POWERS OF THE ADMINISTRATOR.—The Administrator shall carry out—

''(1) duties and powers related to railroad safety vested in the Secretary by section 20134(c) and chapters 203 through 211 of this title, and by chapter 213 of this title for carrying out chapters 203 through 211;

''(2) the duties and powers related to railroad policy and development under subsection (j); and

''(3) other duties and powers prescribed by the Secretary.

''(h) LIMITATION.—A duty or power specified in subsection (g)(1) may be transferred to another part of the Department of Transportation or another Federal Government entity only when specifically provided by law. A decision of the Administrator in carrying out the duties or powers of the Administration and involving notice and hearing required by law is administratively final.

''(i) AUTHORITIES.—Subject to the provisions of subtitle I of title 40 and title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.), the Secretary of Transportation may make, enter into, and perform such contracts, grants, leases, cooperative agreements, and other similar transactions with Federal or other public agencies (including State and local governments) and private organizations and persons, and make such payments, by way of advance or reimbursement, as the Secretary may determine to be necessary or appropriate to carry out functions at the Administration. The authority of the Secretary granted by this subsection shall be carried out by the Administrator. Notwithstanding any other provision of this chapter, no authority to enter into contracts or to make payments under this subsection shall be effective, except as provided for in appropriations Acts.''.

SEC. 102. RAILROAD SAFETY STRATEGY.

(a) SAFETY GOALS.—In conjunction with existing federally-required and voluntary strategic planning efforts ongoing at the Department and the Federal Railroad Administration as of the date of enactment of this Act, the Secretary shall develop a long-term strategy for improving railroad safety to cover a period of not less than 5 years. The strategy shall include an annual plan and schedule for achieving, at a minimum, the following goals:

(1) Reducing the number and rates of accidents, incidents, injuries, and fatalities involving railroads including train collisions, derailments, and human factors.

(2) Improving the consistency and effectiveness of enforcement and compliance programs.

(3) Improving the identification of high-risk highway-rail grade crossings and strengthening enforcement and other methods to increase grade crossing safety.

(4) Improving research efforts to enhance and promote railroad safety and performance.

(5) Preventing railroad trespasser accidents, incidents, injuries, and fatalities.

(6) Improving the safety of railroad bridges, tunnels, and related infrastructure to prevent accidents, incidents, injuries, and fatalities caused by catastrophic failures and other bridge and tunnel failures.

(b) RESOURCE NEEDS.—The strategy and annual plan shall include estimates of the funds and staff resources needed to accomplish the goals established by subsection (a). Such estimates shall also include the staff skills and training required for timely and effective accomplishment of each such goal.

(c) SUBMISSION WITH THE PRESIDENT'S BUDGET.—The Secretary shall submit the strategy and annual plan to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure at the same time as the President's budget submission.

(d) ACHIEVEMENT OF GOALS.—

(1) PROGRESS ASSESSMENT.—No less frequently than annually, the Secretary shall assess the progress of the Department toward achieving the strategic goals described in subsection (a). The Secretary shall identify any deficiencies in achieving the goals within the strategy and develop and institute measures to remediate such deficiencies. The Secretary and the Administrator shall convey their assessment to the employees of the Federal Railroad Administration and shall identify any deficiencies that should be remediated before the next progress assessment.

(2) REPORT TO CONGRESS.—Beginning in 2009, not later than November 1 of each year, the Secretary shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the performance of the Federal Railroad Administration containing the progress assessment required by paragraph (1) toward achieving the goals of the railroad safety strategy and annual plans under subsection (a).

SEC. 103. RAILROAD SAFETY RISK REDUCTION PROGRAM.

(a) IN GENERAL.—Subchapter II of chapter 201 is amended by adding at end thereof the following:

''§ 20156. Railroad safety risk reduction program

''(a) IN GENERAL.—

''(1) PROGRAM REQUIREMENT.—Not later than 4 years after the date of enactment of the Rail Safety Improvement Act of 2008, the Secretary of Transportation, by regulation, shall require each railroad carrier that is a Class I railroad, a railroad carrier that has inadequate safety performance (as determined by the Secretary), or a railroad carrier that provides intercity rail passenger or commuter rail passenger transportation—

''(A) to develop a railroad safety risk reduction program under subsection (d) that systematically evaluates railroad safety risks on its system and manages those risks in order to reduce the numbers and rates of railroad accidents, incidents, injuries, and fatalities;

''(B) to submit its program, including any required plans, to the Secretary for review and approval; and

''(C) to implement the program and plans approved by the Secretary.

''(2) RELIANCE ON PILOT PROGRAM.—The Secretary may conduct behavior-based safety and other research, including pilot programs, before promulgating regulations under this subsection and thereafter. The Secretary shall use any information and experience gathered through such research and pilot programs under this subsection in developing regulations under this section.

''(3) REVIEW AND APPROVAL.—The Secretary shall review and approve or disapprove railroad safety risk reduction program plans within a reasonable period of time. If the proposed plan is not approved, the Secretary shall notify the affected railroad carrier as to the specific areas in which the proposed plan is deficient, and the railroad carrier shall correct all deficiencies within a reasonable period of time following receipt of written notice from the Secretary. The Secretary

shall annually conduct a review to ensure that the railroad carriers are complying with their plans.

''(4) VOLUNTARY COMPLIANCE.—A railroad carrier that is not required to submit a railroad safety risk reduction program under this section may voluntarily submit a program that meets the requirements of this section to the Secretary. The Secretary shall approve or disapprove any program submitted under this paragraph.

''(b) CERTIFICATION.—The chief official responsible for safety of each railroad carrier required to submit a railroad safety risk reduction program under subsection (a) shall certify that the contents of the program are accurate and that the railroad carrier will implement the contents of the program as approved by the Secretary.

''(c) RISK ANALYSIS.—In developing its railroad safety risk reduction program each railroad carrier required to submit such a program pursuant to subsection (a) shall identify and analyze the aspects of its railroad, including operating rules and practices, infrastructure, equipment, employee levels and schedules, safety culture, management structure, employee training, and other matters, including those not covered by railroad safety regulations or other Federal regulations, that impact railroad safety.

''(d) PROGRAM ELEMENTS.—

''(1) IN GENERAL.—Each railroad carrier required to submit a railroad safety risk reduction program under subsection (a) shall develop a comprehensive safety risk reduction program to improve safety by reducing the number and rates of accidents, incidents, injuries, and fatalities that is based on the risk analysis required by subsection (c) through—

''(A) the mitigation of aspects that increase risks to railroad safety; and

''(B) the enhancement of aspects that decrease risks to railroad safety.

''(2) REQUIRED COMPONENTS.—Each railroad carrier's safety risk reduction program shall include a risk mitigation plan in accordance with this section, a technology implementation plan that meets the requirements of subsection (e), and a fatigue management plan that meets the requirements of subsection (f).

''(e) TECHNOLOGY IMPLEMENTATION PLAN.—

''(1) IN GENERAL.—As part of its railroad safety risk reduction program, a railroad carrier required to submit a railroad safety risk reduction program under subsection (a) shall develop, and periodically update as necessary, a 10-year technology implementation plan that describes the railroad carrier's plan for development, adoption, implementation, maintenance, and use of current, new, or novel technologies on its system over a 10-year period to reduce safety risks identified under the railroad safety risk reduction program. Any updates to the plan are subject to review and approval by the Secretary.

''(2) TECHNOLOGY ANALYSIS.—A railroad carrier's technology implementation plan shall include an analysis of the safety impact, feasibility, and cost and benefits of implementing technologies, including processor-based technologies, positive train control systems (as defined in section 20157(i)), electronically controlled pneumatic brakes, rail integrity inspection systems, rail integrity warning systems, switch position monitors and indicators, trespasser prevention technology, highway-rail grade crossing technology, and other new or novel railroad safety technology, as appropriate, that may mitigate risks to railroad safety identified in the risk analysis required by subsection (c).

''(3) IMPLEMENTATION SCHEDULE.—A railroad carrier's technology implementation plan shall contain a prioritized implementation schedule for the development, adoption, implementation, and use of current, new, or novel technologies on its system to reduce safety risks identified under the railroad safety risk reduction program.

''(4) POSITIVE TRAIN CONTROL.—Except as required by section 20157 (relating to the requirements for implementation of positive train control systems), the Secretary shall ensure that—

''(A) each railroad carrier's technology implementation plan required under paragraph (1) that includes a schedule for implementation of a positive train control system complies with that schedule; and

''(B) each railroad carrier required to submit such a plan implements a positive train control system pursuant to such plan by December 31, 2018.

''(f) FATIGUE MANAGEMENT PLAN.—

''(1) IN GENERAL.—As part of its railroad safety risk reduction program, a railroad carrier required to submit a railroad safety risk reduction program under subsection (a) shall develop and update at least once every 2 years a fatigue management plan that is designed to reduce the fatigue experienced by safety-related railroad employees and to reduce the likelihood of accidents, incidents, injuries, and fatalities caused by fatigue. Any such update shall be subject to review and approval by the Secretary.

''(2) TARGETED FATIGUE COUNTERMEASURES.—A railroad carrier's fatigue management plan shall take into account the varying circumstances of operations by the railroad on different parts of its system, and shall prescribe appropriate fatigue countermeasures to address those varying circumstances.

''(3) ADDITIONAL ELEMENTS.—A railroad shall consider the need to include in its fatigue management plan elements addressing each of the following items, as applicable:

''(A) Employee education and training on the physiological and human factors that affect fatigue, as well as strategies to reduce or mitigate the effects of fatigue, based on the most current scientific and medical research and literature.

''(B) Opportunities for identification, diagnosis, and treatment of any medical condition that may affect alertness or fatigue, including sleep disorders.

''(C) Effects on employee fatigue of an employee's short-term or sustained response to emergency situations, such as derailments and natural disasters, or engagement in other intensive working conditions.

''(D) Scheduling practices for employees, including innovative scheduling practices, on-duty call practices, work and rest cycles, increased consecutive days off for employees, changes in shift patterns, appropriate scheduling practices for varying types of work, and other aspects of employee scheduling that would reduce employee fatigue and cumulative sleep loss.

''(E) Methods to minimize accidents and incidents that occur as a result of working at times when scientific and medical research have shown increased fatigue disrupts employees' circadian rhythm.

''(F) Alertness strategies, such as policies on napping, to address acute drowsiness and fatigue while an employee is on duty.

''(G) Opportunities to obtain restful sleep at lodging facilities, including employee sleeping quarters provided by the railroad carrier.

''(H) The increase of the number of consecutive hours of off-duty rest, during which an employee receives no communication from the employing railroad carrier or its managers, supervisors, officers, or agents.

''(I) Avoidance of abrupt changes in rest cycles for employees.

''(J) Additional elements that the Secretary considers appropriate.

''(g) CONSENSUS.—

''(1) IN GENERAL.—Each railroad carrier required to submit a railroad safety risk reduction program under subsection (a) shall consult with, employ good faith and use its best efforts to reach agreement with, all of its directly affected employees, including any non-profit employee labor organization representing a class or craft of directly affected employees of the railroad carrier, on the contents of the safety risk reduction program.

''(2) STATEMENT.—If the railroad carrier and its directly affected employees, including any nonprofit employee labor organization representing a class or craft of directly affected employees of the railroad carrier, cannot reach consensus on the proposed contents of the plan, then directly affected employees and such organization may file a statement with the Secretary explaining their views on the plan on which consensus was not reached. The Secretary shall consider such views during review and approval of the program.

''(h) ENFORCEMENT.—The Secretary shall have the authority to assess civil penalties pursuant to chapter 213 for a violation of this section, including the failure to submit, certify, or comply with a safety risk reduction program, risk mitigation plan, technology implementation plan, or fatigue management plan.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 201 is amended by inserting after the item relating to section 20155 the following:

''20156. Railroad safety risk reduction program.''.

SEC. 104. IMPLEMENTATION OF POSITIVE TRAIN CONTROL.

(a) IN GENERAL.—Subchapter II of chapter 201, as amended by section 103 of this division, is further amended by adding at the end thereof the following:

''§ 20157. Implementation of positive train control systems

''(a) IN GENERAL.—

''(1) PLAN REQUIRED.—Not later than 18 months after the date of enactment of the Rail Safety Improvement Act of 2008, each Class I railroad carrier and each entity providing regularly scheduled intercity or commuter rail passenger transportation shall develop and submit to the Secretary of Transportation a plan for implementing a positive train control system by December 31, 2015, governing operations on—

''(A) its main line over which intercity rail passenger transportation or commuter rail passenger transportation, as defined in section 24102, is regularly provided;

''(B) its main line over which poison- or toxic-by-inhalation hazardous materials, as defined in parts 171.8, 173.115, and 173.132 of title 49, Code of Federal Regulations, are transported; and

''(C) such other tracks as the Secretary may prescribe by regulation or order.

''(2) IMPLEMENTATION.—The plan shall describe how it will provide for interoperability of the system with movements of trains of other railroad carriers over its lines and shall, to the extent practical, implement the system in a manner that addresses areas of greater risk before areas of lesser risk. The railroad carrier shall implement a positive train control system in accordance with the plan.

''(b) TECHNICAL ASSISTANCE.—The Secretary may provide technical assistance and guidance to railroad carriers in developing the plans required under subsection (a).

''(c) REVIEW AND APPROVAL.—Not later than 90 days after the Secretary receives a plan, the Secretary shall review and approve or disapprove it. If the proposed plan is not approved, the Secretary shall notify the affected railroad carrier or other entity as to

the specific areas in which the proposed plan is deficient, and the railroad carrier or other entity shall correct all deficiencies within 30 days following receipt of written notice from the Secretary. The Secretary shall annually conduct a review to ensure that the railroad carriers are complying with their plans.

''(d) REPORT.—Not later than December 31, 2012, the Secretary shall transmit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the progress of the railroad carriers in implementing such positive train control systems.

''(e) ENFORCEMENT.—The Secretary is authorized to assess civil penalties pursuant to chapter 213 for a violation of this section, including the failure to submit or comply with a plan for implementing positive train control under subsection (a).

''(f) OTHER RAILROAD CARRIERS.—Nothing in this section restricts the discretion of the Secretary to require railroad carriers other than those specified in subsection (a) to implement a positive train control system pursuant to this section or section 20156, or to specify the period by which implementation shall occur that does not exceed the time limits established in this section or section 20156. In exercising such discretion, the Secretary shall, at a minimum, consider the risk to railroad employees and the public associated with the operations of the railroad carrier.

''(g) REGULATIONS.—The Secretary shall prescribe regulations or issue orders necessary to implement this section, including regulations specifying in appropriate technical detail the essential functionalities of positive train control systems, and the means by which those systems will be qualified.

''(h) CERTIFICATION.—The Secretary shall not permit the installation of any positive train control system or component in revenue service unless the Secretary has certified that any such system or component has been approved through the approval process set forth in part 236 of title 49, Code of Federal Regulations, and complies with the requirements of that part.

''(i) DEFINITIONS.—In this section:

''(1) INTEROPERABILITY.—The term 'interoperability' means the ability to control locomotives of the host railroad and tenant railroad to communicate with and respond to the positive train control system, including uninterrupted movements over property boundaries.

''(2) MAIN LINE.—The term 'main line' means a segment or route of railroad tracks over which 5,000,000 or more gross tons of railroad traffic is transported annually, except that—

''(A) the Secretary may, through regulations under subsection (g), designate additional tracks as main line as appropriate for this section; and

''(B) for intercity rail passenger transportation or commuter rail passenger transportation routes or segments over which limited or no freight railroad operations occur, the Secretary shall define the term 'main line' by regulation.

''(3) POSITIVE TRAIN CONTROL SYSTEM.—The term 'positive train control system' means a system designed to prevent train-to-train collisions, over-speed derailments, incursions into established work zone limits, and the movement of a train through a switch left in the wrong position.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 201, as amended by section 103 of this division, is amended by inserting after the item relating to section 20156 the following:

''20157. Implementation of positive train control systems.''.

SEC. 105. RAILROAD SAFETY TECHNOLOGY GRANTS.

(a) IN GENERAL.—Subchapter II of chapter 201, as amended by section 104 of this division, is further amended by adding at the end thereof the following:

''§ 20158. Railroad safety technology grants

''(a) GRANT PROGRAM.—The Secretary of Transportation shall establish a grant program for the deployment of train control technologies, train control component technologies, processor-based technologies, electronically controlled pneumatic brakes, rail integrity inspection systems, rail integrity warning systems, switch position indicators and monitors, remote control power switch technologies, track integrity circuit technologies, and other new or novel railroad safety technology.

''(b) GRANT CRITERIA.—

''(1) ELIGIBILITY.—Grants shall be made under this section to eligible passenger and freight railroad carriers, railroad suppliers, and State and local governments for projects described in subsection (a) that have a public benefit of improved safety and network efficiency.

''(2) CONSIDERATIONS.—Priority shall be given to projects that—

''(A) focus on making technologies interoperable between railroad systems, such as train control technologies;

''(B) accelerate train control technology deployment on high-risk corridors, such as those that have high volumes of hazardous materials shipments or over which commuter or passenger trains operate; or

''(C) benefit both passenger and freight safety and efficiency.

''(3) IMPLEMENTATION PLANS.—Grants may not be awarded under this section to entities that fail to develop and submit to the Secretary the plans required by sections 20156(e)(2) and 20157.

''(4) MATCHING REQUIREMENTS.—Federal funds for any eligible project under this section shall not exceed 80 percent of the total cost of such project.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation $50,000,000 for each of fiscal years 2009 through 2013 to carry out this section. Amounts appropriated pursuant to this section shall remain available until expended.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 201, as amended by section 104 of this division, is further amended by inserting after the item relating to section 20157 the following:

''20158. Railroad safety technology grants.''.

SEC. 106. REPORTS ON STATUTORY MANDATES AND RECOMMENDATIONS.

Not later than December 31, 2008, and annually thereafter, the Secretary shall transmit a report to the House of Representatives Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation on the specific actions taken to implement unmet statutory mandates regarding railroad safety and each open railroad safety recommendation made by the National Transportation Safety Board or the Department's Inspector General.

SEC. 107. RULEMAKING PROCESS.

(a) AMENDMENT.—Subchapter I of chapter 201 is amended by inserting after section 20115 the following new section:

''§ 20116. Rulemaking process

''No rule or order issued by the Secretary under this part shall be effective if it incorporates by reference a code, rule, standard, requirement, or practice issued by an association or other entity that is not an agency of the Federal Government, unless the date on which the code, rule, standard, requirement, or practice was adopted is specifically cited in the rule or order, or the code, rule, standard, requirement, or practice has been subject to notice and comment under a rule or order issued under this part.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 201 is amended by inserting after the item relating to section 20115 the following:

''20116. Rulemaking process.''.

SEC. 108. HOURS-OF-SERVICE REFORM.

(a) CHANGE IN DEFINITION OF SIGNAL EMPLOYEE.—Section 21101(4) is amended by striking ''employed by a railroad carrier''.

(b) LIMITATION ON DUTY HOURS OF TRAIN EMPLOYEES.—Section 21103 is amended—

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

''(a) IN GENERAL.—Except as provided in subsection (d) of this section, a railroad carrier and its officers and agents may not require or allow a train employee to—

''(1) remain on duty, go on duty, wait for deadhead transportation, be in deadhead transportation from a duty assignment to the place of final release, or be in any other mandatory service for the carrier in any calendar month where the employee has spent a total of 276 hours—

''(A) on duty;

''(B) waiting for deadhead transportation, or in deadhead transportation from a duty assignment to the place of final release; or

''(C) in any other mandatory service for the carrier;

''(2) remain or go on duty for a period in excess of 12 consecutive hours;

''(3) remain or go on duty unless that employee has had at least 10 consecutive hours off duty during the prior 24 hours; or

''(4) remain or go on duty after that employee has initiated an on-duty period each day for—

''(A) 6 consecutive days, unless that employee has had at least 48 consecutive hours off duty at the employee's home terminal during which time the employee is unavailable for any service for any railroad carrier except that—

''(i) an employee may work a seventh consecutive day if that employee completed his or her final period of on-duty time on his or her sixth consecutive day at a terminal other than his or her home terminal; and

''(ii) any employee who works a seventh consecutive day pursuant to subparagraph (i) shall have at least 72 consecutive hours off duty at the employee's home terminal during which time the employee is unavailable for any service for any railroad carrier; or

''(B) except as provided in subparagraph (A), 7 consecutive days, unless that employee has had at least 72 consecutive hours off duty at the employee's home terminal during which time the employee is unavailable for any service for any railroad carrier, if—

''(i) for a period of 18 months following the date of enactment of the Rail Safety Improvement Act of 2008, an existing collective bargaining agreement expressly provides for such a schedule or, following the expiration of 18 months after the date of enactment of the Rail Safety Improvement Act of 2008, collective bargaining agreements entered into during such period expressly provide for such a schedule;

''(ii) such a schedule is provided for by a pilot program authorized by a collective bargaining agreement; or

''(iii) such a schedule is provided for by a pilot program under section 21108 of this chapter related to employees' work and rest cycles.

The Secretary may waive paragraph (4), consistent with the procedural requirements of section 20103, if a collective bargaining

agreement provides a different arrangement and such an arrangement is in the public interest and consistent with railroad safety.'';

(2) by redesignating subsection (c) as subsection (d) and inserting after subsection (b) the following:

''(c) LIMBO TIME LIMITATION AND ADDITIONAL REST REQUIREMENT.—

''(1) A railroad carrier may not require or allow an employee—

''(A) to exceed a total of 40 hours per calendar month spent—

''(i) waiting for deadhead transportation; or

''(ii) in deadhead transportation from a duty assignment to the place of final release,

following a period of 12 consecutive hours on duty that is neither time on duty nor time off duty, not including interim rest periods, during the period from the date of enactment of the Rail Safety Improvement Act of 2008 to one year after such date of enactment; and

''(B) to exceed a total of 30 hours per calendar month spent—

''(i) waiting for deadhead transportation; or

''(ii) in deadhead transportation from a duty assignment to the place of final release,

following a period of 12 consecutive hours on duty that is neither time on duty nor time off duty, not including interim rest periods, during the period beginning one year after the date of enactment of the Rail Safety Improvement Act of 2008 except that the Secretary may further limit the monthly limitation pursuant to regulations prescribed under section 21109.

''(2) The limitations in paragraph (1) shall apply unless the train carrying the employee is directly delayed by—

''(A) a casualty;

''(B) an accident;

''(C) an act of God;

''(D) a derailment;

''(E) a major equipment failure that prevents the train from advancing; or

''(F) a delay resulting from a cause unknown and unforeseeable to a railroad carrier or its officer or agent in charge of the employee when the employee left a terminal.

''(3) Each railroad carrier shall report to the Secretary, in accordance with procedures established by the Secretary, each instance where an employee subject to this section spends time waiting for deadhead transportation or in deadhead transportation from a duty assignment to the place of final release in excess of the requirements of paragraph (1).

''(4) If—

''(A) the time spent waiting for deadhead transportation or in deadhead transportation from a duty assignment to the place of final release that is not time on duty, plus

''(B) the time on duty,

exceeds 12 consecutive hours, the railroad carrier and its officers and agents shall provide the employee with additional time off duty equal to the number of hours by which such sum exceeds 12 hours.''; and

(3) by adding at the end thereof the following:

''(e) COMMUNICATION DURING TIME OFF DUTY.—During a train employee's minimum off-duty period of 10 consecutive hours, as provided under subsection (a) or during an interim period of at least 4 consecutive hours available for rest under subsection (b)(7) or during additional off-duty hours under subsection (c)(4), a railroad carrier, and its officers and agents, shall not communicate with the train employee by telephone, by pager, or in any other manner that could reasonably be expected to disrupt the employee's rest. Nothing in this subsection shall prohibit communication necessary to notify an employee of an emergency situation, as defined by the Secretary. The Secretary may waive the requirements of this paragraph for commuter or intercity passenger railroads if the Secretary determines that such a waiver will not reduce safety and is necessary to maintain such railroads' efficient operations and on-time performance of its trains.''.

(c) LIMITATION ON DUTY HOURS OF SIGNAL EMPLOYEES.—Section 21104 is amended—

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

''(a) IN GENERAL.—Except as provided in subsection (c) of this section, a railroad carrier and its officers and agents may not require or allow its signal employees to remain or go on duty and a contractor or subcontractor to a railroad carrier and its officers and agents may not require or allow its signal employees to remain or go on duty —

''(1) for a period in excess of 12 consecutive hours; or

''(2) unless that employee has had at least 10 consecutive hours off duty during the prior 24 hours.'';

(2) by striking ''duty, except that up to one hour of that time spent returning from the final trouble call of a period of continuous or broken service is time off duty.'' in subsection (b)(3) and inserting ''duty.'';

(3) by inserting ''A signal employee may not be allowed to remain or go on duty under the emergency authority provided under this subsection to conduct routine repairs, routine maintenance, or routine inspection of signal systems.'' after ''service.'' in subsection (c); and

(4) by adding at the end the following:

''(d) COMMUNICATION DURING TIME OFF DUTY.—During a signal employee's minimum off-duty period of 10 consecutive hours, as provided under subsection (a), a railroad carrier or a contractor or subcontractor to a railroad carrier, and its officers and agents, shall not communicate with the signal employee by telephone, by pager, or in any other manner that could reasonably be expected to disrupt the employee's rest. Nothing in this subsection shall prohibit communication necessary to notify an employee of an emergency situation, as defined by the Secretary.

''(e) EXCLUSIVITY.—The hours of service, duty hours, and rest periods of signal employees shall be governed exclusively by this chapter. Signal employees operating motor vehicles shall not be subject to any hours of service rules, duty hours or rest period rules promulgated by any Federal authority, including the Federal Motor Carrier Safety Administration, other than the Federal Railroad Administration.''.

(d) ALTERNATE HOURS OF SERVICE REGIME.—

(1) APPLICATION OF HOURS OF SERVICE REGIME.—Section 21102 is amended—

(A) by striking the section caption and inserting the following:

''§ 21102. Nonapplication, exemption, and alternate hours of service regime''; and

(B) by adding at the end thereof the following:

''(c) APPLICATION OF HOURS OF SERVICE REGIME TO COMMUTER AND INTERCITY PASSENGER RAILROAD TRAIN EMPLOYEES.—

''(1) When providing commuter rail passenger transportation or intercity rail passenger transportation, the limitations on duty hours for train employees of railroad carriers, including public authorities operating passenger service, shall be solely governed by old section 21103 until the earlier of—

''(A) the effective date of regulations prescribed by the Secretary under section 21109(b) of this chapter; or

''(B) the date that is 3 years following the date of enactment of the Rail Safety Improvement Act of 2008.

''(2) After the date on which old section 21103 ceases to apply, pursuant to paragraph (1), to the limitations on duty hours for train employees of railroad carriers with respect to the provision of commuter rail passenger transportation or intercity rail passenger transportation, the limitations on duty hours for train employees of such railroad carriers shall be governed by new section 21103, except as provided in paragraph (3).

''(3) After the effective date of the regulations prescribed by the Secretary under section 21109(b) of this title, such carriers shall—

''(A) comply with the limitations on duty hours for train employees with respect to the provision of commuter rail passenger transportation or intercity rail passenger transportation as prescribed by such regulations; and

''(B) be exempt from complying with the provisions of old section 21103 and new section 21103 for such employees.

''(4) In this subsection:

''(A) The terms 'commuter rail passenger transportation' and 'intercity rail passenger transportation' have the meaning given those terms in section 24102 of this title.

''(C) The term 'new section 21103' means section 21103 of this chapter as amended by the Rail Safety Improvement Act of 2008.

''(D) The term 'old section 21103' means section 21103 of this chapter as it was in effect on the day before the enactment of that Act.''.

(2) CONFORMING AMENDMENT.—The chapter analysis for chapter 211 is amended by striking the item relating to section 21102 and inserting the following:

''21102. Nonapplication, exemption, and alternate hours of service regime.''.

(e) REGULATORY AUTHORITY.—

(1) IN GENERAL.—Chapter 211 is amended by adding at the end thereof the following:

''§ 21109. Regulatory authority

''(a) IN GENERAL.—In order to improve safety and reduce employee fatigue, the Secretary may prescribe regulations—

''(1) to reduce the maximum hours an employee may be required or allowed to go or remain on duty to a level less than the level established under this chapter;

''(2) to increase the minimum hours an employee may be required or allowed to rest to a level greater than the level established under this chapter;

''(3) to limit or eliminate the amount of time an employee spends waiting for deadhead transportation or in deadhead transportation from a duty assignment to the place of final release that is considered neither on duty nor off duty under this chapter;

''(4) for signal employees—

''(A) to limit or eliminate the amount of time that is considered to be neither on duty nor off duty under this chapter that an employee spends returning from an outlying worksite after scheduled duty hours or returning from a trouble call to the employee's headquarters or directly to the employee's residence; and

''(B) to increase the amount of time that constitutes a release period, that does not break the continuity of service and is considered time off duty; and

''(5) to require other changes to railroad operating and scheduling practices, including unscheduled duty calls, that could affect employee fatigue and railroad safety.

''(b) REGULATIONS GOVERNING THE HOURS OF SERVICE OF TRAIN EMPLOYEES OF COMMUTER AND INTERCITY PASSENGER RAILROAD CARRIERS.—Within 3 years after the date of enactment of the Rail Safety Improvement Act

of 2008, the Secretary shall prescribe regulations and issue orders to establish hours of service requirements for train employees engaged in commuter rail passenger transportation and intercity rail passenger transportation (as defined in section 24102 of this title) that may differ from the requirements of this chapter. Such regulations and orders may address railroad operating and scheduling practices, including unscheduled duty calls, communications during time off duty, and time spent waiting for deadhead transportation or in deadhead transportation from a duty assignment to the place of final release, that could affect employee fatigue and railroad safety.

''(c) CONSIDERATIONS.—In issuing regulations under subsection (a) the Secretary shall consider scientific and medical research related to fatigue and fatigue abatement, railroad scheduling and operating practices that improve safety or reduce employee fatigue, a railroad's use of new or novel technology intended to reduce or eliminate human error, the variations in freight and passenger railroad scheduling practices and operating conditions, the variations in duties and operating conditions for employees subject to this chapter, a railroad's required or voluntary use of fatigue management plans covering employees subject to this chapter, and any other relevant factors.

''(d) TIME LIMITS.—

''(1) If the Secretary determines that regulations are necessary under subsection (a), the Secretary shall first request that the Railroad Safety Advisory Committee develop proposed regulations and, if the Committee accepts the task, provide the Committee with a reasonable time period in which to complete the task.

''(2) If the Secretary requests that the Railroad Safety Advisory Committee accept the task of developing regulations under subsection (b) and the Committee accepts the task, the Committee shall reach consensus on the rulemaking within 18 months after accepting the task. If the Committee does not reach consensus within 18 months after the Secretary makes the request, the Secretary shall prescribe appropriate regulations within 18 months.

''(3) If the Secretary does not request that the Railroad Safety Advisory Committee accept the task of developing regulations under subsection (b), the Secretary shall prescribe regulations within 3 years after the date of enactment of the Rail Safety Improvement Act of 2008.

''(e) PILOT PROJECTS.—

''(1) IN GENERAL.—Not later than 2 years after the date of enactment of the Rail Safety Improvement Act of 2008, the Secretary shall conduct at least 2 pilot projects of sufficient size and scope to analyze specific practices which may be used to reduce fatigue for train and engine and other railroad employees as follows:

''(A) A pilot project at a railroad or railroad facility to evaluate the efficacy of communicating to employees notice of their assigned shift time 10 hours prior to the beginning of their assigned shift as a method for reducing employee fatigue.

''(B) A pilot project at a railroad or railroad facility to evaluate the efficacy of requiring railroads who use employee scheduling practices that subject employees to periods of unscheduled duty calls to assign employees to defined or specific unscheduled call shifts that are followed by shifts not subject to call, as a method for reducing employee fatigue.

''(2) WAIVER.—The Secretary may temporarily waive the requirements of this section, if necessary, to complete a pilot project under this subsection.

''(f) DUTY CALL DEFINED.—In this section the term 'duty call' means a telephone call that a railroad places to an employee to notify the employee of his or her assigned shift time.''.

(2) CONFORMING AMENDMENTS.—

(A) The chapter analysis for chapter 211 is amended by adding at the end thereof the following:

''21109. Regulatory authority.''.

(B) The first sentence of section 21303(a)(1) is amended by inserting ''including section 21103 (as such section was in effect on the day before the date of enactment of the Rail Safety Improvement Act of 2008),'' after ''this title,'' the second place it appears.

(f) RECORD KEEPING AND REPORTING.—

(1) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall prescribe a regulation revising the requirements for recordkeeping and reporting for Hours of Service of Railroad Employees contained in part 228 of title 49, Code of Federal Regulations—

(A) to adjust record keeping and reporting requirements to support compliance with chapter 211 of title 49, United States Code, as amended by this Act;

(B) to authorize electronic record keeping, and reporting of excess service, consistent with appropriate considerations for user interface; and

(C) to require training of affected employees and supervisors, including training of employees in the entry of hours of service data.

(2) PROCEDURE.—In lieu of issuing a notice of proposed rulemaking as contemplated by section 553 of title 5, United States Code, the Secretary may utilize the Railroad Safety Advisory Committee to assist in development of the regulation. The Secretary may propose and adopt amendments to the revised regulations thereafter as may be necessary in light of experience under the revised requirements.

(g) DELAY IN IMPLEMENTATION OF DUTY HOURS LIMITATION CHANGES.—The amendments made by subsections (a), (b), and (c) shall take effect 9 months after the date of enactment of this Act.

SEC. 109. PROTECTION OF RAILROAD SAFETY RISK ANALYSES INFORMATION.

(a) AMENDMENT.—Subchapter I of chapter 201 is amended by adding at the end thereof the following:

''§ 20118. Prohibition on public disclosure of railroad safety analysis records

''(a) IN GENERAL.—Except as necessary for the Secretary of Transportation or another Federal agency to enforce or carry out any provision of Federal law, any part of any record (including, but not limited to, a railroad carrier's analysis of its safety risks and its statement of the mitigation measures it has identified with which to address those risks) that the Secretary has obtained pursuant to a provision of, or regulation or order under, this chapter related to the establishment, implementation, or modification of a railroad safety risk reduction program or pilot program is exempt from the requirements of section 552 of title 5 if the record is—

''(1) supplied to the Secretary pursuant to that safety risk reduction program or pilot program; or

''(2) made available for inspection and copying by an officer, employee, or agent of the Secretary pursuant to that safety risk reduction program or pilot program.

''(b) EXCEPTION.—Notwithstanding subsection (a), the Secretary may disclose any part of any record comprised of facts otherwise available to the public if, in the Secretary's sole discretion, the Secretary determines that disclosure would be consistent with the confidentiality needed for that safety risk reduction program or pilot program.

''(c) DISCRETIONARY PROHIBITION OF DISCLOSURE.—The Secretary may prohibit the public disclosure of risk analyses or risk mitigation analyses that the Secretary has obtained under other provisions of, or regulations or orders under, this chapter if the Secretary determines that the prohibition of public disclosure is necessary to promote railroad safety.

''§ 20119. Study on use of certain reports and surveys

''(a) STUDY.—The Federal Railroad Administration shall complete a study to evaluate whether it is in the public interest, including public safety and the legal rights of persons injured in railroad accidents, to withhold from discovery or admission into evidence in a Federal or State court proceeding for damages involving personal injury or wrongful death against a carrier any report, survey, schedule, list, or data compiled or collected for the purpose of evaluating, planning, or implementing a railroad safety risk reduction program required under this chapter, including a railroad carrier's analysis of its safety risks and its statement of the mitigation measures with which it will address those risks. In conducting this study, the Secretary shall solicit input from the railroads, railroad non-profit employee labor organizations, railroad accident victims and their families, and the general public.

''(b) AUTHORITY.—Following completion of the study required under subsection (a), the Secretary, if in the public interest, including public safety and the legal rights of persons injured in railroad accidents, may prescribe a rule subject to notice and comment to address the results of the study. Any such rule prescribed pursuant to this subsection shall not become effective until 1 year after its adoption.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 201 is amended by inserting after the item relating to section 20117 the following:

''20118. Prohibition on public disclosure of railroad safety analysis records.

''20119. Study on use of certain reports and surveys.''.

SEC. 110. PILOT PROJECTS.

Section 21108 is amended to read as follows:

''§ 21108. Pilot projects

''(a) IN GENERAL.—As of the date of enactment of the Rail Safety Improvement Act of 2008, a railroad carrier or railroad carriers and all nonprofit employee labor organizations representing any class or craft of directly affected covered service employees of the railroad carrier or railroad carriers, may jointly petition the Secretary of Transportation for approval of—

''(1) a waiver of compliance with this chapter as in effect on the date of enactment of the Rail Safety Improvement Act of 2008; or

''(2) a waiver of compliance with this chapter as it will be effective 9 months after the enactment of the Rail Safety Improvement Act of 2008,

to enable the establishment of one or more pilot projects to demonstrate the possible benefits of implementing alternatives to the strict application of the requirements of this chapter, including requirements concerning maximum on-duty and minimum off-duty periods.

''(b) GRANTING OF WAIVERS.—The Secretary may, after notice and opportunity for comment, approve such waivers described in subsection (a) for a period not to exceed two years, if the Secretary determines that such a waiver of compliance is in the public interest and is consistent with railroad safety.

''(c) EXTENSIONS.—Any such waiver, based on a new petition, may be extended for additional periods of up to two years, after notice and opportunity for comment. An explanation of any waiver granted under this section shall be published in the Federal Register.

''(d) REPORT.—The Secretary of Transportation shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, no later than December 31, 2012, or, if no projects are completed prior to December 31, 2012, no later than 6 months after the completion of a pilot project, a report that—

''(1) explains and analyzes the effectiveness of any pilot project established pursuant to a waiver granted under subsection (a);

''(2) describes the status of all other waivers granted under subsection (a) and their related pilot projects, if any; and

''(3) recommends any appropriate legislative changes to this chapter.

''(e) DEFINITION.—For purposes of this section, the term 'directly affected covered service employees' means covered service employees to whose hours of service the terms of the waiver petitioned for specifically apply.''.

TITLE II—HIGHWAY-RAIL GRADE CROSSING AND PEDESTRIAN SAFETY AND TRESPASSER PREVENTION

SEC. 201. PEDESTRIAN CROSSING SAFETY.

Not later than 1 year after the date of enactment of this Act, the Secretary shall provide guidance to railroads on strategies and methods to prevent pedestrian accidents, incidents, injuries, and fatalities at or near passenger stations, including—

(1) providing audible warning of approaching trains to the pedestrians at railroad passenger stations;

(2) using signs, signals, or other visual devices to warn pedestrians of approaching trains;

(3) installing infrastructure at pedestrian crossings to improve the safety of pedestrians crossing railroad tracks;

(4) installing fences to prohibit access to railroad tracks; and

(5) other strategies or methods as determined by the Secretary.

SEC. 202. STATE ACTION PLANS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall identify the 10 States that have had the most highway-rail grade crossing collisions, on average, over the past 3 years and require those States to develop a State grade crossing action plan within a reasonable period of time, as determined by the Secretary. The plan shall identify specific solutions for improving safety at crossings, including highway-rail grade crossing closures or grade separations, and shall focus on crossings that have experienced multiple accidents or are at high risk for such accidents. The Secretary shall provide assistance to the States in developing and carrying out, as appropriate, the plan. The plan may be coordinated with other State or Federal planning requirements and shall cover a period of time determined to be appropriate by the Secretary. The Secretary may condition the awarding of any grants under section 20158, 20167, or 22501 of title 49, United States Code, to a State identified under this section on the development of such State's plan.

(b) REVIEW AND APPROVAL.—Not later than 60 days after the Secretary receives a plan under subsection (a), the Secretary shall review and approve or disapprove it. If the proposed plan is disapproved, the Secretary shall notify the affected State as to the specific areas in which the proposed plan is deficient, and the State shall correct all deficiencies within 30 days following receipt of written notice from the Secretary.

SEC. 203. IMPROVEMENTS TO SIGHT DISTANCE AT HIGHWAY-RAIL GRADE CROSSINGS.

(a) IN GENERAL.—Subchapter II of chapter 201, as amended by section 105 of this division, is further amended by inserting after section 20158 the following:

''§ 20159. Roadway user sight distance at highway-rail grade crossings

''Not later than 18 months after the date of enactment of the Rail Safety Improvement Act of 2008, the Secretary, after consultation with the Federal Railroad Administration, the Federal Highway Administration, and States, shall develop and make available to States model legislation providing for improving safety by addressing sight obstructions, including vegetation growth, topographic features, structures, and standing railroad equipment, at highway-rail grade crossings that are equipped solely with passive warnings, as recommended by the Inspector General of the Department of Transportation in Report No. MH–2007–044.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 201, as amended by section 105 of this division, is amended by inserting after the item relating to section 20158 the following new item:

''20159. Roadway user sight distance at highway-rail grade crossings.''.

SEC. 204. NATIONAL CROSSING INVENTORY.

(a) IN GENERAL.—Subchapter II of chapter 201, as amended by section 203 of this division, is further amended by adding at the end the following new section:

''§ 20160. National crossing inventory

''(a) INITIAL REPORTING OF INFORMATION ABOUT PREVIOUSLY UNREPORTED CROSSINGS.—Not later than 1 year after the date of enactment of the Rail Safety Improvement Act of 2008 or 6 months after a new crossing becomes operational, whichever occurs later, each railroad carrier shall—

''(1) report to the Secretary of Transportation current information, including information about warning devices and signage, as specified by the Secretary, concerning each previously unreported crossing through which it operates or with respect to the trackage over which it operates; or

''(2) ensure that the information has been reported to the Secretary by another railroad carrier that operates through the crossing.

''(b) UPDATING OF CROSSING INFORMATION.—

''(1) On a periodic basis beginning not later than 2 years after the date of enactment of the Rail Safety Improvement Act of 2008 and on or before September 30 of every year thereafter, or as otherwise specified by the Secretary, each railroad carrier shall—

''(A) report to the Secretary current information, including information about warning devices and signage, as specified by the Secretary, concerning each crossing through which it operates or with respect to the trackage over which it operates; or

''(B) ensure that the information has been reported to the Secretary by another railroad carrier that operates through the crossing.

''(2) A railroad carrier that sells a crossing or any part of a crossing on or after the date of enactment of the Rail Safety Improvement Act of 2008 shall, not later than the date that is 18 months after the date of enactment of that Act or 3 months after the sale, whichever occurs later, or as otherwise specified by the Secretary, report to the Secretary current information, as specified by the Secretary, concerning the change in ownership of the crossing or part of the crossing.

''(c) RULEMAKING AUTHORITY.—The Secretary shall prescribe the regulations necessary to implement this section. The Secretary may enforce each provision of the Department of Transportation's statement of the national highway-rail crossing inventory policy, procedures, and instruction for States and railroads that is in effect on the date of enactment of the Rail Safety Improvement Act of 2008, until such provision is superseded by a regulation issued under this section.

''(d) DEFINITIONS.—In this section:

''(1) CROSSING.—The term 'crossing' means a location within a State, other than a location where one or more railroad tracks cross one or more railroad tracks either at grade or grade-separated, where—

''(A) a public highway, road, or street, or a private roadway, including associated sidewalks and pathways, crosses one or more railroad tracks either at grade or grade-separated; or

''(B) a pathway explicitly authorized by a public authority or a railroad carrier that is dedicated for the use of nonvehicular traffic, including pedestrians, bicyclists, and others, that is not associated with a public highway, road, or street, or a private roadway, crosses one or more railroad tracks either at grade or grade-separated.

''(2) STATE.—The term 'State' means a State of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 201, as amended by section 203 of this division, is amended by inserting after the item relating to section 20159 the following:

''20160. National crossing inventory.''.

(c) REPORTING AND UPDATING.—Section 130 of title 23, United States Code, is amended by adding at the end the following:

''(1) NATIONAL CROSSING INVENTORY.—

''(1) INITIAL REPORTING OF CROSSING INFORMATION.—Not later than 1 year after the date of enactment of the Rail Safety Improvement Act of 2008 or within 6 months of a new crossing becoming operational, whichever occurs later, each State shall report to the Secretary of Transportation current information, including information about warning devices and signage, as specified by the Secretary, concerning each previously unreported public crossing located within its borders.

''(2) PERIODIC UPDATING OF CROSSING INFORMATION.—On a periodic basis beginning not later than 2 years after the date of enactment of the Rail Safety Improvement Act of 2008 and on or before September 30 of every year thereafter, or as otherwise specified by the Secretary, each State shall report to the Secretary current information, including information about warning devices and signage, as specified by the Secretary, concerning each public crossing located within its borders.

''(3) RULEMAKING AUTHORITY.—The Secretary shall prescribe the regulations necessary to implement this subsection. The Secretary may enforce each provision of the Department of Transportation's statement of the national highway-rail crossing inventory policy, procedures, and instructions for States and railroads that is in effect on the date of enactment of the Rail Safety Improvement Act of 2008, until such provision is superseded by a regulation issued under this subsection.

''(4) DEFINITIONS.—In this subsection—

''(A) 'public crossing' means a location within a State, other than a location where one or more railroad tracks cross one or more railroad tracks either at grade or grade-separated, where—

''(i) a public highway, road, or street, including associated sidewalks and pathways, crosses one or more railroad tracks either at grade or grade-separated; or

''(ii) a publicly owned pathway explicitly authorized by a public authority or a railroad carrier and dedicated for the use of nonvehicular traffic, including pedestrians, bicyclists, and others, that is not associated with a public highway, road, or street, or a private roadway, crosses one or more railroad tracks either at grade or grade-separated; and

''(B) 'State' means a State of the United States, the District of Columbia, or Puerto Rico.''.

(d) CIVIL PENALTIES.—

(1) Section 21301(a)(1) is amended—

(A) by inserting ''with section 20160 or'' after ''comply'' in the first sentence; and

(B) by inserting ''section 20160 of this title or'' after ''violating'' in the second sentence.

(2) Section 21301(a)(2) is amended by inserting ''The Secretary shall impose a civil penalty for a violation of section 20160 of this title.'' after the first sentence.

SEC. 205. TELEPHONE NUMBER TO REPORT GRADE CROSSING PROBLEMS.

(a) IN GENERAL.—Section 20152 is amended to read as follows:

''§ 20152. Notification of grade crossing problems

''(a) IN GENERAL.—Not later than 18 months after the date of enactment of the Rail Safety Improvement Act of 2008, the Secretary of Transportation shall require each railroad carrier to—

''(1) establish and maintain a toll-free telephone service for rights-of-way over which it dispatches trains, to directly receive calls reporting—

''(A) malfunctions of signals, crossing gates, and other devices to promote safety at the grade crossing of railroad tracks on those rights-of-way and public or private roads;

''(B) disabled vehicles blocking railroad tracks at such grade crossings;

''(C) obstructions to the view of a pedestrian or a vehicle operator for a reasonable distance in either direction of a train's approach; or

''(D) other safety information involving such grade crossings;

''(2) upon receiving a report pursuant to paragraph (1)(A) or (B), immediately contact trains operating near the grade crossing to warn them of the malfunction or disabled vehicle;

''(3) upon receiving a report pursuant to paragraph (1)(A) or (B), and after contacting trains pursuant to paragraph (2), contact, as necessary, appropriate public safety officials having jurisdiction over the grade crossing to provide them with the information necessary for them to direct traffic, assist in the removal of the disabled vehicle, or carry out other activities as appropriate;

''(4) upon receiving a report pursuant to paragraph (1)(C) or (D), timely investigate the report, remove the obstruction if possible, or correct the unsafe circumstance; and

''(5) ensure the placement at each grade crossing on rights-of-way that it owns of appropriately located signs, on which shall appear, at a minimum—

''(A) a toll-free telephone number to be used for placing calls described in paragraph (1) to the railroad carrier dispatching trains on that right-of-way;

''(B) an explanation of the purpose of that toll-free telephone number; and

''(C) the grade crossing number assigned for that crossing by the National Highway-Rail Crossing Inventory established by the Department of Transportation.

''(b) WAIVER.—The Secretary may waive the requirement that the telephone service be toll-free for Class II and Class III rail carriers if the Secretary determines that toll-free service would be cost prohibitive or unnecessary.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 201 is amended by striking the item relating to section 20152 and inserting the following:

''20152. Notification of grade crossing problems.''.

SEC. 206. OPERATION LIFESAVER.

(a) GRANT.—The Federal Railroad Administration shall make a grant or grants to Operation Lifesaver to carry out a public information and education program to help prevent and reduce pedestrian, motor vehicle, and other accidents, incidents, injuries, and fatalities, and to improve awareness along railroad rights-of-way and at highway-rail grade crossings. The program shall include, as appropriate, development, placement, and dissemination of Public Service Announcements in newspaper, radio, television, and other media. The program shall also include, as appropriate, school presentations, brochures and materials, support for public awareness campaigns, and related support for the activities of Operation Lifesaver's member organizations. As part of an educational program funded by grants awarded under this section, Operation Lifesaver shall provide information to the public on how to identify and report to the appropriate authorities unsafe or malfunctioning highway-rail grade crossings.

(b) PILOT PROGRAM.—The Secretary may allow funds provided under subsection (a) also to be used by Operation Lifesaver to implement a pilot program, to be known as the Railroad Safety Public Awareness Program, that addresses the need for targeted and sustained community outreach on the subjects described in subsection (a). Such a pilot program shall be established in 1 or more States identified under section 202 of this division. In carrying out such a pilot program Operation Lifesaver shall work with the State, community leaders, school districts, and public and private partners to identify the communities at greatest risk, to develop appropriate measures to reduce such risks, and shall coordinate the pilot program with the State grade crossing action plan.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Federal Railroad Administration for carrying out this section—

(1) $2,000,000 for each of fiscal years 2010 and 2011; and

(2) $1,500,000 for each of fiscal years 2012 and 2013.

SEC. 207. FEDERAL GRANTS TO STATES FOR HIGHWAY-RAIL GRADE CROSSING SAFETY.

(a) IN GENERAL.—Part B of subtitle V is amended by adding at the end thereof the following:

''CHAPTER 225—FEDERAL GRANTS TO STATES FOR HIGHWAY-RAIL GRADE CROSSING SAFETY

''Sec.

''22501. Financial assistance to States for certain projects.

''22502. Distribution.

''22503. Standards for awarding grants.

''22504. Use of funds.

''22505. Authorization of appropriations.

''§ 22501. Financial assistance to States for certain projects

''The Secretary of Transportation shall make grants—

''(1) to a maximum of 3 States per year for development or continuance of enhanced public education and awareness activities, in combination with targeted law enforcement, to significantly reduce violations of traffic laws at highway-rail grade crossings and to help prevent and reduce injuries and fatalities along railroad rights-of-way; and

''(2) to provide for priority highway-rail grade crossing safety improvements, including the installation, repair, or improvement of—

''(A) railroad crossing signals, gates, and related technologies, including median barriers and four quadrant gates;

''(B) highway traffic signalization, including highway signals tied to railroad signal systems;

''(C) highway lighting and crossing approach signage;

''(D) roadway improvements, including railroad crossing panels and surfaces; and

''(E) related work to mitigate dangerous conditions.

''§ 22502. Distribution

''The Secretary shall provide the grants to the State agency or agencies responsible for highway-rail grade crossing safety.

''§ 22503. Standards for awarding grants

''(a) SECTION 22501(1) GRANTS.—The Secretary shall provide grants under section 22501(1) based upon the merits of the proposed program of activities provided by the State and upon a determination of where the grants will provide the greatest safety benefits. The Secretary may give priority to States that have developed and implemented a State grade crossing action plan, as described under section 202 of the Rail Safety Improvement Act of 2008.

''(b) SECTION 22501(2) GRANTS.—The Secretary shall provide grants to State and local governments under section 22501(2) to provide priority grade crossing safety improvements on an expedited basis at a location where there has been a highway-rail grade crossing collision within the previous two years involving major loss of life or multiple serious bodily injuries.

''§ 22504. Use of funds

''(a) IN GENERAL.—Any State receiving a grant under section 22501(1) shall use the funds to develop, implement, and continue to measure the effectiveness of a dedicated program of public education and enforcement of highway-rail crossing safety laws and to prevent casualties along railroad rights-of-way. The Secretary may not make a grant under this chapter available to assist a State or political subdivision thereof in establishing or continuing a quiet zone pursuant to part 222 of title 49, Code of Federal Regulations.

''(b) MAXIMUM GRANT AMOUNT UNDER SECTION 22501(2).—No grant awarded under section 22501(2) may exceed $250,000.

''§ 22505. Authorization of appropriations

''There are authorized to be appropriated to the Secretary $1,500,000 for each of fiscal years 2010 through 2013 to carry out the provisions of section 22501(1) of this chapter. There are authorized to be appropriated to the Secretary $1,500,000 for each of fiscal years 2010 through 2013 to carry out the provisions of section 22501(2) of this chapter. Amounts appropriated pursuant to this section shall remain available until expended.''.

(b) CONFORMING AMENDMENT.—The subtitle analysis for subtitle V is amended by inserting after the item relating to chapter 223 the following:

''225. Federal grants to States for highway-rail grade crossing safety ..... 22501''.

SEC. 208. TRESPASSER PREVENTION AND HIGHWAY-RAIL GRADE CROSSING SAFETY.

(a) TRESPASSER PREVENTION AND HIGHWAY-RAIL GRADE CROSSING WARNING SIGN VIOLATIONS.—Section 20151 is amended—

(1) by striking the section heading and inserting the following:

"§ 20151. Railroad trespassing, vandalism, and highway-rail grade crossing warning sign violation prevention strategy";

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

''(a) EVALUATION OF EXISTING LAWS.—In consultation with affected parties, the Secretary of Transportation shall evaluate and review current local, State, and Federal laws regarding trespassing on railroad property, vandalism affecting railroad safety, and violations of highway-rail grade crossing signs, signals, markings, or other warning devices and develop model prevention strategies and enforcement laws to be used for the consideration of State and local legislatures and governmental entities. The first such evaluation and review shall be completed within 1 year after the date of enactment of the Rail Safety Improvement Act of 2008. The Secretary shall revise the model prevention strategies and enforcement codes periodically.'';

(3) by inserting ''FOR TRESPASSING AND VANDALISM PREVENTION'' in the subsection heading of subsection (b) after ''OUTREACH PROGRAM'';

(4) in subsection (c)—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(B) by inserting ''(1)'' after ''MODEL LEGISLATION.—''; and

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

''(2) Not later than 18 months after the date of enactment of the Rail Safety Improvement Act of 2008, the Secretary, after consultation with State and local governments and railroad carriers, shall develop and make available to State and local governments model State legislation providing for civil or criminal penalties, or both, for violations of highway-rail grade crossing signs, signals, markings, or other warning devices.''; and

(5) by adding at the end the following new subsection:

''(d) DEFINITION.—In this section, the term 'violation of highway-rail grade crossing signs, signals, markings, or other warning devices' includes any action by a motorist, unless directed by an authorized safety officer—

''(1) to drive around a grade crossing gate in a position intended to block passage over railroad tracks;

''(2) to drive through a flashing grade crossing signal;

''(3) to drive through a grade crossing with passive warning signs without ensuring that the grade crossing could be safely crossed before any train arrived; and

''(4) in the vicinity of a grade crossing, who creates a hazard of an accident involving injury or property damage at the grade crossing.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 201 is amended by striking the item relating to section 20151 and inserting the following:

''20151. Railroad trespassing, vandalism, and highway-rail grade crossing warning sign violation prevention strategy.''.

(c) EDUCATIONAL OR AWARENESS PROGRAM ITEMS FOR DISTRIBUTION.—Section 20134(a) is amended by adding at the end the following: ''The Secretary may purchase items of nominal value and distribute them to the public without charge as part of an educational or awareness program to accomplish the purposes of this section and of any other sections of this title related to improving the safety of highway-rail crossings and to preventing trespass on railroad rights of way, and the Secretary shall prescribe guidelines for the administration of this authority.''.

SEC. 209. ACCIDENT AND INCIDENT REPORTING.

The Federal Railroad Administration shall conduct an audit of each Class I railroad at least once every 2 years and conduct an audit of each non-Class I railroad at least once every 5 years to ensure that all grade crossing collisions and fatalities are reported to any Federal national accident database.

SEC. 210. FOSTERING INTRODUCTION OF NEW TECHNOLOGY TO IMPROVE SAFETY AT HIGHWAY-RAIL GRADE CROSSINGS.

(a) AMENDMENT.—Subchapter II of chapter 201, as amended by section 204 of this division, is further amended by adding at the end the following:

"§ 20161. Fostering introduction of new technology to improve safety at highway-rail grade crossings

''(a) FINDINGS.—

''(1) Collisions between highway users and trains at highway-rail grade crossings continue to cause an unacceptable loss of life, serious personal injury, and property damage.

''(2) While elimination of at-grade crossings through consolidation of crossings and grade separations offers the greatest long-term promise for optimizing the safety and efficiency of the two modes of transportation, over 140,000 public grade crossings remain on the general rail system—approximately one for each route mile on the general rail system.

''(3) Conventional highway traffic control devices such as flashing lights and gates are often effective in warning motorists of a train's approach to an equipped crossing.

''(4) Since enactment of the Highway Safety Act of 1973, over $4,200,000,000 of Federal funding has been invested in safety improvements at highway-rail grade crossings, yet a majority of public highway-rail grade crossings are not yet equipped with active warning systems.

''(5) The emergence of new technologies presents opportunities for more effective and affordable warnings and safer passage of highway users and trains at remaining highway-rail grade crossings.

''(6) Implementation of new crossing safety technology will require extensive cooperation between highway authorities and railroad carriers.

''(7) Federal Railroad Administration regulations establishing performance standards for processor-based signal and train control systems provide a suitable framework for qualification of new or novel technology at highway-rail grade crossings, and the Federal Highway Administration's Manual on Uniform Traffic Control Devices provides an appropriate means of determining highway user interface with such new technology.

''(b) POLICY.—It is the policy of the United States to encourage the development of new technology that can prevent loss of life and injuries at highway-rail grade crossings. The Secretary of Transportation is designated to carry out this policy in consultation with States and necessary public and private entities.

''(c) SUBMISSION OF NEW TECHNOLOGY PROPOSALS.—Railroad carriers and railroad suppliers may submit for review and approval to the Secretary such new technology designed to improve safety at highway-rail grade crossings. The Secretary shall approve by order the new technology designed to improve safety at highway-rail grade crossings in accordance with Federal Railroad Administration standards for the development and use of processor-based signal and train control systems and shall consider the effects on safety of highway-user interface with the new technology.

''(d) EFFECT OF SECRETARIAL APPROVAL.—If the Secretary approves by order new technology to provide warning to highway users at a highway-rail grade crossing and such technology is installed at a highway-rail grade crossing in accordance with the conditions of the approval, this determination preempts any State statute or regulation concerning the adequacy of the technology in providing warning at the crossing.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 201, as amended by section 204 of this division, is further amended by inserting after the item relating to section 20160, the following:

''20161. Fostering introduction of new technology to improve safety at highway-rail grade crossings.''.

TITLE III—FEDERAL RAILROAD ADMINISTRATION

SEC. 301. HUMAN CAPITAL INCREASES.

(a) IN GENERAL.—The Secretary shall increase the number of Federal Railroad Administration employees by—

(1) 50 employees in fiscal year 2009;

(2) 50 employees in fiscal year 2010;

(3) 50 employees in fiscal year 2011;

(4) 25 employees in fiscal year 2012; and

(5) 25 employees in fiscal year 2013.

(b) FUNCTIONS.—In increasing the number of employees pursuant to subsection (a), the Secretary shall focus on hiring employees—

(1) specifically trained to conduct on-site railroad and highway-rail grade crossing accident investigations;

(2) to implement the Railroad Safety Strategy;

(3) to administer and implement section 20156 of title 49, United States Code, relating to the Railroad Safety Risk Reduction Program;

(4) to conduct routine inspections and audits of railroad and hazardous materials facilities and records for compliance with railroad safety laws and regulations;

(5) to inspect railroad bridges, tunnels, and related infrastructure, and to review or analyze railroad bridge, tunnel, and related infrastructure inspection reports;

(6) to prevent or respond to natural or manmade emergency situations or events involving rail infrastructure or employees;

(7) to implement section 20157 of title 49, United States Code, relating to positive train control systems;

(8) to implement section 20164 of title 49, United States Code, relating to the development and use of rail safety technology; and

(9) to support the Federal Railroad Administration's safety mission.

SEC. 302. CIVIL PENALTY INCREASES.

(a) GENERAL VIOLATIONS OF CHAPTER 201.—Section 21301(a)(2) is amended—

(1) by striking ''$10,000.'' and inserting ''$25,000.''; and

(2) by striking ''$20,000.'' and inserting ''$100,000.''.

(b) ACCIDENT AND INCIDENT VIOLATIONS OF CHAPTER 201; VIOLATIONS OF CHAPTERS 203 THROUGH 209.—Section 21302(a)(2) is amended—

(1) by striking ''$10,000.'' and inserting ''$25,000.''; and

(2) by striking ''$20,000.'' and inserting ''$100,000.''.

(c) VIOLATIONS OF CHAPTER 211.—Section 21303(a)(2) is amended—

(1) by striking ''$10,000.'' and inserting ''$25,000.''; and

(2) by striking ''$20,000.'' and inserting ''$100,000.''.

SEC. 303. ENFORCEMENT REPORT.

(a) IN GENERAL.—Subchapter I of chapter 201, as amended by section 109 of this division, is amended by adding at the end the following:

"§ 20120. Enforcement report

''(a) IN GENERAL.—Beginning not later than December 31, 2009, the Secretary of

Transportation shall make available to the public and publish on its public website an annual report that—

''(1) provides a summary of railroad safety and hazardous materials compliance inspections and audits that Federal or State inspectors conducted in the prior fiscal year organized by type of alleged violation, including track, motive power and equipment, signal, grade crossing, operating practices, accident and incidence reporting, and hazardous materials;

''(2) provides a summary of all enforcement actions taken by the Secretary or the Federal Railroad Administration during the prior fiscal year, including—

''(A) the number of civil penalties assessed;

''(B) the initial amount of civil penalties assessed;

''(C) the number of civil penalty cases settled;

''(D) the final amount of civil penalties assessed;

''(E) the difference between the initial and final amounts of civil penalties assessed;

''(F) the number of administrative hearings requested and completed related to hazardous materials transportation law violations or enforcement actions against individuals;

''(G) the number of cases referred to the Attorney General for civil or criminal prosecution;

''(H) the number and subject matter of all compliance orders, emergency orders, or precursor agreements;

''(3) analyzes the effect of the number of inspections conducted and enforcement actions taken on the number and rate of reported accidents and incidents and railroad safety;

''(4) provide the information required by paragraphs (2) and (3)—

''(A) for each Class I railroad individually; and

''(B) in the aggregate for—

''(i) Class II railroads;

''(ii) Class III railroads;

''(iii) hazardous materials shippers; and

''(iv) individuals;

''(5) identifies the number of locomotive engineer certification denial or revocation cases appealed to and the average length of time it took to be decided by—

''(A) the Locomotive Engineer Review Board;

''(B) an Administrative Hearing Officer or Administrative Law Judge; or

''(C) the Administrator of the Federal Railroad Administration;

''(6) provides an explanation regarding any changes in the Secretary's or the Federal Railroad Administration's enforcement programs or policies that may substantially affect the information reported; and

''(7) includes any additional information that the Secretary determines is useful to improve the transparency of its enforcement program.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 201, as amended by section 109 of this division, is amended by inserting after the item relating to section 20119 the following:

''20120. Enforcement report.''.

SEC. 304. EXPANSION OF EMERGENCY ORDER AUTHORITY.

Section 20104(a)(1) is amended by striking ''death or personal injury'' and inserting ''death, personal injury, or significant harm to the environment''.

SEC. 305. PROHIBITION OF INDIVIDUALS FROM PERFORMING SAFETY-SENSITIVE FUNCTIONS FOR A VIOLATION OF HAZARDOUS MATERIALS TRANSPORTATION LAW.

Section 20111(c) is amended to read as follows:

''(c) ORDERS PROHIBITING INDIVIDUALS FROM PERFORMING SAFETY-SENSITIVE FUNCTIONS.—

''(1) If an individual's violation of this part, chapter 51 of this title, or a regulation prescribed, or an order issued, by the Secretary under this part or chapter 51 of this title is shown to make that individual unfit for the performance of safety-sensitive functions, the Secretary, after providing notice and an opportunity for a hearing, may issue an order prohibiting the individual from performing safety-sensitive functions in the railroad industry for a specified period of time or until specified conditions are met.

''(2) This subsection does not affect the Secretary's authority under section 20104 of this title to act on an emergency basis.''.

SEC. 306. RAILROAD RADIO MONITORING AUTHORITY.

Section 20107 is amended by inserting at the end the following:

''(c) RAILROAD RADIO COMMUNICATIONS.—

''(1) IN GENERAL.—To carry out the Secretary's responsibilities under this part and under chapter 51, the Secretary may authorize officers, employees, or agents of the Secretary to conduct, with or without making their presence known, the following activities in circumstances the Secretary finds to be reasonable:

''(A) Intercepting a radio communication, with or without the consent of the sender or other receivers of the communication, but only where such communication is broadcast or transmitted over a radio frequency which is—

''(i) authorized for use by one or more railroad carriers by the Federal Communications Commission; and

''(ii) primarily used by such railroad carriers for communications in connection with railroad operations.

''(B) Communicating the existence, contents, substance, purport, effect, or meaning of the communication, subject to the restrictions in paragraph (3).

''(C) Receiving or assisting in receiving the communication (or any information therein contained).

''(D) Disclosing the contents, substance, purport, effect, or meaning of the communication (or any part thereof of such communication) or using the communication (or any information contained therein), subject to the restrictions in paragraph (3), after having received the communication or acquired knowledge of the contents, substance, purport, effect, or meaning of the communication (or any part thereof).

''(E) Recording the communication by any means, including writing and tape recording.

''(2) ACCIDENT AND INCIDENT PREVENTION AND INVESTIGATION.—The Secretary, and officers, employees, and agents of the Department of Transportation authorized by the Secretary, may engage in the activities authorized by paragraph (1) for the purpose of accident and incident prevention and investigation.

''(3) USE OF INFORMATION.—(A) Information obtained through activities authorized by paragraphs (1) and (2) shall not be admitted into evidence in any administrative or judicial proceeding except—

''(i) in a prosecution of a felony under Federal or State criminal law; or

''(ii) to impeach evidence offered by a party other than the Federal Government regarding the existence, electronic characteristics, content, substance, purport, effect, meaning, or timing of, or identity of parties to, a communication intercepted pursuant to paragraphs (1) and (2) in proceedings pursuant to section 5122, 5123, 20702(b), 20111, 20112, 20113, or 20114 of this title.

''(B) If information obtained through activities set forth in paragraphs (1) and (2) is admitted into evidence for impeachment purposes in accordance with subparagraph (A), the court, administrative law judge, or other officer before whom the proceeding is conducted may make such protective orders regarding the confidentiality or use of the information as may be appropriate in the circumstances to protect privacy and administer justice.

''(C) No evidence shall be excluded in an administrative or judicial proceeding solely because the government would not have learned of the existence of or obtained such evidence but for the interception of information that is not admissible in such proceeding under subparagraph (A).

''(D) Information obtained through activities set forth in paragraphs (1) and (2) shall not be subject to publication or disclosure, or search or review in connection therewith, under section 552 of title 5.

''(E) Nothing in this subsection shall be construed to impair or otherwise affect the authority of the United States to intercept a communication, and collect, retain, analyze, use, and disseminate the information obtained thereby, under a provision of law other than this subsection.

''(4) APPLICATION WITH OTHER LAW.—Section 705 of the Communications Act of 1934 (47 U.S.C. 605) and chapter 119 of title 18 shall not apply to conduct authorized by and pursuant to this subsection.''.

SEC. 307. UPDATE OF FEDERAL RAILROAD ADMINISTRATION'S WEBSITE.

(a) IN GENERAL.—The Secretary shall update the Federal Railroad Administration's public website to better facilitate the ability of the public, including those individuals who are not regular users of the public website, to find current information regarding the Federal Railroad Administration's activities.

(b) PUBLIC REPORTING OF VIOLATIONS.—On the Federal Railroad Administration's public website's home page, the Secretary shall provide a mechanism for the public to submit written reports of potential violations of Federal railroad safety and hazardous materials transportation laws, regulations, and orders to the Federal Railroad Administration.

SEC. 308. EMERGENCY WAIVERS.

Section 20103 is amended—

(1) by striking ''WAIVERS.—'' in subsection (d) and inserting ''NONEMERGENCY WAIVERS.—'';

(2) by striking subsection (e) and inserting the following:

''(e) HEARINGS.—The Secretary shall conduct a hearing as provided by section 553 of title 5 when prescribing a regulation or issuing an order under this part, including a regulation or order establishing, amending, or providing a waiver, described in subsection (d), of compliance with a railroad safety regulation prescribed or order issued under this part. An opportunity for an oral presentation shall be provided.''; and

(3) by adding at the end thereof the following:

''(g) EMERGENCY WAIVERS.—

''(1) IN GENERAL.—The Secretary may waive compliance with any part of a regulation prescribed or order issued under this part without prior notice and comment if the Secretary determines that—

''(A) it is in the public interest to grant the waiver;

''(B) the waiver is not inconsistent with railroad safety; and

''(C) the waiver is necessary to address an actual or impending emergency situation or emergency event.

''(2) PERIOD OF WAIVER.—A waiver under this subsection may be issued for a period of not more than 60 days and may be renewed upon application to the Secretary only after

notice and an opportunity for a hearing on the waiver. The Secretary shall immediately revoke the waiver if continuation of the waiver would not be consistent with the goals and objectives of this part.

''(3) STATEMENT OF REASONS.—The Secretary shall state in the decision issued under this subsection the reasons for granting the waiver.

''(4) CONSULTATION.—In granting a waiver under this subsection, the Secretary shall consult and coordinate with other Federal agencies, as appropriate, for matters that may impact such agencies.

''(5) EMERGENCY SITUATION; EMERGENCY EVENT.—In this subsection, the terms 'emergency situation' and 'emergency event' mean a natural or manmade disaster, such as a hurricane, flood, earthquake, mudslide, forest fire, snowstorm, terrorist act, biological outbreak, release of a dangerous radiological, chemical, explosive, or biological material, or a war-related activity, that poses a risk of death, serious illness, severe injury, or substantial property damage. The disaster may be local, regional, or national in scope.''.

SEC. 309. ENFORCEMENT BY THE ATTORNEY GENERAL.

Section 20112(a) is amended—

(1) by inserting ''this part, except for section 20109 of this title, or'' in paragraph (1) after ''enforce,'';

(2) by striking ''21301'' in paragraph (2) and inserting ''21301, 21302, or 21303'';

(3) by striking ''subpena'' in paragraph (3) and inserting ''subpoena, request for admissions, request for production of documents or other tangible things, or request for testimony by deposition''; and

(4) by striking ''chapter.'' in paragraph (3) and inserting ''part.''.

SEC. 310. CRIMINAL PENALTIES.

Section 21311(b) is amended to read as follows:

''(b) ACCIDENT AND INCIDENT REPORTS.—A railroad carrier not filing a report in violation of section 20901 of this title shall be fined not more than $2,500. A separate violation occurs for each day the violation continues.''.

TITLE IV—RAILROAD SAFETY ENHANCEMENTS

SEC. 401. MINIMUM TRAINING STANDARDS AND PLANS.

(a) AMENDMENT.—Subchapter II of chapter 201, as amended by section 210 of this division, is further amended by adding at the end the following new section:

''§ 20162. Minimum training standards and plans

''(a) IN GENERAL.—The Secretary of Transportation shall, not later than 1 year after the date of enactment of the Rail Safety Improvement Act of 2008, establish—

''(1) minimum training standards for each class and craft of safety-related railroad employee (as defined in section 20102) and equivalent railroad carrier contractor and subcontractor employees, which shall require railroad carriers, contractors, and subcontractors to qualify or otherwise document the proficiency of such employees in each such class and craft regarding their knowledge of, and ability to comply with, Federal railroad safety laws and regulations and railroad carrier rules and procedures promulgated to implement those Federal railroad safety laws and regulations;

''(2) a requirement that railroad carriers, contractors, and subcontractors develop and submit training and qualification plans to the Secretary for approval, including training programs and information deemed necessary by the Secretary to ensure that all safety-related railroad employees receive appropriate training in a timely manner; and

''(3) a minimum training curriculum, and ongoing training criteria, testing, and skills evaluation measures to ensure that safety-related railroad employees, and contractor and subcontractor employees, charged with the inspection of track or railroad equipment are qualified to assess railroad compliance with Federal standards to identify defective conditions and initiate immediate remedial action to correct critical safety defects that are known to contribute to derailments, accidents, incidents, or injuries, and, in implementing the requirements of this paragraph, take into consideration existing training programs of railroad carriers.

''(b) APPROVAL.—The Secretary shall review and approve the plans required under subsection (a)(2) utilizing an approval process required for programs to certify the qualification of locomotive engineers pursuant to part 240 of title 49, Code of Federal Regulations.

''(c) EXEMPTION.—The Secretary may exempt railroad carriers and railroad carrier contractors and subcontractors from submitting training plans for which the Secretary has issued training regulations before the date of enactment of the Rail Safety Improvement Act of 2008.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 201, as amended by section 210 of this division, is amended by inserting after the item relating to section 20161 the following:

''20162. Minimum training standards and plans.''.

SEC. 402. CERTIFICATION OF CERTAIN CRAFTS OR CLASSES OF EMPLOYEES.

(a) AMENDMENT.—Subchapter II of chapter 201, as amended by section 401 of this division, is further amended by adding at the end the following new section:

''§ 20163. Certification of train conductors

''(a) REGULATIONS.—Not later than 18 months after the date of enactment of the Rail Safety Improvement Act of 2008, the Secretary of Transportation shall prescribe regulations to establish a program requiring the certification of train conductors. In prescribing such regulations, the Secretary shall require that train conductors be trained, in accordance with the training standards developed pursuant to section 20162.

''(b) PROGRAM REQUIREMENTS.—In developing the regulations required by subsection (a), the Secretary may consider the requirements of section 20135(b) through (e).''.

(b) REPORT.—Not later than 6 months after promulgating regulations under section 20162 of title 49, United States Code, the Secretary shall issue a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure about whether the certification of certain crafts or classes of railroad carrier or railroad carrier contractor or subcontractor employees is necessary to reduce the number and rate of accidents and incidents or to improve railroad safety.

(c) CRAFTS AND CLASSES TO BE CONSIDERED.—As part of the report, the Secretary shall consider—

(1) car repair and maintenance employees;

(2) onboard service workers;

(3) rail welders;

(4) dispatchers;

(5) signal repair and maintenance employees; and

(6) any other craft or class of employees that the Secretary determines appropriate.

(d) REGULATIONS.—The Secretary may prescribe regulations requiring the certification of certain crafts or classes of employees that the Secretary determines pursuant to the report required by paragraph (1) are necessary to reduce the number and rate of accidents and incidents or to improve railroad safety.

(e) CONFORMING AMENDMENT.—The chapter analysis for chapter 201, as amended by section 401 of this division, is amended by inserting after the item relating to section 20162 the following:

''20163. Certification of train conductors.''.

SEC. 403. TRACK INSPECTION TIME STUDY.

(a) STUDY.—Not later that 2 years after the date of enactment of this Act, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing the results of a study to determine whether—

(1) the required intervals of track inspections for each class of track should be amended;

(2) track remedial action requirements should be amended;

(3) different track inspection and repair priorities or methods should be required; and

(4) the speed at which railroad track inspection vehicles operate and the scope of the territory they generally cover allow for proper inspection of the track and whether such speed and appropriate scope should be regulated by the Secretary.

(b) CONSIDERATIONS.—In conducting the study the Secretary shall consider—

(1) the most current rail flaw, rail defect growth, rail fatigue, and other relevant track- or rail-related research and studies;

(2) the availability and feasibility of developing and implementing new or novel rail inspection technology for routine track inspections;

(3) information from National Transportation Safety Board or Federal Railroad Administration accident investigations where track defects were the cause or a contributing cause; and

(4) other relevant information, as determined by the Secretary.

(c) UPDATE OF REGULATIONS.—Not later than 2 years after the completion of the study required by subsection (a), the Secretary shall prescribe regulations based on the results of the study conducted under subsection (a).

(d) CONCRETE CROSS TIES.—Not later than 18 months after the date of enactment of this Act, the Secretary shall promulgate regulations for concrete cross ties. In developing the regulations for class 1 through 5 track, the Secretary may address, as appropriate—

(1) limits for rail seat abrasion;

(2) concrete cross tie pad wear limits;

(3) missing or broken rail fasteners;

(4) loss of appropriate toeload pressure;

(5) improper fastener configurations; and

(6) excessive lateral rail movement.

SEC. 404. STUDY OF METHODS TO IMPROVE OR CORRECT STATION PLATFORM GAPS.

Not later than 2 years after the enactment of this Act, the Secretary shall complete a study to determine the most safe, efficient, and cost-effective way to improve the safety of rail passenger station platforms gaps in order to increase compliance with the requirements under the Americans with Disabilities Act (42 U.S.C. 12101 et seq.), including regulations issued pursuant to section 504 of such Act (42 U.S.C. 12204) and to minimize the safety risks associated with such gaps for railroad passengers and employees.

SEC. 405. LOCOMOTIVE CAB STUDIES.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, through the Railroad Safety Advisory Committee if the Secretary makes such a request, shall complete a study on the safety impact of the use of personal electronic devices, including cell phones, video

games, and other distracting devices, by safety-related railroad employees (as defined in section 20102(4) of title 49, United States Code), during the performance of such employees' duties. The study shall consider the prevalence of the use of such devices.

(b) LOCOMOTIVE CAB ENVIRONMENT.—The Secretary may also study other elements of the locomotive cab environment and their effect on an employee's health and safety.

(c) REPORT.—Not later than 6 months after the completion of any study under this section, the Secretary shall issue a report on the study to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

(d) AUTHORITY.—Based on the conclusions of the study required under (a), the Secretary of Transportation may prohibit the use of personal electronic devices, such as cell phones, video games, or other electronic devices that may distract employees from safely performing their duties, unless those devices are being used according to railroad operating rules or for other work purposes. Based on the conclusions of other studies conducted under subsection (b), the Secretary may prescribe regulations to improve elements of the cab environment to protect an employee's health and safety.

SEC. 406. DEVELOPMENT AND USE OF RAIL SAFETY TECHNOLOGY.

(a) IN GENERAL.—Subchapter II of chapter 201, as amended by section 402 of this division, is further amended by adding at the end the following new section:

"§ 20164. Development and use of rail safety technology

''(a) IN GENERAL.—Not later than 1 year after enactment of the Railroad Safety Enhancement Act of 2008, the Secretary of Transportation shall prescribe standards, guidance, regulations, or orders governing the development, use, and implementation of rail safety technology in dark territory, in arrangements not defined in section 20501 or otherwise not covered by Federal standards, guidance, regulations, or orders that ensure the safe operation of such technology, such as—

''(1) switch position monitoring devices or indicators;

''(2) radio, remote control, or other power-assisted switches;

''(3) hot box, high water, or earthquake detectors;

''(4) remote control locomotive zone limiting devices;

''(5) slide fences;

''(6) grade crossing video monitors;

''(7) track integrity warning systems; or

''(8) other similar rail safety technologies, as determined by the Secretary.

''(b) DARK TERRITORY DEFINED.—In this section, the term 'dark territory' means any territory in a railroad system that does not have a signal or train control system installed or operational.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 201, as amended by section 402 of this division, is amended by inserting after the item relating to section 20163 the following:

''20164. Development and use of rail safety technology.''.

SEC. 407. UNIFIED TREATMENT OF FAMILIES OF RAILROAD CARRIERS.

Section 20102(3), as redesignated by section 2(b) of this division, is amended to read as follows:

''(3) 'railroad carrier' means a person providing railroad transportation, except that, upon petition by a group of commonly controlled railroad carriers that the Secretary determines is operating within the United States as a single, integrated rail system, the Secretary may by order treat the group of railroad carriers as a single railroad carrier for purposes of one or more provisions of part A, subtitle V of this title and implementing regulations and order, subject to any appropriate conditions that the Secretary may impose.''.

SEC. 408. STUDY OF REPEAL OF CONRAIL PROVISION.

Not later than 1 year after the date of enactment of this Act, the Secretary shall complete a study of the impacts of repealing section 711 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 797j). Not later than 6 months after completing the study, the Secretary shall transmit a report with the Secretary's findings, conclusions, and recommendations to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

SEC. 409. LIMITATIONS ON NON-FEDERAL ALCOHOL AND DRUG TESTING BY RAILROAD CARRIERS.

(a) IN GENERAL.—Chapter 201, as amended by section 406 of this division, is further amended by adding at the end the following:

"§ 20165. Limitations on non-Federal alcohol and drug testing

''(a) TESTING REQUIREMENTS.—Any non-Federal alcohol and drug testing program of a railroad carrier must provide that all post-employment tests of the specimens of employees who are subject to both the program and chapter 211 of this title be conducted using a scientifically recognized method of testing capable of determining the presence of the specific analyte at a level above the cut-off level established by the carrier.

''(b) REDRESS PROCESS.—Each railroad carrier that has a non-Federal alcohol and drug testing program must provide a redress process to its employees who are subject to both the alcohol and drug testing program and chapter 211 of this title for such an employee to petition for and receive a carrier hearing to review his or her specimen test results that were determined to be in violation of the program. A dispute or grievance raised by a railroad carrier or its employee, except a probationary employee, in connection with the carrier's alcohol and drug testing program and the application of this section is subject to resolution under section 3 of the Railway Labor Act (45 U.S.C. 153).''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 201, as amended by section 406 of this division, is further amended by inserting after the item relating to section 20164 the following:

''20165. Limitations on non-Federal alcohol and drug testing by railroad carriers.''.

SEC. 410. CRITICAL INCIDENT STRESS PLAN.

(a) IN GENERAL.—The Secretary of Transportation, in consultation with the Secretary of Labor and the Secretary of Health and Human Services, as appropriate, shall require each Class I railroad carrier, each intercity passenger railroad carrier, and each commuter railroad carrier to develop and submit for approval to the Secretary a critical incident stress plan that provides for debriefing, counseling, guidance, and other appropriate support services to be offered to an employee affected by a critical incident.

(b) PLAN REQUIREMENTS.—Each such plan shall include provisions for—

(1) relieving an employee who was involved in a critical incident of his or her duties for the balance of the duty tour, following any actions necessary for the safety of persons and contemporaneous documentation of the incident;

(2) upon the employee's request, relieving an employee who witnessed a critical incident of his or her duties following any actions necessary for the safety of persons and contemporaneous documentation of the incident; and

(3) providing such leave from normal duties as may be necessary and reasonable to receive preventive services, treatment, or both, related to the incident.

(c) SECRETARY TO DEFINE WHAT CONSTITUTES A CRITICAL INCIDENT.—Within 30 days after the date of enactment of this Act, the Secretary shall initiate a rulemaking proceeding to define the term ''critical incident'' for the purposes of this section.

SEC. 411. RAILROAD CARRIER EMPLOYEE EXPOSURE TO RADIATION STUDY.

(a) STUDY.—The Secretary of Transportation shall, in consultation with the Secretary of Energy, the Secretary of Labor, the Administrator of the Environmental Protection Agency, and the Chairman of the Nuclear Regulatory Commission, as appropriate, conduct a study of the potential hazards to which employees of railroad carriers and railroad contractors or subcontractors are exposed during the transportation of high-level radioactive waste and spent nuclear fuel (as defined in section 5101(a) of title 49, United States Code), supplementing the report submitted under section 5101(b) of that title, which may include—

(1) an analysis of the potential application of ''as low as reasonably achievable'' principles for exposure to radiation to such employees with an emphasis on the need for special protection from radiation exposure for such employees during the first trimester of pregnancy or who are undergoing or have recently undergone radiation therapy;

(2) the feasibility of requiring real-time dosimetry monitoring for such employees;

(3) the feasibility of requiring routine radiation exposure monitoring in fixed railroad locations, such as yards and repair facilities; and

(4) a review of the effectiveness of the Department's packaging requirements for radioactive materials.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation shall transmit a report on the results of the study required by subsection (a) and any recommendations to further protect employees of a railroad carrier or of a contractor or subcontractor to a railroad carrier from unsafe exposure to radiation during the transportation of high-level radioactive waste and spent nuclear fuel to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

(c) REGULATORY AUTHORITY.—The Secretary of Transportation may issue regulations that the Secretary determines appropriate, pursuant to the report required by subsection (b), to protect railroad employees from unsafe exposure to radiation during the transportation of radioactive materials.

SEC. 412. ALCOHOL AND CONTROLLED SUBSTANCE TESTING FOR MAINTENANCE-OF-WAY EMPLOYEES.

Not later than 2 years following the date of enactment of this Act, the Secretary of Transportation shall complete a rulemaking proceeding to revise the regulations prescribed under section 20140 of title 49, United States Code, to cover all employees of railroad carriers and contractors or subcontractors to railroad carriers who perform maintenance-of-way activities.

SEC. 413. EMERGENCY ESCAPE BREATHING APPARATUS.

(a) AMENDMENT.—Subchapter II of chapter 201, as amended by section 409 of this division, is further amended by adding at the end the following new section:

"§ 20166. Emergency escape breathing apparatus

''Not later than 18 months after the date of enactment of the Rail Safety Improvement Act of 2008, the Secretary of Transportation shall prescribe regulations that require railroad carriers—

''(1) to provide emergency escape breathing apparatus suitable to provide head and neck coverage with respiratory protection for all crewmembers in locomotive cabs on freight trains carrying hazardous materials that would pose an inhalation hazard in the event of release;

''(2) to provide convenient storage in each freight train locomotive to enable crewmembers to access such apparatus quickly;

''(3) to maintain such equipment in proper working condition; and

''(4) to provide their crewmembers with appropriate training for using the breathing apparatus.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 201, as amended by section 409 of this division, is amended by inserting after the item relating to section 20165 the following:

''20166. Emergency escape breathing apparatus.''.

SEC. 414. TUNNEL INFORMATION.

Not later than 120 days after the date of enactment of this Act, each railroad carrier shall, with respect to each of its tunnels which—

(1) are longer than 1000 feet and located under a city with a population of 400,000 or greater; or

(2) carry 5 or more scheduled passenger trains per day, or 500 or more carloads of poison- or toxic-by-inhalation hazardous materials (as defined in parts 171.8, 173.115, and 173.132 of title 49, Code of Federal Regulations) per year,

maintain, for at least two years, historical documentation of structural inspection and maintenance activities for such tunnels, including information on the methods of ingress and egress into and out of the tunnel, the types of cargos typically transported through the tunnel, and schematics or blueprints for the tunnel, when available. Upon request, a railroad carrier shall provide periodic briefings on such information to the governments of the local jurisdiction in which the tunnel is located, including updates whenever a repair or rehabilitation project substantially alters the methods of ingress and egress. Such governments shall use appropriate means to protect and restrict the distribution of any security sensitive information (as defined in part 1520.5 of title 49, Code of Federal Regulations) provided by the railroad carrier under this section, consistent with national security interests.

SEC. 415. MUSEUM LOCOMOTIVE STUDY.

(a) STUDY.—The Secretary shall conduct a study of the requirements relating to safety inspections of diesel-electric locomotives and equipment that are operated in limited service by railroad-related museums, historical societies, and tourist or scenic railroads. The study shall include an analysis of the safety consequences of requiring less frequent inspections of such locomotives and equipment, including periodic inspections or inspections based on service days and air brake inspections.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit a report on the results of the study conducted under subsection (a) to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 416. SAFETY INSPECTIONS IN MEXICO.

Mechanical and brake inspections of rail cars performed in Mexico shall not be treated as satisfying United States rail safety laws or regulations unless the Secretary of Transportation certifies that—

(1) such inspections are being performed under regulations and standards equivalent to those applicable in the United States;

(2) the inspections are being performed by employees that have received training similar to the training received by similar railroad employees in the United States;

(3) inspection records that are required to be available to the crewmembers on board the train, including air slips and blue cards, are maintained in both English and Spanish, and such records are available to the Federal Railroad Administration for review; and

(4) the Federal Railroad Administration is permitted to perform onsite inspections for the purpose of ensuring compliance with the requirements of this subsection.

SEC. 417. RAILROAD BRIDGE SAFETY ASSURANCE.

(a) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Secretary shall promulgate a regulation requiring owners of track carried on one or more railroad bridges to adopt a bridge safety management program to prevent the deterioration of railroad bridges and reduce the risk of human casualties, environmental damage, and disruption to the Nation's railroad transportation system that would result from a catastrophic bridge failure.

(b) REQUIREMENTS.—The regulations shall, at a minimum, require each track owner to—

(1) to develop and maintain an accurate inventory of its railroad bridges, which shall identify the location of each bridge, its configuration, type of construction, number of spans, span lengths, and all other information necessary to provide for the safe management of the bridges;

(2) to ensure that a professional engineer competent in the field of railroad bridge engineering, or a qualified person under the supervision of the track owner, determines bridge capacity;

(3) to maintain, and update as appropriate, a record of the safe capacity of each bridge which carries its track and, if available, maintain the original design documents of each bridge and a documentation of all repairs, modifications, and inspections of the bridge;

(4) to develop, maintain, and enforce a written procedure that will ensure that its bridges are not loaded beyond their capacities;

(5) to conduct regular comprehensive inspections of each bridge, at least once every year, and maintain records of those inspections that include the date on which the inspection was performed, the precise identification of the bridge inspected, the items inspected, an accurate description of the condition of those items, and a narrative of any inspection item that is found by the inspector to be a potential problem;

(6) to ensure that the level of detail and the inspection procedures are appropriate to the configuration of the bridge, conditions found during previous inspections, and the nature of the railroad traffic moved over the bridge, including car weights, train frequency and length, levels of passenger and hazardous materials traffic, and vulnerability of the bridge to damage;

(7) to ensure that an engineer who is competent in the field of railroad bridge engineering—

(A) is responsible for the development of all inspection procedures;

(B) reviews all inspection reports; and

(C) determines whether bridges are being inspected according to the applicable procedures and frequency, and reviews any items noted by an inspector as exceptions; and

(8) to designate qualified bridge inspectors or maintenance personnel to authorize the operation of trains on bridges following repairs, damage, or indications of potential structural problems.

(c) USE OF BRIDGE MANAGEMENT PROGRAMS REQUIRED.—The Secretary shall instruct bridge experts to obtain copies of the most recent bridge management programs of each railroad within the expert's areas of responsibility, and require that experts use those programs when conducting bridge observations.

(d) REVIEW OF DATA.—The Secretary shall establish a program to periodically review bridge inspection and maintenance data from railroad carrier bridge inspectors and Federal Railroad Administration bridge experts.

SEC. 418. RAILROAD SAFETY INFRASTRUCTURE IMPROVEMENT GRANTS.

(a) IN GENERAL.—Subchapter II of chapter 201, as amended by section 413 of this division, is further amended by adding at the end thereof the following:

"§ 20167. Railroad safety infrastructure improvement grants

''(a) GRANT PROGRAM.—The Secretary of Transportation shall establish a grant program for safety improvements to railroad infrastructure, including the acquisition, improvement, or rehabilitation of intermodal or rail equipment or facilities, including track, bridges, tunnels, yards, buildings, passenger stations, facilities, and maintenance and repair shops.

''(b) ELIGIBILITY.—Grants shall be made under this section to eligible passenger and freight railroad carriers, and State and local governments for projects described in subsection (a). Grants shall also be made available to assist a State or political subdivision thereof in establishing a quiet zone pursuant to part 222 of title 49, Code of Federal Regulations.

''(c) CONSIDERATIONS.—In awarding grants, the Secretary shall consider, at a minimum—

''(1) the age and condition of the rail infrastructure of the applicant;

''(2) the railroad carrier's safety record, including accident and incident numbers and rates;

''(3) the volume of hazardous materials transported by the railroad;

''(4) the operation of passenger trains over the railroad; and

''(5) whether the railroad carrier has submitted a railroad safety risk reduction program, as required by section 20156.

''(d) MATCHING REQUIREMENTS.—Federal funds for any eligible project under this section shall not exceed 50 percent of the total cost of such project.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation $5,000,000 for each of fiscal years 2010 through 2013 to carry out this section. Amounts appropriated pursuant to this subsection shall remain available until expended.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 201, as amended by section 413 of this division, is amended by inserting after the item relating to section 20166 the following:

''20167. Railroad safety infrastructure improvement grants.''.

SEC. 419. PROMPT MEDICAL ATTENTION.

(a) IN GENERAL.—Section 20109 is amended—

(1) by redesignating subsections (c) through (i) as subsections (d) through (j), respectively; and

(2) by inserting after subsection (b) the following:

''(c) PROMPT MEDICAL ATTENTION.—

''(1) PROHIBITION.—A railroad carrier or person covered under this section may not deny, delay, or interfere with the medical or first aid treatment of an employee who is injured during the course of employment. If transportation to a hospital is requested by an employee who is injured during the course of employment, the railroad shall promptly arrange to have the injured employee transported to the nearest hospital where the employee can receive safe and appropriate medical care.

''(2) DISCIPLINE.—A railroad carrier or person covered under this section may not discipline, or threaten discipline to, an employee for requesting medical or first aid treatment, or for following orders or a treatment plan of a treating physician, except that a railroad carrier's refusal to permit an employee to return to work following medical treatment shall not be considered a violation of this section if the refusal is pursuant to Federal Railroad Administration medical standards for fitness of duty or, if there are no pertinent Federal Railroad Administration standards, a carrier's medical standards for fitness for duty. For purposes of this paragraph, the term 'discipline' means to bring charges against a person in a disciplinary proceeding, suspend, terminate, place on probation, or make note of reprimand on an employee's record.''.

(b) CONFORMING AMENDMENTS.—Section 20109 is amended—

(1) in subsection (d), as redesignated by subsection (a) of this section—

(A) by striking ''(a) or (b)'' in paragraph (1) and inserting ''(a), (b), or (c)'';

(B) by striking ''(c)(1)'' in paragraph (2)(A)(i) and inserting ''(d)(1)'';

(C) by striking ''(a) or (b)'' in paragraph (2)(A)(ii) and inserting ''(a), (b), or (c)''; and

(2) in subsection (e), as so redesignated—

(A) by striking ''(c)'' in paragraph (1) and inserting ''(d)'';

(B) by striking ''(c)'' in paragraph (2) and inserting ''(d)'';

(C) by striking ''(c)(3)'' in paragraph (2) and inserting ''(d)(3)''; and

(D) by striking ''(c)'' in paragraph (3) and inserting ''(d)''.

SEC. 420. EMPLOYEE SLEEPING QUARTERS.

Section 21106 is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''A railroad carrier'';

(2) by striking ''sanitary and give those employees and individuals an opportunity for rest free from the interruptions caused by noise under the control of the carrier;'' in paragraph (1) and inserting ''sanitary, give those employees and individuals an opportunity for rest free from the interruptions caused by noise under the control of the carrier, and provide indoor toilet facilities, potable water, and other features to protect the health of employees;''; and

(3) by adding at the end the following:

''(b) CAMP CARS.—Not later than December 31, 2009, any railroad carrier that uses camp cars shall fully retrofit or replace such cars in compliance with subsection (a).

''(c) REGULATIONS.—Not later than April 1, 2010, the Secretary of Transportation, in coordination with the Secretary of Labor, shall prescribe regulations to implement subsection (a)(1) to protect the safety and health of any employees and individuals employed to maintain the right of way of a railroad carrier that uses camp cars, which shall require that all camp cars comply with those regulations by December 31, 2010. In prescribing the regulations, the Secretary shall assess the action taken by any railroad carrier to fully retrofit or replace its camp cars pursuant to this section.

''(d) COMPLIANCE AND ENFORCEMENT.—The Secretary shall determine whether a railroad carrier has fully retrofitted or replaced a camp car pursuant to subsection (b) and shall prohibit the use of any non-compliant camp car. The Secretary may assess civil penalties pursuant to chapter 213 for violations of this section.''.

TITLE V—RAIL PASSENGER DISASTER FAMILY ASSISTANCE

SEC. 501. ASSISTANCE BY NATIONAL TRANSPORTATION SAFETY BOARD TO FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.

(a) IN GENERAL.—Chapter 11 is amended by adding at the end of subchapter III the following:

''§ 1139. Assistance to families of passengers involved in rail passenger accidents

''(a) IN GENERAL.—As soon as practicable after being notified of a rail passenger accident within the United States involving a rail passenger carrier and resulting in a major loss of life, the Chairman of the National Transportation Safety Board shall—

''(1) designate and publicize the name and phone number of a director of family support services who shall be an employee of the Board and shall be responsible for acting as a point of contact within the Federal Government for the families of passengers involved in the accident and a liaison between the rail passenger carrier and the families; and

''(2) designate an independent nonprofit organization, with experience in disasters and post trauma communication with families, which shall have primary responsibility for coordinating the emotional care and support of the families of passengers involved in the accident.

''(b) RESPONSIBILITIES OF THE BOARD.—The Board shall have primary Federal responsibility for—

''(1) facilitating the recovery and identification of fatally injured passengers involved in an accident described in subsection (a); and

''(2) communicating with the families of passengers involved in the accident as to the roles, with respect to the accident and the post-accident activities, of—

''(A) the organization designated for an accident under subsection (a)(2);

''(B) Government agencies; and

''(C) the rail passenger carrier involved.

''(c) RESPONSIBILITIES OF DESIGNATED ORGANIZATION.—The organization designated for an accident under subsection (a)(2) shall have the following responsibilities with respect to the families of passengers involved in the accident:

''(1) To provide mental health and counseling services, in coordination with the disaster response team of the rail passenger carrier involved.

''(2) To take such actions as may be necessary to provide an environment in which the families may grieve in private.

''(3) To meet with the families who have traveled to the location of the accident, to contact the families unable to travel to such location, and to contact all affected families periodically thereafter until such time as the organization, in consultation with the director of family support services designated for the accident under subsection (a)(1), determines that further assistance is no longer needed.

''(4) To arrange a suitable memorial service, in consultation with the families.

''(d) PASSENGER LISTS.—

''(1) REQUESTS FOR PASSENGER LISTS.—

''(A) REQUESTS BY DIRECTOR OF FAMILY SUPPORT SERVICES.—It shall be the responsibility of the director of family support services designated for an accident under subsection (a)(1) to request, as soon as practicable, from the rail passenger carrier involved in the accident a list, which is based on the best available information at the time of the request, of the names of the passengers that were aboard the rail passenger carrier's train involved in the accident. A rail passenger carrier shall use reasonable efforts, with respect to its unreserved trains, and passengers not holding reservations on its other trains, to ascertain the names of passengers aboard a train involved in an accident.

''(B) REQUESTS BY DESIGNATED ORGANIZATION.—The organization designated for an accident under subsection (a)(2) may request from the rail passenger carrier involved in the accident a list described in subparagraph (A).

''(2) USE OF INFORMATION.—Except as provided in subsection (k), the director of family support services and the organization may not release to any person information on a list obtained under paragraph (1) but may provide information on the list about a passenger to the family of the passenger to the extent that the director of family support services or the organization considers appropriate.

''(e) CONTINUING RESPONSIBILITIES OF THE BOARD.—In the course of its investigation of an accident described in subsection (a), the Board shall, to the maximum extent practicable, ensure that the families of passengers involved in the accident—

''(1) are briefed, prior to any public briefing, about the accident and any other findings from the investigation; and

''(2) are individually informed of and allowed to attend any public hearings and meetings of the Board about the accident.

''(f) USE OF RAIL PASSENGER CARRIER RESOURCES.—To the extent practicable, the organization designated for an accident under subsection (a)(2) shall coordinate its activities with the rail passenger carrier involved in the accident to facilitate the reasonable use of the resources of the carrier.

''(g) PROHIBITED ACTIONS.—

''(1) ACTIONS TO IMPEDE THE BOARD.—No person (including a State or political subdivision thereof) may impede the ability of the Board (including the director of family support services designated for an accident under subsection (a)(1)), or an organization designated for an accident under subsection (a)(2), to carry out its responsibilities under this section or the ability of the families of passengers involved in the accident to have contact with one another.

''(2) UNSOLICITED COMMUNICATIONS.—No unsolicited communication concerning a potential action or settlement offer for personal injury or wrongful death may be made by an attorney (including any associate, agent, employee, or other representative of an attorney) or any potential party to the litigation, including the railroad carrier or rail passenger carrier, to an individual (other than an employee of the rail passenger carrier) injured in the accident, or to a relative of an individual involved in the accident, before the 45th day following the date of the accident.

''(3) PROHIBITION ON ACTIONS TO PREVENT MENTAL HEALTH AND COUNSELING SERVICES.—No State or political subdivision thereof may prevent the employees, agents, or volunteers of an organization designated for an accident under subsection (a)(2) from providing mental health and counseling services under subsection (c)(1) in the 30-day period beginning on the date of the accident. The director of family support services designated for the accident under subsection (a)(1) may extend such period for not to exceed an additional 30 days if the director determines that the extension is necessary to meet the needs of the families and if State and local authorities are notified of the determination.

''(h) DEFINITIONS.—In this section:

''(1) RAIL PASSENGER ACCIDENT.—The term 'rail passenger accident' means any rail passenger disaster resulting in a major loss of life occurring in the provision of—

''(A) interstate intercity rail passenger transportation (as such term is defined in section 24102); or

''(B) interstate or intrastate high-speed rail (as such term is defined in section 26105) transportation,

regardless of its cause or suspected cause.

''(2) RAIL PASSENGER CARRIER.—The term 'rail passenger carrier' means a rail carrier providing—

''(A) interstate intercity rail passenger transportation (as such term is defined in section 24102); or

''(B) interstate or intrastate high-speed rail (as such term is defined in section 26105) transportation,

except that such term does not include a tourist, historic, scenic, or excursion rail carrier.

''(3) PASSENGER.—The term 'passenger' includes—

''(A) an employee of a rail passenger carrier aboard a train;

''(B) any other person aboard the train without regard to whether the person paid for the transportation, occupied a seat, or held a reservation for the rail transportation; and

''(C) any other person injured or killed in a rail passenger accident, as determined appropriate by the Board.

''(i) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed as limiting the actions that a rail passenger carrier may take, or the obligations that a rail passenger carrier may have, in providing assistance to the families of passengers involved in a rail passenger accident.

''(j) RELINQUISHMENT OF INVESTIGATIVE PRIORITY.—

''(1) GENERAL RULE.—This section (other than subsection (g)) shall not apply to a railroad passenger accident if the Board has relinquished investigative priority under section 1131(a)(2)(B) and the Federal agency to which the Board relinquished investigative priority is willing and able to provide assistance to the victims and families of the passengers involved in the accident.

''(2) BOARD ASSISTANCE.—If this section does not apply to a railroad passenger accident because the Board has relinquished investigative priority with respect to the accident, the Board shall assist, to the maximum extent possible, the agency to which the Board has relinquished investigative priority in assisting families with respect to the accident.

''(k) SAVINGS CLAUSE.—Nothing in this section shall be construed to abridge the authority of the Board or the Secretary of Transportation to investigate the causes or circumstances of any rail accident, including development of information regarding the nature of injuries sustained and the manner in which they were sustained for the purposes of determining compliance with existing laws and regulations or for identifying means of preventing similar injuries in the future, or both.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 11 is amended by inserting after the item relating to section 1138 the following:

''1139. Assistance to families of passengers involved in rail passenger accidents.''.

SEC. 502. RAIL PASSENGER CARRIER PLAN TO ASSIST FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.

(a) IN GENERAL.—Chapter 243 is amended by adding at the end the following:

''§ 24316. Plans to address needs of families of passengers involved in rail passenger accidents

''(a) SUBMISSION OF PLAN.—Not later than 6 months after the date of the enactment of the Rail Safety Improvement Act of 2008, a rail passenger carrier shall submit to the Chairman of the National Transportation Safety Board, the Secretary of Transportation, and the Secretary of Homeland Security a plan for addressing the needs of the families of passengers involved in any rail passenger accident involving a rail passenger carrier intercity train and resulting in a major loss of life.

''(b) CONTENTS OF PLANS.—A plan to be submitted by a rail passenger carrier under subsection (a) shall include, at a minimum, the following:

''(1) A process by which a rail passenger carrier will maintain and provide to the National Transportation Safety Board, the Secretary of Transportation, and the Secretary of Homeland Security immediately upon request, a list (which is based on the best available information at the time of the request) of the names of the passengers aboard the train (whether or not such names have been verified), and will periodically update the list. The plan shall include a procedure, with respect to unreserved trains and passengers not holding reservations on other trains, for the rail passenger carrier to use reasonable efforts to ascertain the names of passengers aboard a train involved in an accident.

''(2) A process for notifying the families of the passengers, before providing any public notice of the names of the passengers, either by utilizing the services of the organization designated for the accident under section 1139(a)(2) of this title or the services of other suitably trained individuals.

''(3) A plan for creating and publicizing a reliable, toll-free telephone number within 4 hours after such an accident occurs, and for providing staff, to handle calls from the families of the passengers.

''(4) A process for providing the notice described in paragraph (2) to the family of a passenger as soon as the rail passenger carrier has verified that the passenger was aboard the train (whether or not the names of all of the passengers have been verified).

''(5) An assurance that, upon request of the family of a passenger, the rail passenger carrier will inform the family of whether the passenger's name appeared on any preliminary passenger manifest for the train involved in the accident.

''(6) A process by which the family of each passenger will be consulted about the disposition of all remains and personal effects of the passenger within the control of the rail passenger carrier and by which any possession of the passenger within the control of the rail passenger carrier (regardless of its condition)—

''(A) will be retained by the rail passenger carrier for at least 18 months; and

''(B) will be returned to the family unless the possession is needed for the accident investigation or any criminal investigation.

''(7) A process by which the treatment of the families of nonrevenue passengers will be the same as the treatment of the families of revenue passengers.

''(8) An assurance that the rail passenger carrier will provide adequate training to the employees and agents of the carrier to meet the needs of survivors and family members following an accident.

''(9) An assurance that the family of each passenger or other person killed in the accident will be consulted about construction by the rail passenger carrier of any monument to the passengers, including any inscription on the monument.

''(10) An assurance that the rail passenger carrier will work with any organization designated under section 1139(a)(2) of this title on an ongoing basis to ensure that families of passengers receive an appropriate level of services and assistance following each accident.

''(11) An assurance that the rail passenger carrier will provide reasonable compensation to any organization designated under section 1139(a)(2) of this title for services provided by the organization.

''(c) USE OF INFORMATION.—Neither the National Transportation Safety Board, the Secretary of Transportation, the Secretary of Homeland Security, nor a rail passenger carrier may release to the public any personal information on a list obtained under subsection (b)(1), but may provide information on the list about a passenger to the passenger's family members to the extent that the Board or a rail passenger carrier considers appropriate.

''(d) LIMITATION ON STATUTORY CONSTRUCTION.—

''(1) RAIL PASSENGER CARRIERS.—Nothing in this section may be construed as limiting the actions that a rail passenger carrier may take, or the obligations that a rail passenger carrier may have, in providing assistance to the families of passengers involved in a rail passenger accident.

''(2) INVESTIGATIONAL AUTHORITY OF BOARD AND SECRETARY.—Nothing in this section shall be construed to abridge the authority of the Board or the Secretary of Transportation to investigate the causes or circumstances of any rail accident, including the development of information regarding the nature of injuries sustained and the manner in which they were sustained, for the purpose of determining compliance with existing laws and regulations or identifying means of preventing similar injuries in the future.

''(e) LIMITATION ON LIABILITY.—A rail passenger carrier shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of the rail passenger carrier in preparing or providing a passenger list, or in providing information concerning a train reservation, pursuant to a plan submitted by the rail passenger carrier under subsection (b), unless such liability was caused by conduct of the rail passenger carrier which was grossly negligent or which constituted intentional misconduct.

''(f) DEFINITIONS.—In this section, the terms 'passenger' and 'rail passenger accident' have the meaning given those terms by section 1139 of this title.

''(g) FUNDING.—Out of funds appropriated pursuant to section 20117(a)(1)(A), there shall be made available to the Secretary of Transportation $500,000 for fiscal year 2010 to carry out this section. Amounts made available pursuant to this subsection shall remain available until expended.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 243 is amended by inserting after the item relating to section 24315 the following:

''24316. Plan to assist families of passengers involved in rail passenger accidents.''.

SEC. 503. ESTABLISHMENT OF TASK FORCE.

(a) ESTABLISHMENT.—The Secretary, in cooperation with the National Transportation Safety Board, organizations potentially designated under section 1139(a)(2) of title 49, United States Code, rail passenger carriers (as defined in section 1139(h)(2) of title 49, United States Code), and families which have been involved in rail accidents, shall establish a task force consisting of representatives of such entities and families, representatives of rail passenger carrier employees,

and representatives of such other entities as the Secretary considers appropriate.

(b) MODEL PLAN AND RECOMMENDATIONS.—The task force established pursuant to subsection (a) shall develop—

(1) a model plan to assist rail passenger carriers in responding to passenger rail accidents;

(2) recommendations on methods to improve the timeliness of the notification provided by passenger rail carriers to the families of passengers involved in a passenger rail accident;

(3) recommendations on methods to ensure that the families of passengers involved in a passenger rail accident who are not citizens of the United States receive appropriate assistance; and

(4) recommendations on methods to ensure that emergency services personnel have as immediate and accurate a count of the number of passengers onboard the train as possible.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit a report to the House of Representatives Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation containing the model plan and recommendations developed by the task force under subsection (b).

TITLE VI—CLARIFICATION OF FEDERAL JURISDICTION OVER SOLID WASTE FACILITIES

SEC. 601. SHORT TITLE.

This title may be cited as the ''Clean Railroads Act of 2008''.

SEC. 602. CLARIFICATION OF GENERAL JURISDICTION OVER SOLID WASTE TRANSFER FACILITIES.

Section 10501(c)(2) is amended to read as follows:

''(2) Except as provided in paragraph (3), the Board does not have jurisdiction under this part over—

''(A) mass transportation provided by a local government authority; or

''(B) a solid waste rail transfer facility as defined in section 10908 of this title, except as provided under sections 10908 and 10909 of this title.''.

SEC. 603. REGULATION OF SOLID WASTE RAIL TRANSFER FACILITIES.

(a) IN GENERAL.—Chapter 109 is amended by adding at the end thereof the following:

''§ 10908. Regulation of solid waste rail transfer facilities

''(a) IN GENERAL.—Each solid waste rail transfer facility shall be subject to and shall comply with all applicable Federal and State requirements, both substantive and procedural, including judicial and administrative orders and fines, respecting the prevention and abatement of pollution, the protection and restoration of the environment, and the protection of public health and safety, including laws governing solid waste, to the same extent as required for any similar solid waste management facility, as defined in section 1004(29) of the Solid Waste Disposal Act (42 U.S.C. 6903(29)) that is not owned or operated by or on behalf of a rail carrier, except as provided for in section 10909 of this chapter.

''(b) EXISTING FACILITIES.—

''(1) STATE LAWS AND STANDARDS.—Not later than 90 days after the date of enactment of the Clean Railroads Act of 2008, a solid waste rail transfer facility operating as of such date of enactment shall comply with all Federal and State requirements pursuant to subsection (a) other than those provisions requiring permits.

''(2) PERMIT REQUIREMENTS.—

''(A) STATE NON-SITING PERMITS.—Any solid waste rail transfer facility operating as of the date of enactment of the Clean Railroads Act of 2008 that does not possess a permit required pursuant to subsection (a), other than a siting permit for the facility, as of the date of enactment of the Clean Railroads Act of 2008 shall not be required to possess any such permits in order to operate the facility—

''(i) if, within 180 days after such date of enactment, the solid waste rail transfer facility has submitted, in good faith, a complete application for all permits, except siting permits, required pursuant to subsection (a) to the appropriate permitting agency authorized to grant such permits; and

''(ii) until the permitting agency has either approved or denied the solid waste rail transfer facility's application for each permit.

''(B) SITING PERMITS AND REQUIREMENTS.—A solid waste rail transfer facility operating as of the date of enactment of the Clean Railroads Act of 2008 that does not possess a State siting permit required pursuant to subsection (a) as of such date of enactment shall not be required to possess any siting permit to continue to operate or comply with any State land use requirements. The Governor of a State in which the facility is located, or his or her designee, may petition the Board to require the facility to apply for a land-use exemption pursuant to section 10909 of this chapter. The Board shall accept the petition, and the facility shall be required to have a Board-issued land-use exemption in order to continue to operate, pursuant to section 10909 of this chapter.

''(c) COMMON CARRIER OBLIGATION.—No prospective or current rail carrier customer may demand solid waste rail transfer service from a rail carrier at a solid waste rail transfer facility that does not already possess the necessary Federal land-use exemption and State permits at the location where service is requested.

''(d) NON-WASTE COMMODITIES.—Nothing in this section or section 10909 of this chapter shall affect a rail carrier's ability to conduct transportation-related activities with respect to commodities other than solid waste.

''(e) DEFINITIONS.—

''(1) IN GENERAL.—In this section:

''(A) COMMERCIAL AND RETAIL WASTE.—The term 'commercial and retail waste' means material discarded by stores, offices, restaurants, warehouses, nonmanufacturing activities at industrial facilities, and other similar establishments or facilities.

''(B) CONSTRUCTION AND DEMOLITION DEBRIS.—The term 'construction and demolition debris' means waste building materials, packaging, and rubble resulting from construction, remodeling, repair, and demolition operations on pavements, houses, commercial buildings, and other structures.

''(C) HOUSEHOLD WASTE.—The term 'household waste' means material discarded by residential dwellings, hotels, motels, and other similar permanent or temporary housing establishments or facilities.

''(D) INDUSTRIAL WASTE.—The term 'industrial waste' means the solid waste generated by manufacturing and industrial and research and development processes and operations, including contaminated soil, nonhazardous oil spill cleanup waste and dry nonhazardous pesticides and chemical waste, but does not include hazardous waste regulated under subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.), mining or oil and gas waste.

''(E) INSTITUTIONAL WASTE.—The term 'institutional waste' means material discarded by schools, nonmedical waste discarded by hospitals, material discarded by nonmanufacturing activities at prisons and government facilities, and material discarded by other similar establishments or facilities.

''(F) MUNICIPAL SOLID WASTE.—The term 'municipal solid waste' means—

''(i) household waste;

''(ii) commercial and retail waste; and

''(iii) institutional waste.

''(G) SOLID WASTE.—With the exception of waste generated by a rail carrier during track, track structure, or right-of-way construction, maintenance, or repair (including railroad ties and line-side poles) or waste generated as a result of a railroad accident, incident, or derailment, the term 'solid waste' means—

''(i) construction and demolition debris;

''(ii) municipal solid waste;

''(iii) household waste;

''(iv) commercial and retail waste;

''(v) institutional waste;

''(vi) sludge;

''(vii) industrial waste; and

''(viii) other solid waste, as determined appropriate by the Board.

''(H) SOLID WASTE RAIL TRANSFER FACILITY.—The term 'solid waste rail transfer facility'—

''(i) means the portion of a facility owned or operated by or on behalf of a rail carrier (as defined in section 10102 of this title) where solid waste, as a commodity to be transported for a charge, is collected, stored, separated, processed, treated, managed, disposed of, or transferred, when the activity takes place outside of original shipping containers; but

''(ii) does not include—

''(I) the portion of a facility to the extent that activities taking place at such portion are comprised solely of the railroad transportation of solid waste after the solid waste is loaded for shipment on or in a rail car, including railroad transportation for the purpose of interchanging railroad cars containing solid waste shipments; or

''(II) a facility where solid waste is solely transferred or transloaded from a tank truck directly to a rail tank car.

''(I) SLUDGE.—The term 'sludge' means any solid, semi-solid or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility exclusive of the treated effluent from a wastewater treatment plant.

''(2) EXCEPTIONS.—Notwithstanding paragraph (1), the terms 'household waste', 'commercial and retail waste', and 'institutional waste' do not include—

''(A) yard waste and refuse-derived fuel;

''(B) used oil;

''(C) wood pallets;

''(D) clean wood;

''(E) medical or infectious waste; or

''(F) motor vehicles (including motor vehicle parts or vehicle fluff).

''(3) STATE REQUIREMENTS.—In this section the term 'State requirements' does not include the laws, regulations, ordinances, orders, or other requirements of a political subdivision of a State, including a locality or municipality, unless a State expressly delegates such authority to such political subdivision.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 109 is amended by inserting after the item relating to section 10907 the following:

''10908. Regulation of solid waste rail transfer facilities.''.

SEC. 604. SOLID WASTE RAIL TRANSFER FACILITY LAND-USE EXEMPTION AUTHORITY.

(a) IN GENERAL.—Chapter 109 is further amended by adding at the end thereof the following:

''§ 10909. Solid waste rail transfer facility land-use exemption

''(a) AUTHORITY.—The Board may issue a land-use exemption for a solid waste rail

transfer facility that is or is proposed to be operated by or on behalf of a rail carrier if—

''(1) the Board finds that a State, local, or municipal law, regulation, order, or other requirement affecting the siting of such facility unreasonably burdens the interstate transportation of solid waste by railroad, discriminates against the railroad transportation of solid waste and a solid waste rail transfer facility, or a rail carrier that owns or operates such a facility petitions the Board for such an exemption; or

''(2) the Governor of a State in which a facility that is operating as of the date of enactment of the Clean Railroads Act of 2008 is located, or his or her designee, petitions the Board to initiate a permit proceeding for that particular facility.

''(b) LAND-USE EXEMPTION PROCEDURES.—Not later than 90 days after the date of enactment of the Clean Railroad Act of 2008, the Board shall publish procedures governing the submission and review of applications for solid waste rail transfer facility land-use exemptions. At a minimum, the procedures shall address—

''(1) the information that each application should contain to explain how the solid waste rail transfer facility will not pose an unreasonable risk to public health, safety, or the environment;

''(2) the opportunity for public notice and comment including notification of the municipality, the State, and any relevant Federal or State regional planning entity in the jurisdiction of which the solid waste rail transfer facility is proposed to be located;

''(3) the timeline for Board review, including a requirement that the Board approve or deny an exemption within 90 days after the full record for the application is developed;

''(4) the expedited review timelines for petitions for modifications, amendments, or revocations of granted exemptions;

''(5) the process for a State to petition the Board to require a solid waste transfer facility or a rail carrier that owns or operates such a facility to apply for a siting permit; and

''(6) the process for a solid waste transfer facility or a rail carrier that owns or operates such a facility to petition the Board for a land-use exemption.

''(c) STANDARD FOR REVIEW.—

''(1) The Board may only issue a land-use exemption if it determines that the facility at the existing or proposed location does not pose an unreasonable risk to public health, safety, or the environment. In deciding whether a solid waste rail transfer facility that is or proposed to be constructed or operated by or on behalf of a rail carrier poses an unreasonable risk to public health, safety, or the environment, the Board shall weigh the particular facility's potential benefits to and the adverse impacts on public health, public safety, the environment, interstate commerce, and transportation of solid waste by rail.

''(2) The Board may not grant a land-use exemption for a solid waste rail transfer facility proposed to be located on land within any unit of or land affiliated with the National Park System, the National Wildlife Refuge System, the National Wilderness Preservation System, the National Trails System, the National Wild and Scenic Rivers System, a National Reserve, a National Monument, or lands referenced in Public Law 108–421 for which a State has implemented a conservation management plan, if operation of the facility would be inconsistent with restrictions placed on such land.

''(d) CONSIDERATIONS.—When evaluating an application under this section, the Board shall consider and give due weight to the following, as applicable:

''(1) the land-use, zoning, and siting regulations or solid waste planning requirements of the State or State subdivision in which the facility is or will be located that are applicable to solid waste transfer facilities, including those that are not owned or operated by or on behalf of a rail carrier;

''(2) the land-use, zoning, and siting regulations or solid waste planning requirements applicable to the property where the solid waste rail transfer facility is proposed to be located;

''(3) regional transportation planning requirements developed pursuant to Federal and State law;

''(4) regional solid waste disposal plans developed pursuant to State or Federal law;

''(5) any Federal and State environmental protection laws or regulations applicable to the site;

''(6) any unreasonable burdens imposed on the interstate transportation of solid waste by railroad, or the potential for discrimination against the railroad transportation of solid waste, a solid waste rail transfer facility, or a rail carrier that owns or operates such a facility; and

''(7) any other relevant factors, as determined by the Board.

''(e) EXISTING FACILITIES.—Upon the granting of petition from the State in which a solid waste rail transfer facility is operating as of the date of enactment of the Clean Railroads Act of 2008 by the Board, the facility shall submit a complete application for a siting permit to the Board pursuant to the procedures issued pursuant to subsection (b). No State may enforce a law, regulation, order, or other requirement affecting the siting of a facility that is operating as of the date of enactment of the Clean Railroads Act of 2008 until the Board has approved or denied a permit pursuant to subsection (c).

''(f) EFFECT OF LAND-USE EXEMPTION.—If the Board grants a land-use exemption to a solid waste rail transfer facility, all State laws, regulations, orders, or other requirements affecting the siting of a facility are preempted with regard to that facility. An exemption may require compliance with such State laws, regulations, orders, or other requirements.

''(g) INJUNCTIVE RELIEF.—Nothing in this section precludes a person from seeking an injunction to enjoin a solid waste rail transfer facility from being constructed or operated by or on behalf of a rail carrier if that facility has materially violated, or will materially violate, its land-use exemption or if it failed to receive a valid land-use exemption under this section.

''(h) FEES.—The Board may charge permit applicants reasonable fees to implement this section, including the costs of third-party consultants.

''(i) DEFINITIONS.—In this section the terms 'solid waste', 'solid waste rail transfer facility', and 'State requirements' have the meaning given such terms in section 10908(e).''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 109, as amended by section 603 of this division, is amended by inserting after the item relating to section 10908 the following:

''10909. Solid waste rail transfer facility land-use exemption.''.

SEC. 605. EFFECT ON OTHER STATUTES AND AUTHORITIES.

(a) IN GENERAL.—Chapter 109, as amended by section 604, is further amended by adding at the end thereof the following:

''§ 10910. Effect on other statutes and authorities

''Nothing in section 10908 or 10909 is intended to affect the traditional police powers of the State to require a rail carrier to comply with State and local environmental, public health, and public safety standards that are not unreasonably burdensome to interstate commerce and do not discriminate against rail carriers.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 109, as amended by section 604 of this division, is amended by inserting after the item relating to section 10909 the following:

''10910. Effect on other statutes and authorities.''.

TITLE VII—TECHNICAL CORRECTIONS

SEC. 701. TECHNICAL CORRECTIONS.

(a) LIMITATIONS ON FINANCIAL ASSISTANCE.—Section 22106 is amended—

(1) by striking the second sentence of subsection (a);

(2) by striking subsection (b) and inserting the following:

''(b) STATE USE OF REPAID FUNDS AND CONTINGENT INTEREST RECOVERIES.—The State shall place the United States Government's share of money that is repaid and any contingent interest that is recovered in an interest-bearing account. The repaid money, contingent interest, and any interest thereof shall be considered to be State funds. The State shall use such funds to make other grants and loans, consistent with the purposes for which financial assistance may be used under subsection (a), as the State considers to be appropriate.''; and

(3) by striking subsections (c) and (e) and redesignating subsection (d) as subsection (c).

(b) GRANTS FOR CLASS II AND III RAILROADS.—Section 22301(a)(1)(A)(iii) is amended by striking ''and'' and inserting ''or''.

(c) RAIL TRANSPORTATION OF RENEWABLE FUEL STUDY.—Section 245(a)(1) of the Energy Independence and Security Act of 2007 is amended by striking ''Secretary, in coordination with the Secretary of Transportation,'' and inserting ''Secretary and the Secretary of Transportation''.

(d) MOTOR CARRIER DEFINITION.—

Section 14504a is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting ''(except as provided in paragraph (5))'' after ''14506'';

(B) in paragraph (1), by striking subparagraph (A) and inserting the following:

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'commercial motor vehicle'—

''(i) for calendar years 2008 and 2009, has the meaning given the term in section 31101; and

''(ii) for years beginning after December 31, 2009, means a self-propelled vehicle described in section 31101.''; and

(C) by striking paragraph (5) and inserting the following:

''(5) MOTOR CARRIER.—

''(A) THIS SECTION.—In this section:

''(i) IN GENERAL.—The term 'motor carrier' includes all carriers that are otherwise exempt from this part—

''(I) under subchapter I of chapter 135; or

''(II) through exemption actions by the former Interstate Commerce Commission under this title.

''(ii) EXCLUSIONS.—In this section, the term 'motor carrier' does not include—

''(I) any carrier subject to section 13504; or

''(II) any other carrier that the board of directors of the unified carrier registration plan determines to be appropriate pursuant to subsection (d)(4)(C).

''(B) SECTION 14506.—In section 14506, the term 'motor carrier' includes all carriers that are otherwise exempt from this part—

''(i) under subchapter I of chapter 135; or

''(ii) through exemption actions by the former Interstate Commerce Commission under this title.''; and

(2) in subsection (d)(4)(C), by inserting before the period at the end the following: '', except that a decision to approve the exclusion of carriers from the definition of the term 'motor carrier' under subsection (a)(5) shall require an affirmative vote of ¾ of all such directors.''.

(e) EXTENSION OF LOAN PERIOD.—Section 502(g)(1) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822(g)(1)) is amended by striking ''25 years'' and inserting ''35 years''.

DIVISION B—AMTRAK

SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the ''Passenger Rail Investment and Improvement Act of 2008''.

(b) TABLE OF CONTENTS.—The table of contents for this division is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Amendment of title 49, United States Code.
Sec. 3. Definition.

TITLE I—AUTHORIZATIONS

Sec. 101. Authorization for Amtrak capital and operating expenses.
Sec. 102. Repayment of long-term debt and capital leases.
Sec. 103. Authorization for the Federal Railroad Administration.

TITLE II—AMTRAK REFORM AND OPERATIONAL IMPROVEMENTS

Sec. 201. National railroad passenger transportation system defined.
Sec. 202. Amtrak board of directors.
Sec. 203. Establishment of improved financial accounting system.
Sec. 204. Development of 5-year financial plan.
Sec. 205. Restructuring long-term debt and capital leases.
Sec. 206. Establishment of grant process.
Sec. 207. Metrics and standards.
Sec. 208. Methodologies for Amtrak route and service planning decisions.
Sec. 209. State-supported routes.
Sec. 210. Long-distance routes.
Sec. 211. Northeast Corridor state-of-good-repair plan.
Sec. 212. Northeast Corridor infrastructure and operations improvements.
Sec. 213. Passenger train performance.
Sec. 214. Alternate passenger rail service pilot program.
Sec. 215. Employee transition assistance.
Sec. 216. Special passenger trains.
Sec. 217. Access to Amtrak equipment and services.
Sec. 218. General Amtrak provisions.
Sec. 219. Study of compliance requirements at existing intercity rail stations.
Sec. 220. Oversight of Amtrak's compliance with accessibility requirements.
Sec. 221. Amtrak management accountability.
Sec. 222. On-board service improvements.
Sec. 223. Incentive pay.
Sec. 224. Passenger rail service studies.
Sec. 225. Report on service delays on certain passenger rail routes.
Sec. 226. Plan for restoration of service.
Sec. 227. Maintenance and repair facility utilization study.
Sec. 228. Sense of the Congress regarding the need to maintain Amtrak as a national passenger rail system.

TITLE III—INTERCITY PASSENGER RAIL POLICY

Sec. 301. Capital assistance for intercity passenger rail service.
Sec. 302. Congestion grants.
Sec. 303. State rail plans.
Sec. 304. Tunnel project.
Sec. 305. Next generation corridor train equipment pool.
Sec. 306. Rail cooperative research program.
Sec. 307. Federal rail policy.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Commuter rail mediation.
Sec. 402. Routing efficiency discussions with Amtrak.
Sec. 403. Sense of Congress regarding commuter rail expansion.
Sec. 404. Locomotive biofuel study.
Sec. 405. Study of the use of biobased technologies.
Sec. 406. Cross-border passenger rail service.
Sec. 407. Historic preservation of railroads.

TITLE V—HIGH-SPEED RAIL

Sec. 501. High-speed rail corridor program.
Sec. 502. Additional high-speed rail projects.

TITLE VI—CAPITAL AND PREVENTIVE MAINTENANCE PROJECTS FOR WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

Sec. 601. Authorization for capital and preventive maintenance projects for Washington Metropolitan Area Transit Authority.

SEC. 2. AMENDMENT OF TITLE 49, UNITED STATES CODE.

Except as otherwise specifically provided, whenever in this division an amendment is expressed in terms of an amendment to a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 3. DEFINITION.

In this division, the term ''Secretary'' means the Secretary of Transportation.

TITLE I—AUTHORIZATIONS

SEC. 101. AUTHORIZATION FOR AMTRAK CAPITAL AND OPERATING EXPENSES.

(a) OPERATING GRANTS.—There are authorized to be appropriated to the Secretary for the use of Amtrak for operating costs the following amounts:

(1) For fiscal year 2009, $530,000,000.
(2) For fiscal year 2010, $580,000,000.
(3) For fiscal year 2011, $592,000,000.
(4) For fiscal year 2012, $616,000,000.
(5) For fiscal year 2013, $631,000,000.

(b) INSPECTOR GENERAL.—There are authorized to be appropriated to the Secretary for the Office of the Inspector General of Amtrak the following amounts:

(1) For fiscal year 2009, $20,000,000.
(2) For fiscal year 2010, $21,000,000.
(3) For fiscal year 2011, $22,000,000.
(4) For fiscal year 2012, $22,000,000.
(5) For fiscal year 2013, $23,000,000.

(c) CAPITAL GRANTS.—There are authorized to be appropriated to the Secretary for the use of Amtrak for capital projects (as defined in subparagraphs (A) and (B) of section 24401(2) of title 49, United States Code) to bring the Northeast Corridor (as defined in section 24102 of such title) to a state-of-good-repair and for capital expenses of the national rail passenger transportation system the following amounts:

(1) For fiscal year 2009, $715,000,000.
(2) For fiscal year 2010, $975,000,000.
(3) For fiscal year 2011, $1,025,000,000.
(4) For fiscal year 2012, $1,275,000,000.
(5) For fiscal year 2013, $1,325,000,000.

(d) PROJECT MANAGEMENT OVERSIGHT.—The Secretary may withhold up to ½ of 1 percent of amounts appropriated pursuant to subsection (c) for the costs of project management oversight of capital projects carried out by Amtrak.

SEC. 102. REPAYMENT OF LONG-TERM DEBT AND CAPITAL LEASES.

(a) PRINCIPAL AND INTEREST ON DEBT SERVICE.—There are authorized to be appropriated to the Secretary for the use of Amtrak for retirement of principal and payment of interest on loans for capital equipment, or capital leases, not more than the following amounts:

(1) For fiscal year 2009, $285,000,000.
(2) For fiscal year 2010, $264,000,000.
(3) For fiscal year 2011, $288,000,000.
(4) For fiscal year 2012, $290,000,000.
(5) For fiscal year 2013, $277,000,000.

(b) EARLY BUYOUT OPTION.—There are authorized to be appropriated to the Secretary such sums as may be necessary for the use of Amtrak for the payment of costs associated with early buyout options if the exercise of those options is determined to be advantageous to Amtrak.

(c) LEGAL EFFECT OF PAYMENTS UNDER THIS SECTION.—The payment of principal and interest on secured debt, with the proceeds of grants authorized by this section shall not—

(1) modify the extent or nature of any indebtedness of Amtrak to the United States in existence as of the date of enactment of this Act;

(2) change the private nature of Amtrak's or its successors' liabilities; or

(3) imply any Federal guarantee or commitment to amortize Amtrak's outstanding indebtedness.

SEC. 103. AUTHORIZATION FOR THE FEDERAL RAILROAD ADMINISTRATION.

There are authorized to be appropriated to the Secretary for the use of the Federal Railroad Administration such sums as necessary to implement the provisions required under this division for fiscal years 2009 through 2013.

TITLE II—AMTRAK REFORM AND OPERATIONAL IMPROVEMENTS

SEC. 201. NATIONAL RAILROAD PASSENGER TRANSPORTATION SYSTEM DEFINED.

(a) IN GENERAL.—Section 24102 is amended—

(1) by striking paragraph (2);

(2) by redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively; and

(3) by inserting after paragraph (4) as so redesignated the following:

''(5) 'national rail passenger transportation system' means—

''(A) the segment of the continuous Northeast Corridor railroad line between Boston, Massachusetts, and Washington, District of Columbia;

''(B) rail corridors that have been designated by the Secretary of Transportation as high-speed rail corridors (other than corridors described in subparagraph (A)), but only after regularly scheduled intercity service over a corridor has been established;

''(C) long-distance routes of more than 750 miles between endpoints operated by Amtrak as of the date of enactment of the Passenger Rail Investment and Improvement Act of 2008; and

''(D) short-distance corridors, or routes of not more than 750 miles between endpoints, operated by—

''(i) Amtrak; or

''(ii) another rail carrier that receives funds under chapter 244.''.

(b) AMTRAK ROUTES WITH STATE FUNDING.—

(1) IN GENERAL.—Chapter 247 is amended by inserting after section 24701 the following:

''§ 24702. Transportation requested by States, authorities, and other persons

''(a) CONTRACTS FOR TRANSPORTATION.—Amtrak may enter into a contract with a State, a regional or local authority, or another person for Amtrak to operate an intercity rail service or route not included in the national rail passenger transportation system upon such terms as the parties thereto may agree.

''(b) DISCONTINUANCE.—Upon termination of a contract entered into under this section, or the cessation of financial support under such a contract by either party, Amtrak may discontinue such service or route, notwithstanding any other provision of law.''.

(2) CONFORMING AMENDMENT.—The chapter analysis for chapter 247 is amended by inserting after the item relating to section 24701 the following:

''24702. Transportation requested by States, authorities, and other persons''.

(c) AMTRAK TO CONTINUE TO PROVIDE NON-HIGH-SPEED SERVICES.—Nothing in this division is intended to preclude Amtrak from restoring, improving, or developing non-high-speed intercity passenger rail service.

(d) APPLICABILITY OF SECTION 24706.—Section 24706 is amended by adding at the end the following:

''(c) APPLICABILITY.—This section applies to all service over routes provided by Amtrak, notwithstanding any provision of section 24701 of this title or any other provision of this title except section 24702(b).''.

(e) AMTRAK'S MISSION.—

(1) AMENDMENTS.—Section 24101 is amended—

(A) by striking ''**purpose**'' in the section heading and inserting ''**mission**'';

(B) by striking subsection (b) and inserting the following:

''(b) MISSION.—The mission of Amtrak is to provide efficient and effective intercity passenger rail mobility consisting of high quality service that is trip-time competitive with other intercity travel options and that is consistent with the goals of subsection (d).'';

(C) by redesignating paragraphs (9) through (11) in subsection (c) as paragraphs (10) through (12), respectively, and inserting after paragraph (8) the following:

''(9) provide additional or complementary intercity transportation service to ensure mobility in times of national disaster or other instances where other travel options are not adequately available;''; and

(D) in subsection (d), by striking ''subsection (c)(11)'' and inserting ''subsection (c)(12)''.

(2) CONFORMING AMENDMENT.—The chapter analysis for chapter 241 is amended by striking the item relating to section 24101 and inserting the following:

''24101. Findings, mission, and goals.''.

SEC. 202. AMTRAK BOARD OF DIRECTORS.

(a) IN GENERAL.—Section 24302 is amended to read as follows:

''§ 24302. Board of directors

''(a) COMPOSITION AND TERMS.—

''(1) The Amtrak Board of Directors (referred to in this section as the 'Board') is composed of the following 9 directors, each of whom must be a citizen of the United States:

''(A) The Secretary of Transportation.

''(B) The President of Amtrak.

''(C) 7 individuals appointed by the President of the United States, by and with the advice and consent of the Senate, with general business and financial experience, experience or qualifications in transportation, freight and passenger rail transportation, travel, hospitality, cruise line, or passenger air transportation businesses, or representatives of employees or users of passenger rail transportation or a State government.

''(2) In selecting individuals described in paragraph (1) for nominations for appointments to the Board, the President shall consult with the Speaker of the House of Representatives, the minority leader of the House of Representatives, the majority leader of the Senate, and the minority leader of the Senate and try to provide adequate and balanced representation of the major geographic regions of the United States served by Amtrak.

''(3) An individual appointed under paragraph (1)(C) of this subsection shall be appointed for a term of 5 years. Such term may be extended until the individual's successor is appointed and qualified. Not more than 5 individuals appointed under paragraph (1)(C) may be members of the same political party.

''(4) The Board shall elect a chairman and a vice chairman, other than the President of Amtrak, from among its membership. The vice chairman shall serve as chairman in the absence of the chairman.

''(5) The Secretary may be represented at Board meetings by the Secretary's designee.

''(b) PAY AND EXPENSES.—Each director not employed by the United States Government or Amtrak is entitled to reasonable pay when performing Board duties. Each director not employed by the United States Government is entitled to reimbursement from Amtrak for necessary travel, reasonable secretarial and professional staff support, and subsistence expenses incurred in attending Board meetings.

''(c) TRAVEL.—(1) Each director not employed by the United States Government shall be subject to the same travel and reimbursable business travel expense policies and guidelines that apply to Amtrak's executive management when performing Board duties.

''(2) Not later than 60 days after the end of each fiscal year, the Board shall submit a report describing all travel and reimbursable business travel expenses paid to each director when performing Board duties to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

''(3) The report submitted under paragraph (2) shall include a detailed justification for any travel or reimbursable business travel expense that deviates from Amtrak's travel and reimbursable business travel expense policies and guidelines.

''(d) VACANCIES.—A vacancy on the Board is filled in the same way as the original selection, except that an individual appointed by the President of the United States under subsection (a)(1)(C) of this section to fill a vacancy occurring before the end of the term for which the predecessor of that individual was appointed is appointed for the remainder of that term. A vacancy required to be filled by appointment under subsection (a)(1)(C) must be filled not later than 120 days after the vacancy occurs.

''(e) QUORUM.—A majority of the members serving shall constitute a quorum for doing business.

''(f) BYLAWS.—The Board may adopt and amend bylaws governing the operation of Amtrak. The bylaws shall be consistent with this part and the articles of incorporation.''.

(b) EFFECTIVE DATE FOR DIRECTORS' PROVISION.—The amendment made by subsection (a) shall take effect 6 months after the date of enactment of this Act. The members of the Amtrak Board of Directors serving as of the date of enactment of this Act may continue to serve for the remainder of the term to which they were appointed.

SEC. 203. ESTABLISHMENT OF IMPROVED FINANCIAL ACCOUNTING SYSTEM.

(a) IN GENERAL.—The Amtrak Board of Directors—

(1) may employ an independent financial consultant with experience in railroad accounting to assist Amtrak in improving Amtrak's financial accounting and reporting system and practices;

(2) shall implement a modern financial accounting and reporting system not later than 3 years after the date of enactment of this Act; and

(3) shall, not later than 90 days after the end of each fiscal year through fiscal year 2013—

(A) submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a comprehensive report that allocates all of Amtrak's revenues and costs to each of its routes, each of its lines of business, and each major activity within each route and line of business activity, including—

(i) train operations;

(ii) equipment maintenance;

(iii) food service;

(iv) sleeping cars;

(v) ticketing;

(vi) reservations; and

(vii) unallocated fixed overhead costs;

(B) include the report described in subparagraph (A) in Amtrak's annual report; and

(C) post such report on Amtrak's website.

(b) VERIFICATION OF SYSTEM; REPORT.—The Inspector General of the Department of Transportation shall review the accounting system designed and implemented under subsection (a) to ensure that it accomplishes the purposes for which it is intended. The Inspector General shall report his or her findings and conclusions, together with any recommendations, to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(c) CATEGORIZATION OF REVENUES AND EXPENSES.—In carrying out subsection (a), the Amtrak Board of Directors shall separately categorize assigned revenues and attributable expenses by type of service, including long-distance routes, State-sponsored routes, commuter contract routes, and Northeast Corridor routes.

SEC. 204. DEVELOPMENT OF 5-YEAR FINANCIAL PLAN.

(a) DEVELOPMENT OF 5-YEAR FINANCIAL PLAN.—The Amtrak Board of Directors shall submit an annual budget and business plan for Amtrak, and a 5-year financial plan for the fiscal year to which that budget and business plan relate and the subsequent 4 years, prepared in accordance with this section, to the Secretary and the Inspector General of the Department of Transportation no later than—

(1) the first day of each fiscal year beginning after the date of enactment of this Act; or

(2) the date that is 60 days after the date of enactment of an appropriations Act for the fiscal year, if later.

(b) CONTENTS OF 5-YEAR FINANCIAL PLAN.—The 5-year financial plan for Amtrak shall include, at a minimum—

(1) all projected revenues and expenditures for Amtrak, including governmental funding sources;

(2) projected ridership levels for all Amtrak passenger operations;

(3) revenue and expenditure forecasts for non-passenger operations;

(4) capital funding requirements and expenditures necessary to maintain passenger service in order to accommodate predicted ridership levels and predicted sources of capital funding;

(5) operational funding needs, if any, to maintain current and projected levels of passenger service, including State-supported routes and predicted funding sources;

(6) projected capital and operating requirements, ridership, and revenue for any new passenger service operations or service expansions;

(7) an assessment of the continuing financial stability of Amtrak, as indicated by factors such as anticipated Federal funding of

capital and operating costs, Amtrak's ability to efficiently recruit, retain, and manage its workforce, and Amtrak's ability to effectively provide passenger rail service;

(8) estimates of long-term and short-term debt and associated principal and interest payments (both current and anticipated);

(9) annual cash flow forecasts;

(10) a statement describing methods of estimation and significant assumptions;

(11) specific measures that demonstrate measurable improvement year over year in the financial results of Amtrak's operations;

(12) prior fiscal year and projected operating ratio, cash operating loss, and cash operating loss per passenger on a route, business line, and corporate basis;

(13) prior fiscal year and projected specific costs and savings estimates resulting from reform initiatives;

(14) prior fiscal year and projected labor productivity statistics on a route, business line, and corporate basis;

(15) prior fiscal year and projected equipment reliability statistics; and

(16) capital and operating expenditures for anticipated security needs.

(c) STANDARDS TO PROMOTE FINANCIAL STABILITY.—In meeting the requirements of subsection (b), Amtrak shall—

(1) apply sound budgetary practices, including reducing costs and other expenditures, improving productivity, increasing revenues, or combinations of such practices;

(2) use the categories specified in the financial accounting and reporting system developed under section 203 when preparing its 5-year financial plan; and

(3) ensure that the plan is consistent with the authorizations of appropriations under title I of this division.

(d) REVIEW BY DOT INSPECTOR GENERAL.—Within 60 days after their submission by Amtrak, the Inspector General of the Department of Transportation shall review the annual budget and the 5-year financial plans prepared by Amtrak under this section to determine whether they meet the requirements of subsection (b) and shall furnish any relevant findings to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Appropriations of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Appropriations of the Senate.

SEC. 205. RESTRUCTURING LONG-TERM DEBT AND CAPITAL LEASES.

(a) IN GENERAL.—The Secretary of the Treasury, in consultation with the Secretary and Amtrak, may make agreements to restructure Amtrak's indebtedness as of the date of enactment of this Act. This authorization expires 2 years after the date of enactment of this Act.

(b) DEBT RESTRUCTURING.—The Secretary of the Treasury, in consultation with the Secretary and Amtrak, shall enter into negotiations with the holders of Amtrak debt, including leases, outstanding as of the date of enactment of this Act for the purpose of restructuring (including repayment) and repaying that debt. The Secretary of the Treasury may secure agreements for restructuring or repayment on such terms as the Secretary of the Treasury deems favorable to the interests of the United States Government.

(c) CRITERIA.—In restructuring Amtrak's indebtedness, the Secretary of the Treasury and Amtrak—

(1) shall take into consideration repayment costs, the term of any loan or loans, and market conditions; and

(2) shall ensure that the restructuring results in significant savings to Amtrak and the United States Government.

(d) PAYMENT OF RENEGOTIATED DEBT.—If the criteria under subsection (c) are met, the Secretary of the Treasury may assume or repay the restructured debt, as appropriate.

(e) AMTRAK PRINCIPAL AND INTEREST PAYMENTS.—

(1) PRINCIPAL ON DEBT SERVICE.—Unless the Secretary of the Treasury makes sufficient payments to creditors under subsection (d) so that Amtrak is required to make no payments to creditors in a fiscal year, the Secretary shall use funds authorized by section 102 of this division for the use of Amtrak for retirement of principal or payment of interest on loans for capital equipment, or capital leases.

(2) REDUCTIONS IN AUTHORIZATION LEVELS.—Whenever action taken by the Secretary of the Treasury under subsection (a) results in reductions in amounts of principal or interest that Amtrak must service on existing debt, the corresponding amounts authorized by section 102 shall be reduced accordingly.

(f) LEGAL EFFECT OF PAYMENTS UNDER THIS SECTION.—The payment of principal and interest on secured debt, other than debt assumed under subsection (d), with the proceeds of grants under subsection (e) shall not—

(1) modify the extent or nature of any indebtedness of Amtrak to the United States in existence as of the date of enactment of this Act;

(2) change the private nature of Amtrak's or its successors' liabilities; or

(3) imply any Federal guarantee or commitment to amortize Amtrak's outstanding indebtedness.

(g) SECRETARY APPROVAL.—Amtrak may not incur more debt after the date of enactment of this Act without the express advance approval of the Secretary.

(h) REPORT.—The Secretary of the Treasury shall transmit a report to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Appropriations of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Appropriations of the Senate, by June 1, 2010—

(1) describing in detail any agreements to restructure the Amtrak debt; and

(2) providing an estimate of the savings to Amtrak and the United States Government.

SEC. 206. ESTABLISHMENT OF GRANT PROCESS.

(a) GRANT REQUESTS.—Amtrak shall submit grant requests (including a schedule for the disbursement of funds), consistent with the requirements of this division, to the Secretary for funds authorized to be appropriated to the Secretary for the use of Amtrak under sections 101(a), (b), and (c), 102, 219(b), and 302.

(b) PROCEDURES FOR GRANT REQUESTS.—The Secretary shall establish substantive and procedural requirements, including schedules, for grant requests under this section not later than 30 days after the date of enactment of this Act and shall transmit copies of such requirements and schedules to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate. As part of those requirements, the Secretary shall require, at a minimum, that Amtrak deposit grant funds, consistent with the appropriated amounts for each area of expenditure in a given fiscal year, in the following 2 accounts:

(1) The Amtrak Operating account.

(2) The Amtrak General Capital account.

Amtrak may not transfer such funds to another account or expend such funds for any purpose other than the purposes covered by the account in which the funds are deposited without approval by the Secretary.

(c) REVIEW AND APPROVAL.—

(1) 30-DAY APPROVAL PROCESS.—The Secretary shall complete the review of a grant request (including the disbursement schedule) and approve or disapprove the request within 30 days after the date on which Amtrak submits the grant request. If the Secretary disapproves the request or determines that the request is incomplete or deficient, the Secretary shall include the reason for disapproval or the incomplete items or deficiencies in a notice to Amtrak.

(2) 15-DAY MODIFICATION PERIOD.—Within 15 days after receiving notification from the Secretary under the preceding sentence, Amtrak shall submit a modified request for the Secretary's review.

(3) REVISED REQUESTS.—Within 15 days after receiving a modified request from Amtrak, the Secretary shall either approve the modified request, or, if the Secretary finds that the request is still incomplete or deficient, the Secretary shall identify in writing to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the remaining deficiencies and recommend a process for resolving the outstanding portions of the request.

SEC. 207. METRICS AND STANDARDS.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, the Federal Railroad Administration and Amtrak shall jointly, in consultation with the Surface Transportation Board, rail carriers over whose rail lines Amtrak trains operate, States, Amtrak employees, nonprofit employee organizations representing Amtrak employees, and groups representing Amtrak passengers, as appropriate, develop new or improve existing metrics and minimum standards for measuring the performance and service quality of intercity passenger train operations, including cost recovery, on-time performance and minutes of delay, ridership, on-board services, stations, facilities, equipment, and other services. Such metrics, at a minimum, shall include the percentage of avoidable and fully allocated operating costs covered by passenger revenues on each route, ridership per train mile operated, measures of on-time performance and delays incurred by intercity passenger trains on the rail lines of each rail carrier and, for long-distance routes, measures of connectivity with other routes in all regions currently receiving Amtrak service and the transportation needs of communities and populations that are not well-served by other forms of intercity transportation. Amtrak shall provide reasonable access to the Federal Railroad Administration in order to enable the Administration to carry out its duty under this section.

(b) QUARTERLY REPORTS.—The Administrator of the Federal Railroad Administration shall collect the necessary data and publish a quarterly report on the performance and service quality of intercity passenger train operations, including Amtrak's cost recovery, ridership, on-time performance and minutes of delay, causes of delay, on-board services, stations, facilities, equipment, and other services.

(c) CONTRACTS WITH HOST RAIL CARRIERS.—To the extent practicable, Amtrak and its host rail carriers shall incorporate the metrics and standards developed under subsection (a) into their access and service agreements.

(d) ARBITRATION.—If the development of the metrics and standards is not completed within the 180-day period required by subsection (a), any party involved in the development of those standards may petition the Surface Transportation Board to appoint an arbitrator to assist the parties in resolving their disputes through binding arbitration.

SEC. 208. METHODOLOGIES FOR AMTRAK ROUTE AND SERVICE PLANNING DECISIONS.

(a) METHODOLOGY DEVELOPMENT.—Within 180 days after the date of enactment of this Act, the Federal Railroad Administration shall obtain the services of a qualified independent entity to develop and recommend objective methodologies for Amtrak to use in determining what intercity passenger routes and services it will provide, including the establishment of new routes, the elimination of existing routes, and the contraction or expansion of services or frequencies over such routes. In developing such methodologies, the entity shall consider—

(1) the current or expected performance and service quality of intercity passenger train operations, including cost recovery, on-time performance and minutes of delay, ridership, on-board services, stations, facilities, equipment, and other services;

(2) connectivity of a route with other routes;

(3) the transportation needs of communities and populations that are not well served by intercity passenger rail service or by other forms of intercity transportation;

(4) Amtrak's and other major intercity passenger rail service providers in other countries' methodologies for determining intercity passenger rail routes and services; and

(5) the views of the States and other interested parties.

(b) SUBMITTAL TO CONGRESS.—Within 1 year after the date of enactment of this Act, the entity shall submit recommendations developed under subsection (a) to Amtrak, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate.

(c) CONSIDERATION OF RECOMMENDATIONS.—Within 90 days after receiving the recommendations developed under subsection (a) by the entity, the Amtrak Board of Directors shall consider the adoption of those recommendations. The Board shall transmit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate explaining its reasons for adopting or not adopting the recommendations.

SEC. 209. STATE-SUPPORTED ROUTES.

(a) IN GENERAL.—Within 2 years after the date of enactment of this Act, the Amtrak Board of Directors, in consultation with the Secretary, the governors of each relevant State, and the Mayor of the District of Columbia, or entities representing those officials, shall develop and implement a single, nationwide standardized methodology for establishing and allocating the operating and capital costs among the States and Amtrak associated with trains operated on each of the routes described in section 24102(5)(B) and (D) and section 24702 that—

(1) ensures, within 5 years after the date of enactment of this Act, equal treatment in the provision of like services of all States and groups of States (including the District of Columbia); and

(2) allocates to each route the costs incurred only for the benefit of that route and a proportionate share, based upon factors that reasonably reflect relative use, of costs incurred for the common benefit of more than 1 route.

(b) REVISIONS.—The Amtrak Board of Directors, in consultation with the Secretary, the governors of each relevant State, and the Mayor of the District of Columbia, or entities representing those officials, may revise or amend the methodology established under subsection (a) as necessary, consistent with the intent of this section, including revisions or modifications based on Amtrak's financial accounting system developed pursuant to section 203 of this division.

(c) REVIEW.—If Amtrak and the States (including the District of Columbia) in which Amtrak operates such routes do not voluntarily adopt and implement the methodology developed under subsection (a) in allocating costs and determining compensation for the provision of service in accordance with the date established therein, the Surface Transportation Board shall determine the appropriate methodology required under subsection (a) for such services in accordance with the procedures and procedural schedule applicable to a proceeding under section 24904(c) of title 49, United States Code, and require the full implementation of this methodology with regards to the provision of such service within 1 year after the Board's determination of the appropriate methodology.

(d) USE OF CHAPTER 244 FUNDS.—Funds provided to a State under chapter 244 of title 49, United States Code, may be used, as provided in that chapter, to pay capital costs determined in accordance with this section.

SEC. 210. LONG-DISTANCE ROUTES.

(a) IN GENERAL.—Chapter 247 is amended by adding at the end thereof the following:

"§ 24710. Long-distance routes

''(a) ANNUAL EVALUATION.—Using the financial and performance metrics developed under section 207 of the Passenger Rail Investment and Improvement Act of 2008, Amtrak shall—

''(1) evaluate annually the financial and operating performance of each long-distance passenger rail route operated by Amtrak; and

''(2) rank the overall performance of such routes for 2008 and identify each long-distance passenger rail route operated by Amtrak in 2008 according to its overall performance as belonging to the best performing third of such routes, the second best performing third of such routes, or the worst performing third of such routes.

''(b) PERFORMANCE IMPROVEMENT PLAN.—Amtrak shall develop and post on its website a performance improvement plan for its long-distance passenger rail routes to achieve financial and operating improvements based on the data collected through the application of the financial and performance metrics developed under section 207 of that Act. The plan shall address—

''(1) on-time performance;

''(2) scheduling, frequency, routes, and stops;

''(3) the feasibility of restructuring service into connected corridor service;

''(4) performance-related equipment changes and capital improvements;

''(5) on-board amenities and service, including food, first class, and sleeping car service;

''(6) State or other non-Federal financial contributions;

''(7) improving financial performance;

''(8) anticipated Federal funding of operating and capital costs; and

''(9) other aspects of Amtrak's long-distance passenger rail routes that affect the financial, competitive, and functional performance of service on Amtrak's long-distance passenger rail routes.

''(c) IMPLEMENTATION.—Amtrak shall implement the performance improvement plan developed under subsection (b)—

''(1) beginning in fiscal year 2010 for those routes identified as being in the worst performing third under subsection (a)(2);

''(2) beginning in fiscal year 2011 for those routes identified as being in the second best performing third under subsection (a)(2); and

''(3) beginning in fiscal year 2012 for those routes identified as being in the best performing third under subsection (a)(2).

''(d) ENFORCEMENT.—The Federal Railroad Administration shall monitor the development, implementation, and outcome of improvement plans under this section. If the Federal Railroad Administration determines that Amtrak is not making reasonable progress in implementing its performance improvement plan or, after the performance improvement plan is implemented under subsection (c)(1) in accordance with the terms of that plan, Amtrak has not achieved the outcomes it has established for such routes, under the plan for any calendar year, the Federal Railroad Administration—

''(1) shall notify Amtrak, the Inspector General of the Department of Transportation, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate of its determination under this subsection;

''(2) shall provide Amtrak with an opportunity for a hearing with respect to that determination; and

''(3) may withhold appropriated funds otherwise available to Amtrak for the operation of a route or routes from among the worst performing third of routes currently served by Amtrak on which Amtrak is not making reasonable progress, other than funds made available for passenger safety or security measures.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 247 is amended by inserting after the item relating to section 24709 the following:

''24710. Long distance routes.''.

SEC. 211. NORTHEAST CORRIDOR STATE-OF-GOOD-REPAIR PLAN.

(a) IN GENERAL.—Within 6 months after the date of enactment of this Act, Amtrak, in consultation with the Secretary and the States (including the District of Columbia) that make up the Northeast Corridor (as defined in section 24102 of title 49, United States Code), shall prepare a capital spending plan for capital projects required to return the railroad right-of-way (including track, signals, and auxiliary structures), facilities, stations, and equipment, of the Northeast Corridor main line to a state-of-good-repair by the end of fiscal year 2018, consistent with the funding levels authorized in this division, and shall submit the plan to the Secretary.

(b) REVIEW AND APPROVAL BY THE SECRETARY.—

(1) 60-DAY APPROVAL PROCESS.—The Secretary shall complete the review of the capital spending plan and approve or disapprove the plan within 60 days after the date on which Amtrak submits the plan. During review, the Secretary may seek comments from the Commission established under section 24905 of title 49, United States Code, and other Northeast Corridor users regarding the plan. If the Secretary disapproves the plan or determines that the plan is incomplete or deficient, the Secretary shall include the reason for disapproval or the incomplete items or deficiencies in a notice to Amtrak.

(2) 15-DAY MODIFICATION PERIOD.—Within 15 days after receiving notification from the Secretary under paragraph (1), Amtrak shall submit a modified plan for the Secretary's review.

(3) REVISED REQUESTS.—Within 15 days after receiving a modified plan from Amtrak, the Secretary shall either approve the modified plan, or, if the Secretary finds that the plan is still incomplete or deficient, the Secretary shall identify in writing to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the remaining

deficiencies and recommend a process for resolving the outstanding portions of the plan.

(c) PLAN UPDATES.—The plan shall be updated at least annually and the Secretary shall review and approve such updates, in accordance with the procedures described in subsection (b).

(d) GRANTS.—The Secretary shall make grants to Amtrak with funds authorized by section 101(c) for Northeast Corridor capital investments contained within the capital spending plan prepared by Amtrak and approved by the Secretary.

(e) OVERSIGHT.—Using the funds authorized by section 101(d), the Secretary shall review Amtrak's capital expenditures funded by this section to ensure that such expenditures are consistent with the capital spending plan and that Amtrak is providing adequate project management oversight and fiscal controls.

(f) ELIGIBILITY OF EXPENDITURES.—The Federal share of expenditures for capital improvements under this section may not exceed 100 percent.

SEC. 212. NORTHEAST CORRIDOR INFRASTRUCTURE AND OPERATIONS IMPROVEMENTS.

(a) IN GENERAL.—Section 24905 is amended to read as follows:

"§ 24905. Northeast Corridor Infrastructure and Operations Advisory Commission; Safety Committee

''(a) NORTHEAST CORRIDOR INFRASTRUCTURE AND OPERATIONS ADVISORY COMMISSION.—

''(1) Within 180 days after the date of enactment of the Passenger Rail Investment and Improvement Act of 2008, the Secretary of Transportation shall establish a Northeast Corridor Infrastructure and Operations Advisory Commission (referred to in this section as the 'Commission') to promote mutual cooperation and planning pertaining to the rail operations and related activities of the Northeast Corridor. The Commission shall be made up of—

''(A) members representing Amtrak;

''(B) members representing the Department of Transportation, including the Federal Railroad Administration;

''(C) 1 member from each of the States (including the District of Columbia) that constitute the Northeast Corridor as defined in section 24102, designated by, and serving at the pleasure of, the chief executive officer thereof; and

''(D) non-voting representatives of freight railroad carriers using the Northeast Corridor selected by the Secretary.

''(2) The Secretary shall ensure that the membership belonging to any of the groups enumerated under paragraph (1) shall not constitute a majority of the Commission's memberships.

''(3) The Commission shall establish a schedule and location for convening meetings, but shall meet no less than four times per fiscal year, and the Commission shall develop rules and procedures to govern the Commission's proceedings.

''(4) A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

''(5) Members shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5.

''(6) The Chairman of the Commission shall be elected by the members.

''(7) The Commission may appoint and fix the pay of such personnel as it considers appropriate.

''(8) Upon request of the Commission, the head of any department or agency of the United States may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this section.

''(9) Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this section.

''(10) The Commission shall consult with other entities as appropriate.

''(b) STATEMENT OF GOALS AND RECOMMENDATIONS.—

''(1) STATEMENT OF GOALS.—The Commission shall develop a statement of goals concerning the future of Northeast Corridor rail infrastructure and operations based on achieving expanded and improved intercity, commuter, and freight rail services operating with greater safety and reliability, reduced travel times, increased frequencies and enhanced intermodal connections designed to address airport and highway congestion, reduce transportation energy consumption, improve air quality, and increase economic development of the Northeast Corridor region.

''(2) RECOMMENDATIONS.—The Commission shall develop recommendations based on the statement developed under this section addressing, as appropriate—

''(A) short-term and long-term capital investment needs beyond those specified in the state-of-good-repair plan under section 211 of the Passenger Rail Investment and Improvement Act of 2008;

''(B) future funding requirements for capital improvements and maintenance;

''(C) operational improvements of intercity passenger rail, commuter rail, and freight rail services;

''(D) opportunities for additional non-rail uses of the Northeast Corridor;

''(E) scheduling and dispatching;

''(F) safety and security enhancements;

''(G) equipment design;

''(H) marketing of rail services;

''(I) future capacity requirements; and

''(J) potential funding and financing mechanisms for projects of corridor-wide significance.

''(c) ACCESS COSTS.—

''(1) DEVELOPMENT OF FORMULA.—Within 2 years after the date of enactment of the Passenger Rail Investment and Improvement Act of 2008, the Commission shall—

''(A) develop a standardized formula for determining and allocating costs, revenues, and compensation for Northeast Corridor commuter rail passenger transportation, as defined in section 24102 of this title, on the Northeast Corridor main line between Boston, Massachusetts, and Washington, District of Columbia, and the Northeast Corridor branch lines connecting to Harrisburg, Pennsylvania, Springfield, Massachusetts, and Spuyten Duyvil, New York, that use Amtrak facilities or services or that provide such facilities or services to Amtrak that ensures that—

''(i) there is no cross-subsidization of commuter rail passenger, intercity rail passenger, or freight rail transportation;

''(ii) each service is assigned the costs incurred only for the benefit of that service, and a proportionate share, based upon factors that reasonably reflect relative use, of costs incurred for the common benefit of more than 1 service; and

''(iii) all financial contributions made by an operator of a service that benefit an infrastructure owner other than the operator are considered, including but not limited to, any capital infrastructure investments and in-kind services;

''(B) develop a proposed timetable for implementing the formula before the end of the 6th year following the date of enactment of that Act;

''(C) transmit the proposed timetable to the Surface Transportation Board; and

''(D) at the request of a Commission member, petition the Surface Transportation Board to appoint a mediator to assist the Commission members through non-binding mediation to reach an agreement under this section.

''(2) IMPLEMENTATION.—Amtrak and public authorities providing commuter rail passenger transportation on the Northeast Corridor shall implement new agreements for usage of facilities or services based on the formula proposed in paragraph (1) in accordance with the timetable established therein. If the entities fail to implement such new agreements in accordance with the timetable, the Commission shall petition the Surface Transportation Board to determine the appropriate compensation amounts for such services in accordance with section 24904(c) of this title. The Surface Transportation Board shall enforce its determination on the party or parties involved.

''(3) REVISIONS.—The Commission may make necessary revisions to the formula developed under paragraph (1), including revisions based on Amtrak's financial accounting system developed pursuant to section 203 of the Passenger Rail Investment and Improvement Act of 2008.

''(d) TRANSMISSION OF STATEMENT OF GOALS AND RECOMMENDATIONS.—The Commission shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives—

''(1) the statement of goals developed under subsection (b) within 1 year after the date of enactment of the Passenger Rail Investment and Improvement Act of 2008; and

''(2) the recommendations developed under subsection (b) and the formula and timetable developed under subsection (c)(1) annually.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission such sums as may be necessary for the period encompassing fiscal years 2009 through 2013 to carry out this section.

''(f) NORTHEAST CORRIDOR SAFETY COMMITTEE.—

''(1) IN GENERAL.—The Secretary shall establish a Northeast Corridor Safety Committee composed of members appointed by the Secretary. The members shall be representatives of—

''(A) the Department of Transportation, including the Federal Railroad Administration;

''(B) Amtrak;

''(C) freight carriers operating more than 150,000 train miles a year on the main line of the Northeast Corridor;

''(D) commuter rail agencies;

''(E) rail passengers;

''(F) rail labor; and

''(G) other individuals and organizations the Secretary decides have a significant interest in rail safety or security.

''(2) FUNCTION; MEETINGS.—The Secretary shall consult with the Committee about safety and security improvements on the Northeast Corridor main line. The Committee shall meet at least two times per year to consider safety and security matters on the main line.

''(3) REPORT.—At the beginning of the first session of each Congress, the Secretary shall submit a report to the Commission and to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the status of efforts to improve safety and security on the Northeast Corridor main line. The report shall include the safety and security

recommendations of the Committee and the comments of the Secretary on those recommendations.''.

(b) CONFORMING AMENDMENTS.—(1) The item relating to section 24905 in the table of sections of chapter 249 is amended to read as follows:

''24905. Northeast Corridor Infrastructure and Operations Advisory Commission; Safety Committee.''.

(2) Section 24904(c)(2) is amended by—

(A) inserting ''commuter rail passenger and'' after ''between''; and

(B) striking ''freight'' in the second sentence.

(c) RIDOT ACCESS AGREEMENT.—

(1) IN GENERAL.—Not later than July 1, 2009, Amtrak and the Rhode Island Department of Transportation shall enter into an agreement governing access fees and other costs or charges related to the operation of the South County commuter rail service on the Northeast Corridor between Providence and Wickford Junction, Rhode Island.

(2) FAILURE TO REACH AGREEMENT.—If Amtrak and the Rhode Island Department of Transportation fail to reach the agreement specified under paragraph (1), the Administrator of the Federal Railroad Administration shall, after consultation with both parties, resolve any outstanding disagreements between the parties, including setting access fees and other costs or charges related to the operation of the South County commuter rail service that do not allow for the cross-subsidization of intercity rail passenger and commuter rail passenger service, not later than January 1, 2010.

(3) INTERIM ACCESS COSTS.—Any agreement between Amtrak and the Rhode Island Department of Transportation relating to access costs made under this subsection shall be superseded by any access cost formula developed by the Northeast Corridor Infrastructure and Operations Advisory Commission under section 24905(c)(1) of title 49, United States Code, as amended by subsection (a) of this section.

(d) HIGH-SPEED SERVICE STUDY.—

(1) IN GENERAL.—Amtrak shall submit a report detailing the infrastructure and equipment improvements necessary to provide regular high-speed service—

(A) between Washington, District of Columbia, and New York, New York, in 2 hours and 30 minutes; and

(B) between New York, New York, and Boston, Massachusetts, in 3 hours and 15 minutes.

(2) ISSUES.—The report shall include—

(A) an estimated time frame for achieving the trip time described in paragraph (1);

(B) an analysis of any significant obstacles that would hinder such an achievement;

(C) a detailed description and cost estimate of the specific infrastructure and equipment improvements necessary for such an achievement; and

(D) an initial assessment of the infrastructure and equipment improvements, including an order of magnitude cost estimate of such improvements, that would be necessary to provide regular high-speed service—

(i) between Washington, District of Columbia, and New York, New York, in 2 hours and 15 minutes; and

(ii) between New York, New York, and Boston, Massachusetts, in 3 hours.

(3) REPORT.—Within 1 year after the date of enactment of this Act, Amtrak shall submit the report required under this subsection to—

(A) the Committee on Commerce, Science, and Transportation of the Senate;

(B) the Committee on Appropriations of the Senate;

(C) the Committee on Transportation and Infrastructure of the House of Representatives;

(D) the Committee on Appropriations of the House of Representatives; and

(E) the Federal Railroad Administration.

(e) REPORT ON NORTHEAST CORRIDOR ECONOMIC DEVELOPMENT.—Within 2 years after the date of enactment of this Act, the Northeast Corridor Infrastructure and Operations Advisory Commission shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the role of Amtrak's Northeast Corridor service between Washington, District of Columbia, and New York, New York, in the economic development of the Northeast Corridor region. The report shall examine how to enhance the utilization of the Northeast Corridor for greater economic development, including improving—

(1) real estate utilization;

(2) improved intercity, commuter, and freight services; and

(3) optimum utility utilization.

SEC. 213. PASSENGER TRAIN PERFORMANCE.

(a) IN GENERAL.—Section 24308 is amended by adding at the end the following:

''(f) PASSENGER TRAIN PERFORMANCE AND OTHER STANDARDS.—

''(1) INVESTIGATION OF SUBSTANDARD PERFORMANCE.—If the on-time performance of any intercity passenger train averages less than 80 percent for any 2 consecutive calendar quarters, or the service quality of intercity passenger train operations for which minimum standards are established under section 207 of the Passenger Rail Investment and Improvement Act of 2008 fails to meet those standards for 2 consecutive calendar quarters, the Surface Transportation Board (referred to in this section as the 'Board') may initiate an investigation, or upon the filing of a complaint by Amtrak, an intercity passenger rail operator, a host freight railroad over which Amtrak operates, or an entity for which Amtrak operates intercity passenger rail service, the Board shall initiate such an investigation, to determine whether and to what extent delays or failure to achieve minimum standards are due to causes that could reasonably be addressed by a rail carrier over whose tracks the intercity passenger train operates or reasonably addressed by Amtrak or other intercity passenger rail operators. As part of its investigation, the Board has authority to review the accuracy of the train performance data and the extent to which scheduling and congestion contribute to delays. In making its determination or carrying out such an investigation, the Board shall obtain information from all parties involved and identify reasonable measures and make recommendations to improve the service, quality, and on-time performance of the train.

''(2) PROBLEMS CAUSED BY HOST RAIL CARRIER.—If the Board determines that delays or failures to achieve minimum standards investigated under paragraph (1) are attributable to a rail carrier's failure to provide preference to Amtrak over freight transportation as required under subsection (c), the Board may award damages against the host rail carrier, including prescribing such other relief to Amtrak as it determines to be reasonable and appropriate pursuant to paragraph (3) of this subsection.

''(3) DAMAGES AND RELIEF.—In awarding damages and prescribing other relief under this subsection the Board shall consider such factors as—

''(A) the extent to which Amtrak suffers financial loss as a result of host rail carrier delays or failure to achieve minimum standards; and

''(B) what reasonable measures would adequately deter future actions which may reasonably be expected to be likely to result in delays to Amtrak on the route involved.

''(4) USE OF DAMAGES.—The Board shall, as it deems appropriate, order the host rail carrier to remit the damages awarded under this subsection to Amtrak or to an entity for which Amtrak operates intercity passenger rail service. Such damages shall be used for capital or operating expenditures on the routes over which delays or failures to achieve minimum standards were the result of a rail carrier's failure to provide preference to Amtrak over freight transportation as determined in accordance with paragraph (2).''.

(b) FEES.—The Surface Transportation Board may establish and collect filing fees from any entity that files a complaint under section 24308(f)(1) of title 49, United States Code, or otherwise requests or requires the Board's services pursuant to this division. The Board shall establish such fees at levels that will fully or partially, as the Board determines to be appropriate, offset the costs of adjudicating complaints under that section and other requests or requirements for Board action under this division. The Board may waive any fee established under this subsection for any governmental entity as determined appropriate by the Board.

(c) AUTHORIZATION OF ADDITIONAL STAFF.—The Surface Transportation Board may increase the number of Board employees by up to 15 for the 5 fiscal year period beginning with fiscal year 2009 to carry out its responsibilities under section 24308 of title 49, United States Code, and this division.

(d) CHANGE OF REFERENCE.—Section 24308 is amended—

(1) by striking ''Interstate Commerce Commission'' in subsection (a)(2)(A) and inserting ''Surface Transportation Board'';

(2) by striking ''Commission'' each place it appears and inserting ''Board'';

(3) by striking ''Secretary of Transportation'' in subsection (c) and inserting ''Board''; and

(4) by striking ''Secretary'' the last 3 places it appears in subsection (c) and each place it appears in subsections (d) and (e) and inserting ''Board''.

SEC. 214. ALTERNATE PASSENGER RAIL SERVICE PILOT PROGRAM.

(a) IN GENERAL.—Chapter 247, as amended by section 210, is amended by adding at the end thereof the following:

''§ 24711. Alternate passenger rail service pilot program

''(a) IN GENERAL.—Within 1 year after the date of enactment of the Passenger Rail Investment and Improvement Act of 2008, the Federal Railroad Administration shall complete a rulemaking proceeding to develop a pilot program that—

''(1) permits a rail carrier or rail carriers that own infrastructure over which Amtrak operates a passenger rail service route described in subparagraph (B), (C), or (D) of section 24102(5) or in section 24702 to petition the Administration to be considered as a passenger rail service provider over that route in lieu of Amtrak for a period not to exceed 5 years after the date of enactment of the Passenger Rail Investment and Improvement Act of 2008;

''(2) requires the Administration to notify Amtrak within 30 days after receiving a petition under paragraph (1) and establish a deadline by which both the petitioner and Amtrak would be required to submit a bid to provide passenger rail service over the route to which the petition relates;

''(3) requires that each bid describe how the bidder would operate the route, what

Amtrak passenger equipment would be needed, if any, what sources of non-Federal funding the bidder would use, including any State subsidy, among other things;

''(4) requires the Administration to select winning bidders by evaluating the bids against the financial and performance metrics developed under section 207 of the Passenger Rail Investment and Improvement Act of 2008 and to give preference in awarding contracts to bidders seeking to operate routes that have been identified as one of the five worst performing Amtrak routes under section 24710;

''(5) requires the Administration to execute a contract within a specified, limited time after the deadline established under paragraph (2) and award to the winning bidder—

''(A) the right and obligation to provide passenger rail service over that route subject to such performance standards as the Administration may require, consistent with the standards developed under section 207 of the Passenger Rail Investment and Improvement Act of 2008; and

''(B) an operating subsidy—

''(i) for the first year at a level not in excess of the level in effect during the fiscal year preceding the fiscal year in which the petition was received, adjusted for inflation;

''(ii) for any subsequent years at such level, adjusted for inflation; and

''(6) requires that each bid contain a staffing plan describing the number of employees needed to operate the service, the job assignments and requirements, and the terms of work for prospective and current employees of the bidder for the service outlined in the bid, and such staffing plan be made available by the winning bidder to the public after the bid award.

''(b) ROUTE LIMITATIONS.—The Administration may not make the program available with respect to more than 2 Amtrak intercity passenger rail routes.

''(c) PERFORMANCE STANDARDS; ACCESS TO FACILITIES; EMPLOYEES.—If the Administration awards the right and obligation to provide passenger rail service over a route under the program to a rail carrier or rail carriers—

''(1) it shall execute a contract with the rail carrier or rail carriers for rail passenger operations on that route that conditions the operating and subsidy rights upon—

''(A) the service provider continuing to provide passenger rail service on the route that is no less frequent, nor over a shorter distance, than Amtrak provided on that route before the award; and

''(B) the service provider's compliance with the minimum standards established under section 207 of the Passenger Rail Investment and Improvement Act of 2008 and such additional performance standards as the Administration may establish;

''(2) it shall, if the award is made to a rail carrier other than Amtrak, require Amtrak to provide access to its reservation system, stations, and facilities directly related to operations to any rail carrier or rail carriers awarded a contract under this section, in accordance with section 217 of that Act, necessary to carry out the purposes of this section;

''(3) the employees of any person used by a rail carrier or rail carriers (as defined in section 10102(5) of this title) in the operation of a route under this section shall be considered an employee of that carrier or carriers and subject to the applicable Federal laws and regulations governing similar crafts or classes of employees of Amtrak, including provisions under section 121 of the Amtrak Reform and Accountability Act of 1997 relating to employees that provide food and beverage service; and

''(4) the winning bidder shall provide hiring preference to qualified Amtrak employees displaced by the award of the bid, consistent with the staffing plan submitted by the bidder and shall be subject to the grant conditions under section 24405 of this title.

''(d) CESSATION OF SERVICE.—If a rail carrier or rail carriers awarded a route under this section cease to operate the service or fail to fulfill their obligations under the contract required under subsection (c), the Administrator, in collaboration with the Surface Transportation Board, shall take any necessary action consistent with this title to enforce the contract and ensure the continued provision of service, including the installment of an interim service provider and re-bidding the contract to operate the service. The entity providing service shall either be Amtrak or a rail carrier defined in subsection (a)(1).

''(e) ADEQUATE RESOURCES.—Before taking any action allowed under this section, the Secretary shall certify that the Administrator has sufficient resources that are adequate to undertake the program established under this section.''.

(b) REPORT.—Within 1 year after the conclusion of the pilot program established under subsection (a), the Federal Railroad Administration shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results on the pilot program established under section 24711, and any recommendations for further action.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 247, as amended by section 210, is amended by inserting after the item relating to section 24710 the following:

''24711. Alternate passenger rail service pilot program.''.

SEC. 215. EMPLOYEE TRANSITION ASSISTANCE.

(a) PROVISION OF FINANCIAL INCENTIVES.—For Amtrak employees who are adversely affected by the cessation of the operation of a long-distance route or any other route under section 24711 of title 49, United States Code, previously operated by Amtrak, the Secretary shall develop a program under which the Secretary may, at the Secretary's discretion, provide grants for financial incentives to be provided to Amtrak employees who voluntarily terminate their employment with Amtrak and relinquish any legal rights to receive termination-related payments under any contractual agreement with Amtrak.

(b) CONDITIONS FOR FINANCIAL INCENTIVES.—As a condition for receiving financial assistance grants under this section, Amtrak must certify that—

(1) a reasonable attempt was made to reassign an employee adversely affected under section 24711 of title 49, United States Code, or by the elimination of any route, to other positions within Amtrak in accordance with any contractual agreements;

(2) the financial assistance results in a net reduction in the total number of employees equal to the number receiving financial incentives;

(3) the financial assistance results in a net reduction in total employment expense equivalent to the total employment expenses associated with the employees receiving financial incentives; and

(4) the total number of employees eligible for termination-related payments will not be increased without the express written consent of the Secretary.

(c) AMOUNT OF FINANCIAL INCENTIVES.—The financial incentives authorized under this section may be no greater than $100,000 per employee.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are hereby authorized to be appropriated to the Secretary such sums as may be necessary to make grants to Amtrak to provide financial incentives under subsection (a).

(e) TERMINATION-RELATED PAYMENTS.—If Amtrak employees adversely affected by the cessation of Amtrak service resulting from the awarding of a grant to an operator other than Amtrak for the operation of a route under section 24711 of title 49, United States Code, or any other route, previously operated by Amtrak do not receive financial incentives under subsection (a), then the Secretary shall make grants to Amtrak from funds authorized by section 101 of this division for termination-related payments to employees under existing contractual agreements.

SEC. 216. SPECIAL PASSENGER TRAINS.

Amtrak is encouraged to increase the operation of special trains funded by, or in partnership with, private sector operators through competitive contracting to minimize the need for Federal subsidies. Amtrak shall utilize the provisions of section 24308 of title 49, United States Code, when necessary to obtain access to facilities, train and engine crews, or services of a rail carrier or regional transportation authority that are required to operate such trains.

SEC. 217. ACCESS TO AMTRAK EQUIPMENT AND SERVICES.

If a State desires to select or selects an entity other than Amtrak to provide services required for the operation of an intercity passenger train route described in section 24102(5)(D) or 24702 of title 49, United States Code, the State may make an agreement with Amtrak to use facilities and equipment of, or have services provided by, Amtrak under terms agreed to by the State and Amtrak to enable the State to utilize an entity other than Amtrak to provide services required for operation of the route. If the parties cannot agree upon terms, and the Surface Transportation Board finds that access to Amtrak's facilities or equipment, or the provision of services by Amtrak, is necessary to carry out this provision and that the operation of Amtrak's other services will not be impaired thereby, the Surface Transportation Board shall, within 120 days after submission of the dispute, issue an order that the facilities and equipment be made available, and that services be provided, by Amtrak, and shall determine reasonable compensation, liability, and other terms for use of the facilities and equipment and provision of the services. Compensation shall be determined, as appropriate, in accordance with the methodology established pursuant to section 209 of this division, if available.

SEC. 218. GENERAL AMTRAK PROVISIONS.

(a) CONFORMING CHANGES.—

(1) PLAN REQUIRED.—Section 24101(d) is amended—

(A) by striking ''plan to operate within the funding levels authorized by section 24104 of this chapter, including the budgetary goals for fiscal years 1998 through 2002.'' and inserting ''plan, consistent with section 204 of the Passenger Rail Investment and Improvement Act of 2008, including the budgetary goals for fiscal years 2009 through 2013.''; and

(B) by striking the last sentence and inserting ''Amtrak and its Board of Directors shall adopt a long-term plan that minimizes the need for Federal operating subsidies.''.

(2) AMTRAK REFORM AND ACCOUNTABILITY ACT AMENDMENTS.—Title II of the Amtrak Reform and Accountability Act of 1997 (49 U.S.C. 24101 nt) is amended by striking sections 204 and 205.

(b) LEASE ARRANGEMENTS AND OTHER PURCHASES.—Amtrak may obtain from the Administrator of General Services, and the Administrator may provide to Amtrak, services

under sections 502(a) and 602 of title 40, United States Code.

SEC. 219. STUDY OF COMPLIANCE REQUIREMENTS AT EXISTING INTERCITY RAIL STATIONS.

(a) IN GENERAL.—Amtrak, in consultation with station owners and other railroads operating service through the existing stations that it serves, shall evaluate the improvements necessary to make these stations readily accessible to and usable by individuals with disabilities, as required by such section 242(e)(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12162(e)(2)). The evaluation shall include, for each applicable station, improvements required to bring it into compliance with the applicable parts of such section 242(e)(2), any potential barriers to achieving compliance, including issues related to passenger rail station platforms, the estimated cost of the improvements necessary, the identification of the responsible person (as defined in section 241(5) of that Act (42 U.S.C. 12161(5))), and the earliest practicable date when such improvements can be made. The evaluation shall also include a detailed plan and schedule for bringing all applicable stations into compliance with the applicable parts of section 242(e)(2) by the 2010 statutory deadline for station accessibility. Amtrak shall submit the evaluation to the Committee on Transportation and Infrastructure of the House of Representatives; the Committee on Commerce, Science, and Transportation of the Senate; the Department of Transportation; and the National Council on Disability by February 1, 2009, along with recommendations for funding the necessary improvements. Should the Department of Transportation issue any rule related to transportation for individuals with disabilities by intercity passenger rail after Amtrak submits its evaluation, Amtrak shall, within 120 days after the date that such rule is published, submit to the above parties a supplemental evaluation on any impact of the rule on its cost and schedule for achieving full compliance.

(b) ACCESSIBILITY IMPROVEMENTS AND BARRIER REMOVAL FOR PEOPLE WITH DISABILITIES.—There are authorized to be appropriated to the Secretary for the use of Amtrak such sums as may be necessary to improve the accessibility of facilities, including rail platforms, and services.

SEC. 220. OVERSIGHT OF AMTRAK'S COMPLIANCE WITH ACCESSIBILITY REQUIREMENTS.

Using the funds authorized by section 103 of this division, the Federal Railroad Administration shall monitor and conduct periodic reviews of Amtrak's compliance with applicable sections of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1974 to ensure that Amtrak's services and facilities are accessible to individuals with disabilities to the extent required by law.

SEC. 221. AMTRAK MANAGEMENT ACCOUNTABILITY.

(a) IN GENERAL.—Chapter 243 is amended by inserting after section 24309 the following:

"§ 24310. Management accountability

''(a) IN GENERAL.—Within 3 years after the date of enactment of the Passenger Rail Investment and Improvement Act of 2008, and 2 years thereafter, the Inspector General of the Department of Transportation shall complete an overall assessment of the progress made by Amtrak management and the Department of Transportation in implementing the provisions of that Act.

''(b) ASSESSMENT.—The management assessment undertaken by the Inspector General may include a review of—

''(1) effectiveness in improving annual financial planning;

''(2) effectiveness in implementing improved financial accounting;

''(3) efforts to implement minimum train performance standards;

''(4) progress maximizing revenues, minimizing Federal subsidies, and improving financial results; and

''(5) any other aspect of Amtrak operations the Inspector General finds appropriate to review.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 243 is amended by inserting after the item relating to section 24309 the following:

''24310. Management accountability.''.

SEC. 222. ON-BOARD SERVICE IMPROVEMENTS.

(a) IN GENERAL.—Within 1 year after metrics and standards are established under section 207 of this division, Amtrak shall develop and implement a plan to improve on-board service pursuant to the metrics and standards for such service developed under that section.

(b) REPORT.—Amtrak shall provide a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the on-board service improvements proscribed in the plan and the timeline for implementing such improvements.

SEC. 223. INCENTIVE PAY.

The Amtrak Board of Directors is encouraged to develop an incentive pay program for Amtrak management employees.

SEC. 224. PASSENGER RAIL SERVICE STUDIES.

(a) INTERCITY RAIL SERVICE STUDIES.—Within 1 year after the date of enactment of this Act, Amtrak shall conduct studies of the following routes:

(1) The Pioneer Route between Seattle and Chicago, which was operated by Amtrak until 1997, to determine whether to reinstate passenger rail service along the route or along segments of the route.

(2) The North Coast Hiawatha Route between Chicago and Seattle, through southern Montana, which was operated by Amtrak until 1979, to determine whether to reinstate passenger rail service along the route or along segments of the route, provided that such service will not negatively impact existing Amtrak routes.

(3) Between Cornwells Heights, Pennsylvania, and New York, New York, to determine whether to expand passenger rail service by increasing the frequency of stops or reducing commuter ticket prices for this route.

(4) Between Princeton Junction, New Jersey, and Philadelphia, Pennsylvania, to determine whether to expand passenger rail service along the route.

(5) Between Harrisburg and Pittsburgh, Pennsylvania, to determine whether to increase frequency of passenger rail service along the route or along segments of the route.

(6) The Capitol Limited Route between Cumberland, Maryland, and Pittsburgh, Pennsylvania, to determine whether to reinstate a station stop at Rockwood, Pennsylvania.

(b) ASSISTANCE.—The Comptroller General of the General Accountability Office shall, upon request by Amtrak, assist Amtrak in conducting the studies under subsection (a).

(c) HIGH-SPEED RAIL CORRIDOR STUDIES.—(1) The Secretary shall conduct—

(A) an analysis of the Secretary's December 1, 1998, extension of the designation of the Southeast High-Speed Rail Corridor as authorized under section 104(d)(2) of title 23, United States Code, including an analysis of alternative routings for the corridor;

(B) a feasibility analysis regarding the expansion of the South Central High-Speed Rail Corridor—

(i) to Memphis, Tennessee;

(ii) to the Port of Houston, Texas;

(iii) through Killeen, Texas; and

(iv) south of San Antonio, Texas, to a location in far south Texas to be chosen at the discretion of the Secretary; and

(C) a feasibility analysis regarding the expansion of the Keystone Corridor to Cleveland, Ohio.

These analyses shall consider changes that have occurred in the region's population, anticipated patterns of population growth, connectivity with other modes of transportation, the ability of the proposed corridor to reduce regional traffic congestion, and the ability of current and proposed routings to enhance tourism. Within 1 year after the date of enactment of this Act, the Secretary shall submit a report on these analyses to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, and shall redesignate or modify corridor designations based on these analyses, if necessary.

(2) The Secretary shall establish a process for a State or group of States to petition the Secretary to redesignate or modify any designated high-speed rail corridors.

SEC. 225. REPORT ON SERVICE DELAYS ON CERTAIN PASSENGER RAIL ROUTES.

Within 6 months after the date of the enactment of this Act, the Inspector General of the Department of Transportation shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that—

(1) describes service delays and the sources of such delays on—

(A) the Amtrak passenger rail route between Seattle, Washington, and Los Angeles, California (commonly known as the ''Coast Starlight''); and

(B) the Amtrak passenger rail route between Vancouver, British Columbia, Canada, and Eugene, Oregon (commonly known as ''Amtrak Cascades''); and

(2) contains recommendations for improving the on-time performance of such routes.

SEC. 226. PLAN FOR RESTORATION OF SERVICE.

Within 9 months after the date of enactment of this Act, Amtrak shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan for restoring passenger rail service between New Orleans, Louisiana, and Sanford, Florida. The plan shall include a projected timeline for restoring such service, the costs associated with restoring such service, and any proposals for legislation necessary to support such restoration of service. In developing the plan, Amtrak shall consult with representatives from the States of Louisiana, Alabama, Mississippi, and Florida, railroad carriers whose tracks may be used for such service, rail passengers, rail labor, and other entities as appropriate.

SEC. 227. MAINTENANCE AND REPAIR FACILITY UTILIZATION STUDY.

Within 9 months after the date of enactment of this Act, the Inspector General of the Department of Transportation shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on Amtrak's utilization of its equipment maintenance and repair facilities, including the Beech Grove Mechanical Facility in Indiana. The report shall include an examination of Amtrak's utilization of its existing equipment maintenance and repair facilities, the productivity of such facilities,

and the extent to which Amtrak is maximizing opportunities for utilizing each facility, including the provision of maintenance and repair to other rail carriers. In developing this report, the Inspector General shall consult with the Inspector General of Amtrak, Amtrak management, rail labor, and other railroad carriers, as it deems appropriate.

SEC. 228. SENSE OF THE CONGRESS REGARDING THE NEED TO MAINTAIN AMTRAK AS A NATIONAL PASSENGER RAIL SYSTEM.

(a) FINDINGS.—The Congress makes the following findings:

(1) In fiscal year 2007, 3,800,000 passengers traveled on Amtrak's long-distance trains, an increase of 2.4 percent over fiscal year 2006.

(2) Amtrak long-distance routes generated $376,000,000 in revenue in fiscal year 2007, an increase of 5 percent over fiscal year 2006.

(3) Amtrak operates 15 long-distance trains over 18,500 route miles that serve 39 States and the District of Columbia. These trains provide the only rail passenger service to 23 States.

(4) Amtrak's long-distance trains provide an essential transportation service for many communities and to a significant percentage of the general public.

(5) Many long-distance trains serve small communities with limited or no significant air or bus service, especially in remote or isolated areas in the United States.

(6) As a result of airline deregulation and decisions by national bus carriers to leave many communities, rail transportation may provide the only feasible common carrier transportation option for a growing number of areas.

(7) If long-distance trains were eliminated, 23 States and 243 communities would be left with no intercity passenger rail service and 16 other States would lose some rail service. These trains provide a strong economic benefit for the States and communities that they serve.

(8) Long-distance trains also provide transportation during periods of severe weather or emergencies that stall other modes of transportation.

(9) Amtrak provided the only reliable long-distance transportation following the September 11, 2001, terrorist attacks that grounded air travel.

(10) The majority of passengers on long-distance trains do not travel between the endpoints, but rather between any combination of cities along the route.

(11) Passenger trains provide transportation options, mobility for underserved populations, congestion mitigation, and jobs in the areas they serve.

(12) Passenger rail has a positive impact on the environment compared to other modes of transportation by conserving energy, reducing greenhouse gas emissions, and cutting down on other airborne particulate and toxic emissions.

(13) Amtrak communities that are served use passenger rail and passenger rail stations as a significant source of economic development.

(14) This division makes meaningful and important reforms to increase the efficiency, profitability and on-time performance of Amtrak's long-distance routes.

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

(1) long-distance passenger rail is a vital and necessary part of our national transportation system and economy; and

(2) Amtrak should maintain a national passenger rail system, including long-distance routes, that connects the continental United States from coast to coast and from border to border.

TITLE III—INTERCITY PASSENGER RAIL POLICY

SEC. 301. CAPITAL ASSISTANCE FOR INTERCITY PASSENGER RAIL SERVICE.

(a) IN GENERAL.—Part C of subtitle V is amended by inserting the following after chapter 243:

"CHAPTER 244—INTERCITY PASSENGER RAIL SERVICE CORRIDOR CAPITAL ASSISTANCE

''Sec.
''24401. Definitions.
''24402. Capital investment grants to support intercity passenger rail service.
''24403. Project management oversight.
''24404. Use of capital grants to finance first-dollar liability of grant project.
''24405. Grant conditions.
''24406. Authorization of appropriations.

"§ 24401. Definitions

''In this chapter:

''(1) APPLICANT.—The term 'applicant' means a State (including the District of Columbia), a group of States, an Interstate Compact, or a public agency established by one or more States and having responsibility for providing intercity passenger rail service.

''(2) CAPITAL PROJECT.—The term 'capital project' means a project or program in a State rail plan developed under chapter 227 of this title for—

''(A) acquiring, constructing, improving, or inspecting equipment, track and track structures, or a facility for use in or for the primary benefit of intercity passenger rail service, expenses incidental to the acquisition or construction (including designing, engineering, location surveying, mapping, environmental studies, and acquiring rights-of-way), payments for the capital portions of rail trackage rights agreements, highway-rail grade crossing improvements related to intercity passenger rail service, mitigating environmental impacts, communication and signalization improvements, relocation assistance, acquiring replacement housing sites, and acquiring, constructing, relocating, and rehabilitating replacement housing;

''(B) rehabilitating, remanufacturing or overhauling rail rolling stock and facilities used primarily in intercity passenger rail service;

''(C) costs associated with developing State rail plans; and

''(D) the first-dollar liability costs for insurance related to the provision of intercity passenger rail service under section 24404.

''(3) INTERCITY PASSENGER RAIL SERVICE.—The term 'intercity passenger rail service' means intercity rail passenger transportation, as defined in section 24102 of this title.

"§ 24402. Capital investment grants to support intercity passenger rail service

''(a) GENERAL AUTHORITY.—

''(1) The Secretary of Transportation may make grants under this section to an applicant to assist in financing the capital costs of facilities, infrastructure, and equipment necessary to provide or improve intercity passenger rail transportation.

''(2) Consistent with the requirements of this chapter, the Secretary shall require that a grant under this section be subject to the terms, conditions, requirements, and provisions the Secretary decides are necessary or appropriate for the purposes of this section, including requirements for the disposition of net increases in value of real property resulting from the project assisted under this section and shall prescribe procedures and schedules for the awarding of grants under this title, including application and qualification procedures and a record of decision on applicant eligibility. The Secretary shall issue a final rule establishing such procedures not later than 2 years after the date of enactment of the Passenger Rail Investment and Improvement Act of 2008. For the period prior to the earlier of the issuance of such a rule or 2 years after the date of enactment of such Act, the Secretary shall issue interim guidance to applicants covering such procedures, and administer the grant program authorized under this section pursuant to such guidance.

''(b) PROJECT AS PART OF STATE RAIL PLAN.—

''(1) The Secretary may not approve a grant for a project under this section unless the Secretary finds that the project is part of a State rail plan developed under chapter 227 of this title, or under the plan required by section 211 of the Passenger Rail Investment and Improvement Act of 2008, and that the applicant or recipient has or will have the legal, financial, and technical capacity to carry out the project, satisfactory continuing control over the use of the equipment or facilities, and the capability and willingness to maintain the equipment or facilities.

''(2) An applicant shall provide sufficient information upon which the Secretary can make the findings required by this subsection.

''(3) If an applicant has not selected the proposed operator of its service competitively, the applicant shall provide written justification to the Secretary showing why the proposed operator is the best, taking into account price and other factors, and that use of the proposed operator will not unnecessarily increase the cost of the project.

''(c) PROJECT SELECTION CRITERIA.—The Secretary, in selecting the recipients of financial assistance to be provided under subsection (a), shall—

''(1) require—

''(A) that the project be part of a State rail plan developed under chapter 227 of this title, or under the plan required by section 211 of the Passenger Rail Investment and Improvement Act of 2008;

''(B) that the applicant or recipient has or will have the legal, financial, and technical capacity to carry out the project, satisfactory continuing control over the use of the equipment or facilities, and the capability and willingness to maintain the equipment or facilities;

''(C) that the applicant provides sufficient information upon which the Secretary can make the findings required by this subsection;

''(D) that if an applicant has selected the proposed operator of its service competitively, that the applicant provide written justification to the Secretary showing why the proposed operator is the best, taking into account costs and other factors;

''(E) that each proposed project meet all safety and security requirements that are applicable to the project under law; and

''(F) that each project be compatible with, and operated in conformance with—

''(i) plans developed pursuant to the requirements of section 135 of title 23, United States Code; and

''(ii) the national rail plan (if it is available);

''(2) select projects—

''(A) that are anticipated to result in significant improvements to intercity rail passenger service, including, but not limited to, consideration of—

''(i) the project's levels of estimated ridership, increased on-time performance, reduced trip time, additional service frequency to meet anticipated or existing demand, or other significant service enhancements as

measured against minimum standards developed under section 207 of the Passenger Rail Investment and Improvement Act of 2008;

''(ii) the project's anticipated favorable impact on air or highway traffic congestion, capacity, or safety; and

''(iii) identification of the project by the Surface Transportation Board as necessary to improve the on-time performance and reliability of intercity passenger rail under section 24308(f);

''(B) for which there is a high degree of confidence that the proposed project is feasible and will result in the anticipated benefits, as indicated by—

''(i) the project's precommencement compliance with environmental protection requirements;

''(ii) the readiness of the project to be commenced;

''(iii) the timing and amount of the project's future noncommitted investments;

''(iv) the commitment of any affected host rail carrier to ensure the realization of the anticipated benefits; and

''(v) other relevant factors as determined by the Secretary; and

''(C) for which the level of the anticipated benefits compares favorably to the amount of Federal funding requested under this chapter; and

''(3) give greater consideration to projects—

''(A) that are anticipated to result in benefits to other modes transportation and to the public at large, including, but not limited to, consideration of the project's—

''(i) encouragement of intermodal connectivity through provision of direct connections between train stations, airports, bus terminals, subway stations, ferry ports, and other modes of transportation;

''(ii) anticipated improvement of freight or commuter rail operations;

''(iii) encouragement of the use of positive train control technologies;

''(iv) environmental benefits, including projects that involve the purchase of environmentally sensitive, fuel-efficient, and cost-effective passenger rail equipment;

''(v) anticipated positive economic and employment impacts;

''(vi) encouragement of State and private contributions toward station development, energy and environmentally efficiency, and economic benefits; and

''(vii) falling under the description in section 5302(a)(1)(G) of this title as defined to support intercity passenger rail service; and

''(B) that incorporate equitable financial participation in the project's financing, including, but not limited to, consideration of—

''(i) donated property interests or services;

''(ii) financial contributions by freight and commuter rail carriers commensurate with the benefit expected to their operations; and

''(iii) financial commitments from host railroads, non-Federal governmental entities, nongovernmental entities, and others.

''(d) STATE RAIL PLANS.—State rail plans completed before the date of enactment of the Passenger Rail Investment and Improvement Act of 2008 that substantially meet the requirements of chapter 227 of this title, as determined by the Secretary pursuant to section 22506 of this title, shall be deemed by the Secretary to have met the requirements of subsection (c)(1)(A) of this section.

''(e) AMTRAK ELIGIBILITY.—To receive a grant under this section, Amtrak may enter into a cooperative agreement with 1 or more States to carry out 1 or more projects on a State rail plan's ranked list of rail capital projects developed under section 22504(a)(5) of this title. For such a grant, Amtrak may not use Federal funds authorized under section 101(a) or (c) of the Passenger Rail Investment and Improvement Act of 2008 to fulfill the non-Federal share requirements under subsection (g) of this section.

''(f) LETTERS OF INTENT AND EARLY SYSTEMS WORK AGREEMENTS.—

''(1) The Secretary may issue a letter of intent to an applicant announcing an intention to obligate, for a major capital project under this section, an amount from future available budget authority specified in law that is not more than the amount stipulated as the financial participation of the Secretary in the project.

''(2) At least 30 days before issuing a letter under paragraph (1) of this subsection, the Secretary shall notify in writing the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the House and Senate Committees on Appropriations of the proposed letter or agreement. The Secretary shall include with the notification a copy of the proposed letter or agreement, the criteria used in subsection (c) for selecting the project for a grant award, and a description of how the project meets such criteria.

''(3) An obligation or administrative commitment may be made only when amounts are appropriated. The letter of intent shall state that the contingent commitment is not an obligation of the Federal Government, and is subject to the availability of appropriations under Federal law and to Federal laws in force or enacted after the date of the contingent commitment.

''(g) FEDERAL SHARE OF NET PROJECT COST.—

''(1)(A) Based on engineering studies, studies of economic feasibility, and information on the expected use of equipment or facilities, the Secretary shall estimate the net project cost.

''(B) A grant for the project shall not exceed 80 percent of the project net capital cost.

''(C) The Secretary shall give priority in allocating future obligations and contingent commitments to incur obligations to grant requests seeking a lower Federal share of the project net capital cost.

''(2) Up to an additional 20 percent of the required non-Federal funds may be funded from amounts appropriated to or made available to a department or agency of the Federal Government that are eligible to be expended for transportation.

''(3) The following amounts, not to exceed $15,000,000 per fiscal year, shall be available to each applicant as a credit toward an applicant's matching requirement for a grant awarded under this section—

''(A) in each of fiscal years 2009, 2010, and 2011—

''(i) 50 percent of the average of amounts expended in fiscal years 2002 through 2008 by an applicant for capital projects related to intercity passenger rail service; and

''(ii) 50 percent of the average of amounts expended in fiscal years 2002 through 2008 by an applicant for operating costs of such service; and

''(B) in each of fiscal years 2010, 2011 and 2012, 50 percent of the amount by which the amounts expended for capital projects and operating costs related to intercity passenger rail service by an applicant in the prior fiscal year exceed the average capital and operating expenditures made for such service in fiscal years 2006, 2007, and 2008.

The Secretary may require such information as necessary to verify such expenditures. Credits made available to an applicant in a fiscal year under this paragraph may only be applied towards grants awarded in that fiscal year.

''(4) The Federal share of expenditures for capital improvements under this chapter may not exceed 100 percent.

''(h) 2-YEAR AVAILABILITY.—Funds appropriated under this section shall remain available until expended. If any amount provided as a grant under this section is not obligated or expended for the purposes described in subsection (a) within 2 years after the date on which the State received the grant, such sums shall be returned to the Secretary for other intercity passenger rail development projects under this section at the discretion of the Secretary.

''(i) COOPERATIVE AGREEMENTS.—

''(1) IN GENERAL.—A metropolitan planning organization, State transportation department, or other project sponsor may enter into an agreement with any public, private, or nonprofit entity to cooperatively implement any project funded with a grant under this chapter.

''(2) FORMS OF PARTICIPATION.—Participation by an entity under paragraph (1) may consist of—

''(A) ownership or operation of any land, facility, locomotive, rail car, vehicle, or other physical asset associated with the project;

''(B) cost-sharing of any project expense;

''(C) carrying out administration, construction management, project management, project operation, or any other management or operational duty associated with the project; and

''(D) any other form of participation approved by the Secretary.

''(3) SUBALLOCATION.—A State may allocate funds under this section to any entity described in paragraph (1).

''(j) SPECIAL TRANSPORTATION CIRCUMSTANCES.—In carrying out this section, the Secretary shall allocate an appropriate portion of the amounts available under this section to provide grants to States—

''(1) in which there is no intercity passenger rail service for the purpose of funding freight rail capital projects that are on a State rail plan developed under chapter 227 of this title that provide public benefits (as defined in chapter 227) as determined by the Secretary; or

''(2) in which the rail transportation system is not physically connected to rail systems in the continental United States or may not otherwise qualify for a grant under this section due to the unique characteristics of the geography of that State or other relevant considerations, for the purpose of funding transportation-related capital projects.

''(k) SMALL CAPITAL PROJECTS.—The Secretary shall make not less than 5 percent annually available from the amounts authorized under section 101(c) of the Passenger Rail Investment and Improvement Act of 2008 beginning in fiscal year 2009 for grants for capital projects eligible under this section not exceeding $2,000,000, including costs eligible under section 209(d) of that Act. For grants awarded under this subsection, the Secretary may waive requirements of this section, including state rail plan requirements, as appropriate.

''(l) NONMOTORIZED TRANSPORTATION ACCESS AND STORAGE.—Grants under this chapter may be used to provide access to rolling stock for nonmotorized transportation, including bicycles, and recreational equipment, and to provide storage capacity in trains for such transportation, equipment, and other luggage, to ensure passenger safety.

''§ 24403. Project management oversight

''(a) PROJECT MANAGEMENT PLAN REQUIREMENTS.—To receive Federal financial assistance for a major capital project under this

chapter, an applicant must prepare and carry out a project management plan approved by the Secretary of Transportation. The plan shall provide for—

''(1) adequate recipient staff organization with well-defined reporting relationships, statements of functional responsibilities, job descriptions, and job qualifications;

''(2) a budget covering the project management organization, appropriate consultants, property acquisition, utility relocation, systems demonstration staff, audits, and miscellaneous payments the recipient may be prepared to justify;

''(3) a construction schedule for the project;

''(4) a document control procedure and recordkeeping system;

''(5) a change order procedure that includes a documented, systematic approach to handling the construction change orders;

''(6) organizational structures, management skills, and staffing levels required throughout the construction phase;

''(7) quality control and quality assurance functions, procedures, and responsibilities for construction, system installation, and integration of system components;

''(8) material testing policies and procedures;

''(9) internal plan implementation and reporting requirements;

''(10) criteria and procedures to be used for testing the operational system or its major components;

''(11) periodic updates of the plan, especially related to project budget and project schedule, financing, and ridership estimates; and

''(12) the recipient's commitment to submit periodically a project budget and project schedule to the Secretary.

''(b) SECRETARIAL OVERSIGHT.—

''(1) The Secretary may use no more than 1 percent of amounts made available in a fiscal year for capital projects under this chapter to enter into contracts to oversee the construction of such projects.

''(2) The Secretary may use amounts available under paragraph (1) of this subsection to make contracts for safety, procurement, management, and financial compliance reviews and audits of a recipient of amounts under paragraph (1).

''(3) The Federal Government shall pay the entire cost of carrying out a contract under this subsection.

''(c) ACCESS TO SITES AND RECORDS.—Each recipient of assistance under this chapter shall provide the Secretary and a contractor the Secretary chooses under subsection (b) of this section with access to the construction sites and records of the recipient when reasonably necessary.

''§ 24404. Use of capital grants to finance first-dollar liability of grant project

''Notwithstanding the requirements of section 24402 of this chapter, the Secretary of Transportation may approve the use of a capital assistance grant under this chapter to fund self-insured retention of risk for the first tier of liability insurance coverage for rail passenger service associated with the grant, but the coverage may not exceed $20,000,000 per occurrence or $20,000,000 in aggregate per year.

''§ 24405. Grant conditions

''(a) BUY AMERICA.—(1) The Secretary of Transportation may obligate an amount that may be appropriated to carry out this chapter for a project only if the steel, iron, and manufactured goods used in the project are produced in the United States.

''(2) The Secretary of Transportation may waive paragraph (1) of this subsection if the Secretary finds that—

''(A) applying paragraph (1) would be inconsistent with the public interest;

''(B) the steel, iron, and goods produced in the United States are not produced in a sufficient and reasonably available amount or are not of a satisfactory quality;

''(C) rolling stock or power train equipment cannot be bought and delivered in the United States within a reasonable time; or

''(D) including domestic material will increase the cost of the overall project by more than 25 percent.

''(3) For purposes of this subsection, in calculating the components' costs, labor costs involved in final assembly shall not be included in the calculation.

''(4) If the Secretary determines that it is necessary to waive the application of paragraph (1) based on a finding under paragraph (2), the Secretary shall, before the date on which such finding takes effect—

''(A) publish in the Federal Register a detailed written justification as to why the waiver is needed; and

''(B) provide notice of such finding and an opportunity for public comment on such finding for a reasonable period of time not to exceed 15 days.

''(5) Not later than December 31, 2012, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on any waivers granted under paragraph (2).

''(6) The Secretary of Transportation may not make a waiver under paragraph (2) of this subsection for goods produced in a foreign country if the Secretary, in consultation with the United States Trade Representative, decides that the government of that foreign country—

''(A) has an agreement with the United States Government under which the Secretary has waived the requirement of this subsection; and

''(B) has violated the agreement by discriminating against goods to which this subsection applies that are produced in the United States and to which the agreement applies.

''(7) A person is ineligible to receive a contract or subcontract made with amounts authorized under this chapter if a court or department, agency, or instrumentality of the Government decides the person intentionally—

''(A) affixed a 'Made in America' label, or a label with an inscription having the same meaning, to goods sold in or shipped to the United States that are used in a project to which this subsection applies but not produced in the United States; or

''(B) represented that goods described in subparagraph (A) of this paragraph were produced in the United States.

''(8) The Secretary may not impose any limitation on assistance provided under this chapter that restricts a State from imposing more stringent requirements than this subsection on the use of articles, materials, and supplies mined, produced, or manufactured in foreign countries in projects carried out with that assistance or restricts a recipient of that assistance from complying with those State-imposed requirements.

''(9) The Secretary may allow a manufacturer or supplier of steel, iron, or manufactured goods to correct after bid opening any certification of noncompliance or failure to properly complete the certification (but not including failure to sign the certification) under this subsection if such manufacturer or supplier attests under penalty of perjury that such manufacturer or supplier submitted an incorrect certification as a result of an inadvertent or clerical error. The burden of establishing inadvertent or clerical error is on the manufacturer or supplier.

''(10) A party adversely affected by an agency action under this subsection shall have the right to seek review under section 702 of title 5.

''(11) The requirements of this subsection shall only apply to projects for which the costs exceed $100,000.

''(b) OPERATORS DEEMED RAIL CARRIERS AND EMPLOYERS FOR CERTAIN PURPOSES.—A person that conducts rail operations over rail infrastructure constructed or improved with funding provided in whole or in part in a grant made under this chapter shall be considered a rail carrier as defined in section 10102(5) of this title for purposes of this title and any other statute that adopts that definition or in which that definition applies, including—

''(1) the Railroad Retirement Act of 1974 (45 U.S.C. 231 et seq.);

''(2) the Railway Labor Act (43 U.S.C. 151 et seq.); and

''(3) the Railroad Unemployment Insurance Act (45 U.S.C. 351 et seq.).

''(c) GRANT CONDITIONS.—The Secretary shall require as a condition of making any grant under this chapter for a project that uses rights-of-way owned by a railroad that—

''(1) a written agreement exist between the applicant and the railroad regarding such use and ownership, including—

''(A) any compensation for such use;

''(B) assurances regarding the adequacy of infrastructure capacity to accommodate both existing and future freight and passenger operations;

''(C) an assurance by the railroad that collective bargaining agreements with the railroad's employees (including terms regulating the contracting of work) will remain in full force and effect according to their terms for work performed by the railroad on the railroad transportation corridor; and

''(D) an assurance that an applicant complies with liability requirements consistent with section 28103 of this title; and

''(2) the applicant agrees to comply with—

''(A) the standards of section 24312 of this title, as such section was in effect on September 1, 2003, with respect to the project in the same manner that Amtrak is required to comply with those standards for construction work financed under an agreement made under section 24308(a) of this title; and

''(B) the protective arrangements established under section 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 836) with respect to employees affected by actions taken in connection with the project to be financed in whole or in part by grants under this chapter.

''(d) REPLACEMENT OF EXISTING INTERCITY PASSENGER RAIL SERVICE.—

''(1) COLLECTIVE BARGAINING AGREEMENT FOR INTERCITY PASSENGER RAIL PROJECTS.—Any entity providing intercity passenger railroad transportation that begins operations after the date of enactment of this Act on a project funded in whole or in part by grants made under this chapter and replaces intercity rail passenger service that was provided by Amtrak, unless such service was provided solely by Amtrak to another entity, as of such date shall enter into an agreement with the authorized bargaining agent or agents for adversely affected employees of the predecessor provider that—

''(A) gives each such qualified employee of the predecessor provider priority in hiring according to the employee's seniority on the predecessor provider for each position with the replacing entity that is in the employee's craft or class and is available within 3 years after the termination of the service being replaced;

''(B) establishes a procedure for notifying such an employee of such positions;

''(C) establishes a procedure for such an employee to apply for such positions; and

''(D) establishes rates of pay, rules, and working conditions.

''(2) IMMEDIATE REPLACEMENT SERVICE.—

''(A) NEGOTIATIONS.—If the replacement of preexisting intercity rail passenger service occurs concurrent with or within a reasonable time before the commencement of the replacing entity's rail passenger service, the replacing entity shall give written notice of its plan to replace existing rail passenger service to the authorized collective bargaining agent or agents for the potentially adversely affected employees of the predecessor provider at least 90 days before the date on which it plans to commence service. Within 5 days after the date of receipt of such written notice, negotiations between the replacing entity and the collective bargaining agent or agents for the employees of the predecessor provider shall commence for the purpose of reaching agreement with respect to all matters set forth in subparagraphs (A) through (D) of paragraph (1). The negotiations shall continue for 30 days or until an agreement is reached, whichever is sooner. If at the end of 30 days the parties have not entered into an agreement with respect to all such matters, the unresolved issues shall be submitted for arbitration in accordance with the procedure set forth in subparagraph (B).

''(B) ARBITRATION.—If an agreement has not been entered into with respect to all matters set forth in subparagraphs (A) through (D) of paragraph (1) as described in subparagraph (A) of this paragraph, the parties shall select an arbitrator. If the parties are unable to agree upon the selection of such arbitrator within 5 days, either or both parties shall notify the National Mediation Board, which shall provide a list of seven arbitrators with experience in arbitrating rail labor protection disputes. Within 5 days after such notification, the parties shall alternately strike names from the list until only 1 name remains, and that person shall serve as the neutral arbitrator. Within 45 days after selection of the arbitrator, the arbitrator shall conduct a hearing on the dispute and shall render a decision with respect to the unresolved issues among the matters set forth in subparagraphs (A) through (D) of paragraph (1). The arbitrator shall be guided by prevailing national standard rates of pay, benefits, and working conditions for comparable work. This decision shall be final, binding, and conclusive upon the parties. The salary and expenses of the arbitrator shall be borne equally by the parties; all other expenses shall be paid by the party incurring them.

''(3) SERVICE COMMENCEMENT.—A replacing entity under this subsection shall commence service only after an agreement is entered into with respect to the matters set forth in subparagraphs (A) through (D) of paragraph (1) or the decision of the arbitrator has been rendered.

''(4) SUBSEQUENT REPLACEMENT OF SERVICE.—If the replacement of existing rail passenger service takes place within 3 years after the replacing entity commences intercity passenger rail service, the replacing entity and the collective bargaining agent or agents for the adversely affected employees of the predecessor provider shall enter into an agreement with respect to the matters set forth in subparagraphs (A) through (D) of paragraph (1). If the parties have not entered into an agreement with respect to all such matters within 60 days after the date on which the replacing entity replaces the predecessor provider, the parties shall select an arbitrator using the procedures set forth in paragraph (2)(B), who shall, within 20 days after the commencement of the arbitration, conduct a hearing and decide all unresolved issues. This decision shall be final, binding, and conclusive upon the parties.

''(e) INAPPLICABILITY TO CERTAIN RAIL OPERATIONS.—Nothing in this section applies to—

''(1) commuter rail passenger transportation (as defined in section 24102(4) of this title) operations of a State or local government authority (as those terms are defined in section 5302(11) and (6), respectively, of this title) eligible to receive financial assistance under section 5307 of this title, or to its contractor performing services in connection with commuter rail passenger operations (as so defined);

''(2) the Alaska Railroad or its contractors; or

''(3) Amtrak's access rights to railroad rights of way and facilities under current law.

''(f) LIMITATION.—No grants shall be provided under this chapter for commuter rail passenger transportation, as defined in section 24102(4) of this title.

''§ 24406. Authorization of appropriations

''There are authorized to be appropriated to the Secretary of Transportation for capital grants under this chapter the following amounts:

''(1) For fiscal year 2009, $100,000,000.

''(2) For fiscal year 2010, $300,000,000.

''(3) For fiscal year 2011, $400,000,000.

''(4) For fiscal year 2012, $500,000,000.

''(5) For fiscal year 2013, $600,000,000.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for subtitle V is amended by inserting the following after the item relating to chapter 243:

''244. INTERCITY PASSENGER RAIL SERVICE CORRIDOR CAPITAL ASSISTANCE ..... 24401''.

(c) ASSISTANCE.—In implementing section 24405(a) of title 49, United States Code, the Federal Highway Administration shall, upon request by the Federal Railroad Administration, assist the Federal Railroad Administration in developing a process for posting on its website or distributing via email notices of waiver requests received pursuant to such subsection and soliciting public comments on the intent to issue a waiver. The Federal Railroad Administration's development of such a process does not relieve the Federal Railroad Administration of the requirements under paragraph (4) of such subsection.

SEC. 302. CONGESTION GRANTS.

(a) AMENDMENT.—Chapter 241 of title 49, United States Code, is amended by adding at the end the following new section:

''§ 24105. Congestion grants

''(a) AUTHORITY.—The Secretary of Transportation may make grants to States, or to Amtrak in cooperation with States, for financing the capital costs of facilities, infrastructure, and equipment for high priority rail corridor projects necessary to reduce congestion or facilitate ridership growth in intercity rail passenger transportation.

''(b) ELIGIBLE PROJECTS.—Projects eligible for grants under this section include projects—

''(1) identified by Amtrak as necessary to reduce congestion or facilitate ridership growth in intercity rail passenger transportation along heavily traveled rail corridors;

''(2) identified by the Surface Transportation Board as necessary to improve the on time performance and reliability of intercity rail passenger transportation under section 24308(f); and

''(3) designated by the Secretary as being sufficiently advanced in development to be capable of serving the purposes described in subsection (a) on an expedited schedule.

''(c) FEDERAL SHARE.—The Federal share of the cost of a project financed under this section shall not exceed 80 percent.

''(d) GRANT CONDITIONS.—The Secretary of Transportation shall require each recipient of a grant under this section to comply with the grant requirements of section 24405 of this title.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, from amounts made available under section 301 of the Passenger Rail Investment and Improvement Act of 2008, to the Secretary to carry out this section—

''(1) $50,000,000 for fiscal year 2010;

''(2) $75,000,000 for fiscal year 2011;

''(3) $100,000,000 for fiscal year 2012; and

''(4) $100,000,000 for fiscal year 2013.''.

(b) TABLE OF SECTIONS AMENDMENT.—The table of sections for such chapter 241 is amended by adding at the end the following new item:

''24105. Congestion grants.''.

SEC. 303. STATE RAIL PLANS.

(a) IN GENERAL.—Part B of subtitle V is amended by adding at the end the following:

''CHAPTER 227—STATE RAIL PLANS

''Sec.

''22701. Definitions.

''22702. Authority.

''22703. Purposes.

''22704. Transparency; coordination; review.

''22705. Content.

''22706. Review.

''§ 22701. Definitions

''In this subchapter:

''(1) PRIVATE BENEFIT.—

''(A) IN GENERAL.—The term 'private benefit'—

''(i) means a benefit accrued to a person or private entity, other than Amtrak, that directly improves the economic and competitive condition of that person or entity through improved assets, cost reductions, service improvements, or any other means as defined by the Secretary; and

''(ii) shall be determined on a project-by-project basis, based upon an agreement between the parties.

''(B) CONSULTATION.—The Secretary may seek the advice of the States and rail carriers in further defining this term.

''(2) PUBLIC BENEFIT.—

''(A) IN GENERAL.—The term 'public benefit'—

''(i) means a benefit accrued to the public, including Amtrak, in the form of enhanced mobility of people or goods, environmental protection or enhancement, congestion mitigation, enhanced trade and economic development, improved air quality or land use, more efficient energy use, enhanced public safety or security, reduction of public expenditures due to improved transportation efficiency or infrastructure preservation, and any other positive community effects as defined by the Secretary; and

''(ii) shall be determined on a project-by-project basis, based upon an agreement between the parties.

''(B) CONSULTATION.—The Secretary may seek the advice of the States and rail carriers in further defining this term.

''(3) STATE.—The term 'State' means any of the 50 States and the District of Columbia.

''(4) STATE RAIL TRANSPORTATION AUTHORITY.—The term 'State rail transportation authority' means the State agency or official responsible under the direction of the Governor of the State or a State law for preparation, maintenance, coordination, and administration of the State rail plan.

''§ 22702. Authority

''(a) IN GENERAL.—Each State may prepare and maintain a State rail plan in accordance with the provisions of this chapter.

''(b) REQUIREMENTS.—The Secretary shall establish the minimum requirements for the preparation and periodic revision of a State rail plan, including that a State shall—

''(1) establish or designate a State rail transportation authority to prepare, maintain, coordinate, and administer the plan;

''(2) establish or designate a State rail plan approval authority to approve the plan;

''(3) submit the State's approved plan to the Secretary of Transportation for review; and

''(4) revise and resubmit a State-approved plan no less frequently than once every 5 years for reapproval by the Secretary.

''§ 22703. Purposes

''(a) PURPOSES.—The purposes of a State rail plan are as follows:

''(1) To set forth State policy involving freight and passenger rail transportation, including commuter rail operations, in the State.

''(2) To establish the period covered by the State rail plan.

''(3) To present priorities and strategies to enhance rail service in the State that benefits the public.

''(4) To serve as the basis for Federal and State rail investments within the State.

''(b) COORDINATION.—A State rail plan shall be coordinated with other State transportation planning goals and programs, including the plan required under section 135 of title 23, and set forth rail transportation's role within the State transportation system.

''§ 22704. Transparency; coordination; review

''(a) PREPARATION.—A State shall provide adequate and reasonable notice and opportunity for comment and other input to the public, rail carriers, commuter and transit authorities operating in, or affected by rail operations within the State, units of local government, and other interested parties in the preparation and review of its State rail plan.

''(b) INTERGOVERNMENTAL COORDINATION.—A State shall review the freight and passenger rail service activities and initiatives by regional planning agencies, regional transportation authorities, and municipalities within the State, or in the region in which the State is located, while preparing the plan, and shall include any recommendations made by such agencies, authorities, and municipalities as deemed appropriate by the State.

''§ 22705. Content

''(a) IN GENERAL.—Each State rail plan shall, at a minimum, contain the following:

''(1) An inventory of the existing overall rail transportation system and rail services and facilities within the State and an analysis of the role of rail transportation within the State's surface transportation system.

''(2) A review of all rail lines within the State, including proposed high-speed rail corridors and significant rail line segments not currently in service.

''(3) A statement of the State's passenger rail service objectives, including minimum service levels, for rail transportation routes in the State.

''(4) A general analysis of rail's transportation, economic, and environmental impacts in the State, including congestion mitigation, trade and economic development, air quality, land-use, energy-use, and community impacts.

''(5) A long-range rail investment program for current and future freight and passenger infrastructure in the State that meets the requirements of subsection (b).

''(6) A statement of public financing issues for rail projects and service in the State, including a list of current and prospective public capital and operating funding resources, public subsidies, State taxation, and other financial policies relating to rail infrastructure development.

''(7) An identification of rail infrastructure issues within the State that reflects consultation with all relevant stakeholders.

''(8) A review of major passenger and freight intermodal rail connections and facilities within the State, including seaports, and prioritized options to maximize service integration and efficiency between rail and other modes of transportation within the State.

''(9) A review of publicly funded projects within the State to improve rail transportation safety and security, including all major projects funded under section 130 of title 23.

''(10) A performance evaluation of passenger rail services operating in the State, including possible improvements in those services, and a description of strategies to achieve those improvements.

''(11) A compilation of studies and reports on high-speed rail corridor development within the State not included in a previous plan under this subchapter, and a plan for funding any recommended development of such corridors in the State.

''(12) A statement that the State is in compliance with the requirements of section 22102.

''(b) LONG-RANGE SERVICE AND INVESTMENT PROGRAM.—

''(1) PROGRAM CONTENT.—A long-range rail investment program included in a State rail plan under subsection (a)(5) shall, at a minimum, include the following matters:

''(A) A list of any rail capital projects expected to be undertaken or supported in whole or in part by the State.

''(B) A detailed funding plan for those projects.

''(2) PROJECT LIST CONTENT.—The list of rail capital projects shall contain—

''(A) a description of the anticipated public and private benefits of each such project; and

''(B) a statement of the correlation between—

''(i) public funding contributions for the projects; and

''(ii) the public benefits.

''(3) CONSIDERATIONS FOR PROJECT LIST.—In preparing the list of freight and intercity passenger rail capital projects, a State rail transportation authority should take into consideration the following matters:

''(A) Contributions made by non-Federal and non-State sources through user fees, matching funds, or other private capital involvement.

''(B) Rail capacity and congestion effects.

''(C) Effects on highway, aviation, and maritime capacity, congestion, or safety.

''(D) Regional balance.

''(E) Environmental impact.

''(F) Economic and employment impacts.

''(G) Projected ridership and other service measures for passenger rail projects.

''§ 22706. Review

''The Secretary shall prescribe procedures for States to submit State rail plans for review under this title, including standardized format and data requirements. State rail plans completed before the date of enactment of the Passenger Rail Investment and Improvement Act of 2008 that substantially meet the requirements of this chapter, as determined by the Secretary, shall be deemed by the Secretary to have met the requirements of this chapter.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for subtitle V is amended by inserting the following after the item relating to chapter 223:

''227. State rail plans ..... 22701''.

SEC. 304. TUNNEL PROJECT.

(a) NEW TUNNEL ALIGNMENT AND ENVIRONMENTAL REVIEW.—Not later than September 30, 2013, the Federal Railroad Administration, working with Amtrak, the Surface Transportation Board, the City of Baltimore, the State of Maryland, and rail operators described in subsection (b), as appropriate, shall—

(1) select and approve, as applicable, a new rail tunnel alignment in Baltimore that will permit an increase in train speed and service reliability; and

(2) ensure completion of the related environmental review process.

(b) AFFECTED RAIL OPERATORS.—Rail operators other than Amtrak may participate in activities described in subsection (a) to the extent that they can demonstrate the intention and ability to contribute to the construction of the new tunnel.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out this section $60,000,000 for the period encompassing fiscal years 2009 through 2013.

SEC. 305. NEXT GENERATION CORRIDOR TRAIN EQUIPMENT POOL.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, Amtrak shall establish a Next Generation Corridor Equipment Pool Committee, comprised of representatives of Amtrak, the Federal Railroad Administration, host freight railroad companies, passenger railroad equipment manufacturers, interested States, and, as appropriate, other passenger railroad operators. The purpose of the Committee shall be to design, develop specifications for, and procure standardized next-generation corridor equipment.

(b) FUNCTIONS.—The Committee may—

(1) determine the number of different types of equipment required, taking into account variations in operational needs and corridor infrastructure;

(2) establish a pool of equipment to be used on corridor routes funded by participating States; and

(3) subject to agreements between Amtrak and States, utilize services provided by Amtrak to design, maintain and remanufacture equipment.

(c) COOPERATIVE AGREEMENTS.—Amtrak and States participating in the Committee may enter into agreements for the funding, procurement, remanufacture, ownership, and management of corridor equipment, including equipment currently owned or leased by Amtrak and next-generation corridor equipment acquired as a result of the Committee's actions, and may establish a corporation, which may be owned or jointly-owned by Amtrak, participating States, or other entities, to perform these functions.

(d) FUNDING.—In addition to the authorizations provided in this section, capital projects to carry out the purposes of this section shall be eligible for grants made pursuant to chapter 244 of title 49, United States Code.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary $5,000,000 for fiscal year 2010, to remain available until expended, for grants to Amtrak and States participating in the Next Generation Corridor Train Equipment Pool Committee established under this section for the purpose of designing, developing specifications for, and initiating the procurement of an initial order of 1 or more types of standardized next-generation corridor train equipment and establishing a jointly-owned corporation to manage that equipment.

SEC. 306. RAIL COOPERATIVE RESEARCH PROGRAM.

(a) ESTABLISHMENT AND CONTENT.—Chapter 249 is amended by adding at the end the following:

"§ 24910. Rail cooperative research program

''(a) IN GENERAL.—The Secretary shall establish and carry out a rail cooperative research program. The program shall—

''(1) address, among other matters, intercity rail passenger and freight rail services, including existing rail passenger and freight technologies and speeds, incrementally enhanced rail systems and infrastructure, and new high-speed wheel-on-rail systems;

''(2) address ways to expand the transportation of international trade traffic by rail, enhance the efficiency of intermodal interchange at ports and other intermodal terminals, and increase capacity and availability of rail service for seasonal freight needs;

''(3) consider research on the interconnectedness of commuter rail, passenger rail, freight rail, and other rail networks; and

''(4) give consideration to regional concerns regarding rail passenger and freight transportation, including meeting research needs common to designated high-speed corridors, long-distance rail services, and regional intercity rail corridors, projects, and entities.

''(b) CONTENT.—The program to be carried out under this section shall include research designed—

''(1) to identify the unique aspects and attributes of rail passenger and freight service;

''(2) to develop more accurate models for evaluating the impact of rail passenger and freight service, including the effects on highway and airport and airway congestion, environmental quality, and energy consumption;

''(3) to develop a better understanding of modal choice as it affects rail passenger and freight transportation, including development of better models to predict utilization;

''(4) to recommend priorities for technology demonstration and development;

''(5) to meet additional priorities as determined by the advisory board established under subsection (c), including any recommendations made by the National Research Council;

''(6) to explore improvements in management, financing, and institutional structures;

''(7) to address rail capacity constraints that affect passenger and freight rail service through a wide variety of options, ranging from operating improvements to dedicated new infrastructure, taking into account the impact of such options on operations;

''(8) to improve maintenance, operations, customer service, or other aspects of intercity rail passenger and freight service;

''(9) to recommend objective methodologies for determining intercity passenger rail routes and services, including the establishment of new routes, the elimination of existing routes, and the contraction or expansion of services or frequencies over such routes;

''(10) to review the impact of equipment and operational safety standards on the further development of high-speed passenger rail operations connected to or integrated with non-high-speed freight or passenger rail operations;

''(11) to recommend any legislative or regulatory changes necessary to foster further development and implementation of high-speed passenger rail operations while ensuring the safety of such operations that are connected to or integrated with non-high-speed freight or passenger rail operations;

''(12) to review rail crossing safety improvements, including improvements using new safety technology; and

''(13) to review and develop technology designed to reduce train horn noise and its effect on communities, including broadband horn technology.

''(c) ADVISORY BOARD.—

''(1) ESTABLISHMENT.—In consultation with the heads of appropriate Federal departments and agencies, the Secretary shall establish an advisory board to recommend research, technology, and technology transfer activities related to rail passenger and freight transportation.

''(2) MEMBERSHIP.—The advisory board shall include—

''(A) representatives of State transportation agencies;

''(B) transportation and environmental economists, scientists, and engineers; and

''(C) representatives of Amtrak, the Alaska Railroad, freight railroads, transit operating agencies, intercity rail passenger agencies, railway labor organizations, and environmental organizations.

''(d) NATIONAL ACADEMY OF SCIENCES.—The Secretary may make grants to, and enter into cooperative agreements with, the National Academy of Sciences to carry out such activities relating to the research, technology, and technology transfer activities described in subsection (b) as the Secretary deems appropriate.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation $5,000,000 for each of fiscal years 2010 through 2013 for carrying out this section.''.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 249 is amended by adding at the end the following:

''24910. Rail cooperative research program.''.

SEC. 307. FEDERAL RAIL POLICY.

Section 103 is amended—

(1) by inserting ''IN GENERAL.—'' before ''The Federal'' in subsection (a);

(2) by striking the second and third sentences of subsection (a);

(3) by inserting after subsection (a) the following:

''(b) SAFETY.—To carry out all railroad safety laws of the United States, the Administration is divided on a geographical basis into at least 8 safety offices. The Secretary of Transportation is responsible for all acts taken under those laws and for ensuring that the laws are uniformly administered and enforced among the safety offices.''; and

(4) by adding at the end the following:

''(j) ADDITIONAL DUTIES OF THE ADMINISTRATOR.—The Administrator shall—

''(1) provide assistance to States in developing State rail plans prepared under chapter 227 and review all State rail plans submitted under that section;

''(2) develop a long-range national rail plan that is consistent with approved State rail plans and the rail needs of the Nation, as determined by the Secretary in order to promote an integrated, cohesive, efficient, and optimized national rail system for the movement of goods and people;

''(3) develop a preliminary national rail plan within a year after the date of enactment of the Passenger Rail Investment and Improvement Act of 2008;

''(4) develop and enhance partnerships with the freight and passenger railroad industry, States, and the public concerning rail development;

''(5) support rail intermodal development and high-speed rail development, including high speed rail planning;

''(6) ensure that programs and initiatives developed under this section benefit the public and work toward achieving regional and national transportation goals; and

''(7) facilitate and coordinate efforts to assist freight and passenger rail carriers, transit agencies and authorities, municipalities, and States in passenger-freight service integration on shared rights of way by providing neutral assistance at the joint request of affected rail service providers and infrastructure owners relating to operations and capacity analysis, capital requirements, operating costs, and other research and planning related to corridors shared by passenger or commuter rail service and freight rail operations.

''(k) PERFORMANCE GOALS AND REPORTS.—

''(1) PERFORMANCE GOALS.—In conjunction with the objectives established and activities undertaken under subsection (j) of this section, the Administrator shall develop a schedule for achieving specific, measurable performance goals.

''(2) RESOURCE NEEDS.—The strategy and annual plans shall include estimates of the funds and staff resources needed to accomplish each goal and the additional duties required under subsection (j).

''(3) SUBMISSION WITH PRESIDENT'S BUDGET.—Beginning with fiscal year 2010 and each fiscal year thereafter, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, at the same time as the President's budget submission, the Administration's performance goals and schedule developed under paragraph (1), including an assessment of the progress of the Administration toward achieving its performance goals.''.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. COMMUTER RAIL MEDIATION.

(a) AMENDMENT.—Part E of subtitle V is amended by adding at the end the following:

"CHAPTER 285—COMMUTER RAIL MEDIATION

''Sec.
''28501. Definitions
''28502. Surface Transportation Board mediation of trackage use requests.
''28503. Surface Transportation Board mediation of rights-of-way use requests.
''28504. Applicability of other laws.
''28505. Rules and regulations.

"§ 28501. Definitions

''In this chapter—

''(1) the term 'Board' means the Surface Transportation Board;

''(2) the term 'capital work' means maintenance, restoration, reconstruction, capacity enhancement, or rehabilitation work on trackage that would be treated, in accordance with generally accepted accounting principles, as a capital item rather than an expense;

''(3) the term 'commuter rail passenger transportation' has the meaning given that term in section 24102;

''(4) the term 'public transportation authority' means a local governmental authority (as defined in section 5302(a)(6)) established to provide, or make a contract providing for, commuter rail passenger transportation;

''(5) the term 'rail carrier' means a person, other than a governmental authority, providing common carrier railroad transportation for compensation subject to the jurisdiction of the Board under chapter 105;

''(6) the term 'segregated fixed guideway facility' means a fixed guideway facility constructed within the railroad right-of-way of a rail carrier but physically separate from trackage, including relocated trackage, within the right-of-way used by a rail carrier for freight transportation purposes; and

''(7) the term 'trackage' means a railroad line of a rail carrier, including a spur, industrial, team, switching, side, yard, or station track, and a facility of a rail carrier.

"§ 28502. Surface Transportation Board mediation of trackage use requests

''If, after a reasonable period of negotiation, a public transportation authority cannot reach agreement with a rail carrier to use trackage of, and have related services

provided by, the rail carrier for purposes of commuter rail passenger transportation, the public transportation authority or the rail carrier may apply to the Board for nonbinding mediation. The Board shall conduct the nonbinding mediation in accordance with the mediation process of section 1109.4 of title 49, Code of Federal Regulations, as in effect on the date of enactment of this section.

"§ 28503. Surface Transportation Board mediation of rights-of-way use requests

''If, after a reasonable period of negotiation, a public transportation authority cannot reach agreement with a rail carrier to acquire an interest in a railroad right-of-way for the construction and operation of a segregated fixed guideway facility to provide commuter rail passenger transportation, the public transportation authority or the rail carrier may apply to the Board for nonbinding mediation. The Board shall conduct the nonbinding mediation in accordance with the mediation process of section 1109.4 of title 49, Code of Federal Regulations, as in effect on the date of enactment of this section.

"§ 28504. Applicability of other laws

''Nothing in this chapter shall be construed to limit a rail transportation provider's right under section 28103(b) to enter into contracts that allocate financial responsibility for claims.

"§ 28505. Rules and regulations

''Within 1 year after the date of enactment of this section, the Board shall issue such rules and regulations as may be necessary to carry out this chapter.''.

(b) CLERICAL AMENDMENT.—The table of chapters of such subtitle is amended by adding after the item relating to chapter 283 the following:

''285. COMMUTER RAIL MEDIATION 28501''.

SEC. 402. ROUTING EFFICIENCY DISCUSSIONS WITH AMTRAK.

Amtrak, commuter rail entities, regional and State public transportation authorities, and freight railroad carriers are encouraged to engage in good faith discussions with respect to the routing and timing of trains to efficiently move a maximum number of commuter, intercity, and regional rail passengers, particularly during the peak times of commuter usage.

SEC. 403. SENSE OF CONGRESS REGARDING COMMUTER RAIL EXPANSION.

(a) FINDINGS.—The Congress find the following:

(1) In 2006, Americans took 10.1 billion trips on public transportation for the first time since 1949.

(2) The Northeast region is one of the Nation's largest emerging transportation ''megaregions'' where infrastructure expansion and improvements are most needed.

(3) New England's road traffic has increased two to three times faster than its population since 1990.

(4) Connecticut has one of the Nation's longest average commute times according to the United States Census Bureau, and 80 percent of Connecticut commuters drive by themselves to work, demonstrating the need for expanded commuter rail access.

(5) The Connecticut Department of Transportation has pledged to modernize, repair, and strengthen the rail line infrastructure to provide for increased safety and security along a crucial transportation corridor in the Northeast.

(6) Expanded New Haven-Springfield rail service would improve access to Bradley International Airport, one the region's busiest airports, as well as to Hartford, Connecticut, and Springfield, Massachusetts, two of the region's commercial, residential, and industrial centers.

(7) Expanded commuter rail service on the New Haven-Springfield line could result in an estimated 630,000 additional trips per year and 2,215,384 passenger miles per year, helping to curb pollution and greenhouse gas emissions from road vehicle traffic.

(8) The MetroNorth New Haven Line and Shore Line East railways saw respective 3.43 percent and 4.93 percent increases in ridership over the course of 2007, demonstrating the need for expanded commuter rail service in Connecticut.

(9) Expanded New Haven-Springfield commuter rail service could provide transportation nearly 17 times more efficient in terms of average mileage versus road vehicles, alleviating road congestion and providing a significant savings to consumers during a time of high gas prices.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that expanded commuter rail service on the rail line between New Haven, Connecticut, and Springfield, Massachusetts, is an important transportation priority, and Amtrak should work cooperatively with the States of Connecticut and Massachusetts to enable expanded commuter rail service on such line.

(c) INFRASTRUCTURE MAINTENANCE REPORT.—Amtrak shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, and to the State Departments of Transportation of Connecticut and Massachusetts, on the total cost of uncompleted infrastructure maintenance on the rail line between New Haven, Connecticut, and Springfield, Massachusetts.

SEC. 404. LOCOMOTIVE BIOFUEL STUDY.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall conduct a study to determine the extent to which freight railroads, Amtrak, and other passenger rail operators could use biofuel blends to power locomotives and other vehicles that can operate on diesel fuel, as appropriate.

(b) DEFINITION.—In this section, the term ''biofuel'' has the meaning given such term by section 9001 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8101).

(c) FACTORS.—In conducting the study, the Secretary shall consider—

(1) the energy intensity of various biofuel blends compared to diesel fuel;

(2) environmental and energy effects of using various biofuel blends compared to diesel fuel, including emission effects;

(3) the cost of purchasing biofuel blends;

(4) whether sufficient biofuel is readily available;

(5) any public benefits derived from the use of such fuels; and

(6) the effect of biofuel use on locomotive and other vehicle performance and warranty specifications.

(d) LOCOMOTIVE TESTING.—As part of the study, the Secretary shall test locomotive engine performance and emissions using blends of biofuel and diesel fuel in order to recommend premium locomotive biofuel blends.

(e) REPORT.—Within 1 year after the date of enactment of this Act, the Secretary shall issue the results of this study to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 405. STUDY OF THE USE OF BIOBASED TECHNOLOGIES.

Within 1 year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing the results of a study of the feasibility of using readily biodegradable lubricants for freight and passenger railroad locomotives, rolling stock, or other equipment. The Secretary shall work with an agricultural-based lubricant testing facility or facilities to complete this study. The study shall include—

(1) an analysis of the potential use of soy-based grease and soy-based hydraulic fluids to perform according to railroad industry standards;

(2) an analysis of the potential use of other readily biodegradable lubricants to perform according to railroad industry standards;

(3) a comparison of the health and safety of petroleum-based lubricants with biobased lubricants, which shall include an analysis of fire safety; and

(4) a comparison of the environmental impact of petroleum-based lubricants with biobased lubricants, which shall include the rate and effects of biodegradability.

SEC. 406. CROSS-BORDER PASSENGER RAIL SERVICE.

(a) PLAN.—Not later than 1 year after the date of the enactment of this Act, Amtrak shall, in consultation with the Secretary, the Secretary of Homeland Security, the Washington State Department of Transportation, and the owners of the relevant railroad infrastructure—

(1) develop a strategic plan to facilitate expanded passenger rail service across the international border between the United States and Canada during the 2010 Olympic Games on the Amtrak passenger rail route between Vancouver, British Columbia, Canada, and Eugene, Oregon (commonly known as ''Amtrak Cascades'');

(2) develop recommendations for the Department of Homeland Security to process efficiently rail passengers traveling on Amtrak Cascades across such international border during the 2010 Olympic Games; and

(3) submit to Congress a report containing the strategic plan described in paragraph (1) and the recommendations described in paragraph (2).

(b) TRAVEL FACILITATION.—Using existing authority or agreements, or upon reaching additional agreements with Canada, the Secretary and other Federal agencies, as appropriate, are authorized to establish facilities and procedures to conduct preclearance of passengers traveling on Amtrak trains from Canada to the United States. The Secretary shall seek to establish such facilities and procedures—

(1) in Vancouver, Canada, no later than June 1, 2009; and

(2) in other areas as determined appropriate by the Secretary.

SEC. 407. HISTORIC PRESERVATION OF RAILROADS.

(a) STUDY; OTHER ACTIONS.—The Secretary of Transportation shall—

(1) conduct a study, in consultation with the Advisory Council on Historic Preservation, the National Conference of State Historic Preservation Officers, the Department of the Interior, appropriate representatives of the railroad industry, and representative stakeholders, on ways to streamline compliance with the requirements of section 303 of title 49, United States Code, and section 106 of the National Historic Preservation Act (16 U.S.C. 470f) for federally funded railroad infrastructure repair and improvement projects;

(2) take immediate action to cooperate with the Alaska Railroad, the Alaska State Historic Preservation Office, the Advisory Council on Historic Preservation, and the Department of the Interior, in expediting the

decisionmaking process for safety-related projects of the railroad involving property and facilities that have disputed historic significance; and

(3) take immediate action to cooperate with the North Carolina Department of Transportation, the North Carolina State Historic Preservation Office, the Virginia State Historic Preservation Office, the Advisory Council on Historic Preservation, and the Department of the Interior, in expediting the decisionmaking process for safety-related railroad projects of the North Carolina Department of Transportation and the Southeast High Speed Rail Corridor involving property and facilities that have disputed historic significance.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit, to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, a report on the results of the study conducted under subsection (a)(1) and the actions directed under subsection (a)(2) and (3). The report shall include recommendations for any regulatory or legislative amendments that may streamline compliance with the requirements described in subsection (a)(1) in a manner consistent with railroad safety and the policies and purposes of section 106 of the National Historic Preservation Act (16 U.S.C. 470f), section 303 of title 49, United States Code, and section 8(d) of Public Law 90–543 (16 U.S.C. 1247(d)).

TITLE V—HIGH-SPEED RAIL

SEC. 501. HIGH-SPEED RAIL CORRIDOR PROGRAM.

(a) CORRIDOR PLANNING.—Section 26101 is amended—

(1) in the section heading, by striking ''**Corridor development**'' and inserting ''**High-speed rail corridor planning**'';

(2) in the heading of subsection (a), by striking ''CORRIDOR DEVELOPMENT'' and inserting ''CORRIDOR PLANNING'';

(3) by striking ''corridor development'' each place it appears and inserting ''corridor planning''; and

(4) in subsection (c)(2), by striking ''development'' and inserting ''planning''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 26104 is amended in paragraph (1) of subsection (a) by striking ''$70,000,000'' and inserting ''$30,000,000''.

(c) CONFORMING AMENDMENT.—The item relating to section 26101 in the table of sections of chapter 261 is amended by striking ''Corridor development'' and inserting ''High-speed rail corridor planning''.

(d) HIGH-SPEED RAIL CORRIDOR DEVELOPMENT.—Chapter 261 is amended by adding at the end thereof the following:

''§ 26106. High-speed rail corridor development

''(a) IN GENERAL.—The Secretary of Transportation shall establish and implement a high-speed rail corridor development program.

''(b) DEFINITIONS.—In this section, the following definitions apply:

''(1) APPLICANT.—The term 'applicant' means a State, a group of States, an Interstate Compact, a public agency established by one or more States and having responsibility for providing high-speed rail service, or Amtrak.

''(2) CORRIDOR.—The term 'corridor' means a corridor designated by the Secretary pursuant to section 104(d)(2) of title 23.

''(3) CAPITAL PROJECT.—The term 'capital project' means a project or program in a State rail plan developed under chapter 227 of this title for acquiring, constructing, improving, or inspecting equipment, track, and track structures, or a facility of use in or for the primary benefit of high-speed rail service, expenses incidental to the acquisition or construction (including designing, engineering, location surveying, mapping, environmental studies, and acquiring rights-of-way), payments for the capital portions of rail trackage rights agreements, highway-rail grade crossing improvements related to high-speed rail service, mitigating environmental impacts, communication and signalization improvements, relocation assistance, acquiring replacement housing sites, and acquiring, constructing, relocating, and rehabilitating replacement housing.

''(4) HIGH-SPEED RAIL.—The term 'high-speed rail' means intercity passenger rail service that is reasonably expected to reach speeds of at least 110 miles per hour.

''(5) INTERCITY PASSENGER RAIL SERVICE.—The term 'intercity passenger rail service' has the meaning given the term 'intercity rail passenger transportation' in section 24102 of this title.

''(6) STATE.—The term 'State' means any of the 50 States or the District of Columbia.

''(c) GENERAL AUTHORITY.—The Secretary may make grants under this section to an applicant to finance capital projects in high-speed rail corridors.

''(d) APPLICATIONS.—Each applicant seeking to receive a grant under this section to develop a high-speed rail corridor shall submit to the Secretary an application in such form and in accordance with such requirements as the Secretary shall establish.

''(e) COMPETITIVE GRANT SELECTION AND CRITERIA FOR GRANTS.—

''(1) IN GENERAL.—The Secretary shall—

''(A) establish criteria for selecting among projects that meet the criteria specified in paragraph (2);

''(B) conduct a national solicitation for applications; and

''(C) award grants on a competitive basis.

''(2) GRANT CRITERIA.—The Secretary, in selecting the recipients of high-speed rail development grants to be provided under subsection (c), shall—

''(A) require—

''(i) that the project be part of a State rail plan developed under chapter 227 of this title, or under the plan required by section 211 of the Passenger Rail Investment and Improvement Act of 2008;

''(ii) that the applicant or recipient has or will have the legal, financial, and technical capacity to carry out the project, satisfactory continuing control over the use of the equipment or facilities, and the capability and willingness to maintain the equipment or facilities;

''(iii) that the project be based on the results of preliminary engineering studies or other planning, including corridor planning activities funded under section 26101 of this title;

''(iv) that the applicant provides sufficient information upon which the Secretary can make the findings required by this subsection;

''(v) that if an applicant has selected the proposed operator of its service, that the applicant provide written justification to the Secretary showing why the proposed operator is the best, taking into account costs and other factors;

''(vi) that each proposed project meet all safety and security requirements that are applicable to the project under law; and

''(vii) that each project be compatible with, and operated in conformance with—

''(I) plans developed pursuant to the requirements of section 135 of title 23; and

''(II) the national rail plan (if it is available);

''(B) select high-speed rail projects—

''(i) that are anticipated to result in significant improvements to intercity rail passenger service, including, but not limited to, consideration of the project's—

''(I) levels of estimated ridership, increased on-time performance, reduced trip time, additional service frequency to meet anticipated or existing demand, or other significant service enhancements as measured against minimum standards developed under section 207 of the Passenger Rail Investment and Improvement Act of 2008;

''(II) anticipated favorable impact on air or highway traffic congestion, capacity, or safety; and

''(ii) for which there is a high degree of confidence that the proposed project is feasible and will result in the anticipated benefits, as indicated by—

''(I) the project's precommencement compliance with environmental protection requirements;

''(II) the readiness of the project to be commenced;

''(III) the commitment of any affected host rail carrier to ensure the realization of the anticipated benefits; and

''(IV) other relevant factors as determined by the Secretary;

''(iii) for which the level of the anticipated benefits compares favorably to the amount of Federal funding requested under this section; and

''(C) give greater consideration to projects—

''(i) that are anticipated to result in benefits to other modes of transportation and to the public at large, including, but not limited to, consideration of the project's—

''(I) encouragement of intermodal connectivity through provision of direct connections between train stations, airports, bus terminals, subway stations, ferry ports, and other modes of transportation;

''(II) anticipated improvement of conventional intercity passenger, freight, or commuter rail operations;

''(III) use of positive train control technologies;

''(IV) environmental benefits, including projects that involve the purchase of environmentally sensitive, fuel-efficient, and cost-effective passenger rail equipment;

''(V) anticipated positive economic and employment impacts;

''(VI) encouragement of State and private contributions toward station development, energy and environmental efficiency, and economic benefits; and

''(VII) falling under the description in section 5302(a)(1)(G) of this title as defined to support intercity passenger rail service; and

''(ii) that incorporate equitable financial participation in the project's financing, including, but not limited to, consideration of—

''(I) donated property interests or services;

''(II) financial contributions by intercity passenger, freight, and commuter rail carriers commensurate with the benefit expected to their operations; and

''(III) financial commitments from host railroads, non-Federal governmental entities, non-governmental entities, and others.

''(3) GRANT CONDITIONS.—The Secretary shall require each recipient of a grant under this chapter to comply with the grant requirements of section 24405 of this title.

''(4) STATE RAIL PLANS.—State rail plans completed before the date of enactment of the Passenger Rail Investment and Improvement Act of 2008 that substantially meet the requirements of chapter 227 of this title, as determined by the Secretary pursuant to section 22506 of this title, shall be deemed by the Secretary to have met the requirements of paragraph (2)(A)(i) of this subsection.

''(f) FEDERAL SHARE.—The Federal share of the cost of a project financed under this section shall not exceed 80 percent of the project net capital cost.

''(g) ISSUANCE OF REGULATIONS.—Within 1 year after the date of enactment of this section, the Secretary shall issue regulations to carry out this section.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section—

''(1) $150,000,000 for fiscal year 2009;

''(2) $300,000,000 for fiscal year 2010;

''(3) $350,000,000 for fiscal year 2011;

''(4) $350,000,000 for fiscal year 2012; and

''(5) $350,000,000 for fiscal year 2013.''.

(e) TABLE OF SECTIONS AMENDMENT.—The table of sections for chapter 261 is amended by adding after the item relating to section 26105 the following new item:

''26106. High-speed rail corridor development.''.

SEC. 502. ADDITIONAL HIGH-SPEED RAIL PROJECTS.

(a) SOLICITATION OF PROPOSALS.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary shall issue a request for proposals for projects for the financing, design, construction, operation, and maintenance of a high-speed intercity passenger rail system operating within a high-speed rail corridor, including—

(A) the Northeast Corridor;

(B) the California Corridor;

(C) the Empire Corridor;

(D) the Pacific Northwest Corridor;

(E) the South Central Corridor;

(F) the Gulf Coast Corridor;

(G) the Chicago Hub Network;

(H) the Florida Corridor;

(I) the Keystone Corridor;

(J) the Northern New England Corridor; and

(K) the Southeast Corridor.

(2) SUBMISSION.—Proposals shall be submitted to the Secretary not later than 270 days after the publication of such request for proposals under paragraph (1).

(3) PERFORMANCE STANDARD.—Proposals submitted under paragraph (2) must meet any standards established by the Secretary. For corridors with existing intercity passenger rail service, proposals shall also be designed to achieve a reduction of existing minimum intercity rail service trip times between the main corridor city pairs by a minimum of 25 percent. In the case of a proposal submitted with respect to paragraph (1)(A), the proposal must be designed to achieve a 2-hour or less express service between Washington, District of Columbia, and New York City, New York.

(4) CONTENTS.—A proposal submitted under this subsection shall include—

(A) the names and qualifications of the persons submitting the proposal and the entities proposed to finance, design, construct, operate, and maintain the railroad, railroad equipment, and related facilities, stations, and infrastructure;

(B) a detailed description of the proposed rail service, including possible routes, required infrastructure investments and improvements, equipment needs and type, train frequencies, peak and average operating speeds, and trip times;

(C) a description of how the project would comply with Federal rail safety and security laws, orders, and regulations governing high-speed rail operations;

(D) the locations of proposed stations, which maximize the usage of existing infrastructure to the extent possible, and the populations such stations are intended to serve;

(E) the type of equipment to be used, including any technologies, to achieve trip time goals;

(F) a description of any proposed legislation needed to facilitate all aspects of the project;

(G) a financing plan identifying—

(i) projected revenue, and sources thereof;

(ii) the amount of any requested public contribution toward the project, and proposed sources;

(iii) projected annual ridership projections for the first 10 years of operations;

(iv) annual operations and capital costs;

(v) the projected levels of capital investments required both initially and in subsequent years to maintain a state-of-good-repair necessary to provide the initially proposed level of service or higher levels of service;

(vi) projected levels of private investment and sources thereof, including the identity of any person or entity that has made or is expected to make a commitment to provide or secure funding and the amount of such commitment; and

(vii) projected funding for the full fair market compensation for any asset, property right or interest, or service acquired from, owned, or held by a private person or Federal entity that would be acquired, impaired, or diminished in value as a result of a project, except as otherwise agreed to by the private person or entity;

(H) a description of how the project would contribute to the development of a national high-speed rail system and an intermodal plan describing how the system will facilitate convenient travel connections with other transportation services;

(I) a description of how the project will ensure compliance with Federal laws governing the rights and status of employees associated with the route and service, including those specified in section 24405 of title 49, United States Code;

(J) a description of how the design, construction, implementation, and operation of the project will accommodate and allow for future growth of existing and projected intercity, commuter, and freight rail service;

(K) a description of how the project would comply with Federal and State environmental laws and regulations, of what the environmental impacts would result from the project, and how any adverse impacts would be mitigated; and

(L) a description of the project's impacts on highway and aviation congestion, energy consumption, land use, and economic development in the service area.

(b) DETERMINATION AND ESTABLISHMENT OF COMMISSIONS.—Not later than 60 days after receipt of the proposals under subsection (a), the Secretary shall—

(1) make a determination as to whether any such proposals—

(A) contain the information required under subsection (a)(3) and (4);

(B) are sufficiently credible to warrant further consideration;

(C) are likely to result in a positive impact on the Nation's transportation system; and

(D) are cost-effective and in the public interest; and

(2) establish a commission under subsection (c) for each corridor with one or more proposals that the Secretary determines satisfies the requirements of paragraph (1), and forward to each commission such proposals for review and consideration.

(c) COMMISSIONS.—

(1) MEMBERS.—Each commission referred to in subsection (b)(2) shall include—

(A) the governors of the affected States, or their respective designees;

(B) mayors of appropriate municipalities along the proposed corridor, or their respective designees;

(C) a representative from each freight railroad carrier using the relevant corridor, if applicable;

(D) a representative from each transit authority using the relevant corridor, if applicable;

(E) representatives of nonprofit employee labor organizations representing affected railroad employees; and

(D) the President of Amtrak or his or her designee.

(2) APPOINTMENT AND SELECTION.—The Secretary shall appoint the members under paragraph (1). In selecting each commission's members to fulfill the requirements under paragraph (1)(B) and (E), the Secretary shall consult with the Chairmen and Ranking Members of the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

(3) CHAIRPERSON AND VICE-CHAIRPERSON SELECTION.—The Chairperson and Vice-Chairperson shall be elected from among members of each commission.

(4) QUORUM AND VACANCY.—

(A) QUORUM.—A majority of the members of each commission shall constitute a quorum.

(B) VACANCY.—Any vacancy in each commission shall not affect its powers and shall be filled in the same manner in which the original appointment was made.

(5) APPLICATION OF LAW.—Except where otherwise provided by this section, the Federal Advisory Committee Act (P.L. 92–463) shall apply to each commission created under this section.

(d) COMMISSION CONSIDERATION.—

(1) IN GENERAL.—Each commission established under subsection (b)(2) shall be responsible for reviewing the proposal or proposals forwarded to it under that subsection and not later than 90 days after the establishment of the commission, shall transmit to the Secretary a report which includes—

(A) a summary of each proposal received;

(B) services to be provided under each proposal, including projected ridership, revenues, and costs;

(C) proposed public and private contributions for each proposal;

(D) the advantages offered by the proposal over existing intercity passenger rail services;

(E) public operating subsidies or assets needed for the proposed project;

(F) possible risks to the public associated with the proposal, including risks associated with project financing, implementation, completion, safety, and security;

(G) a ranked list of the proposals recommended for further consideration under subsection (e) in accordance with each proposal's projected positive impact on the Nation's transportation system;

(H) an identification of any proposed Federal legislation that would facilitate implementation of the projects and Federal legislation that would be required to implement the projects; and

(I) any other recommendations by the commission concerning the proposed projects.

(2) VERBAL PRESENTATION.—Proposers shall be given an opportunity to make a verbal presentation to the commission to explain their proposals.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for the use of each commission established under subsection (b)(2) such sums as are necessary to carry out this section.

(e) SELECTION BY SECRETARY.—

(1) Not later than 60 days after receiving the recommended proposals of the commissions established under subsection (b)(2), the Secretary shall—

(A) review such proposals and select any proposal which provides substantial benefits to the public and the national transportation system, is cost-effective, offers significant advantages over existing services, and meets other relevant factors determined appropriate by the Secretary; and

(B) issue a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate containing any proposal with respect to subsection (a)(1)(A) that is selected by the Secretary under subparagraph (A) of this paragraph, all the information regarding the proposal provided to the Secretary under subsection (d), and any other relevant information deemed appropriate.

(2) Following the submission of the report under paragraph (1)(B), the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing any proposal with respect to subparagraphs (B) through (K) of subsection (a)(1) that are selected by the Secretary under paragraph (1) of this subsection, all the information regarding the proposal provided to the Secretary under subsection (d), and any other relevant information deemed appropriate.

(3) The report required under paragraph (2) shall not be submitted by the Secretary until the report submitted under paragraph (1) has been considered through a hearing by the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the report submitted under paragraph (1)(B).

(f) PRELIMINARY ENGINEERING.—For planning and preliminary engineering activities that meet the criteria of section 26101 of title 49, United States Code, (other than subsections (a) and (b)(2)) that are undertaken after the Secretary submits reports to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate as required under subsection (e), not to exceed $5,000,000 is authorized to be appropriated from funds made available under section 26104(a) of such title. Only 1 proposal for each corridor under subsection (a) shall be eligible for such funds.

(g) NO ACTIONS WITHOUT ADDITIONAL AUTHORITY.—No Federal agency may take any action to implement, establish, facilitate, or otherwise act upon any proposal submitted under this section, other than those actions specifically authorized by this section, without explicit statutory authority enacted after the date of enactment of this Act.

(h) DEFINITIONS.—In this section, the following definitions apply:

(1) INTERCITY PASSENGER RAIL.—The term ''intercity passenger rail'' means intercity rail passenger transportation as defined in section 24102 of title 49, United States Code.

(2) STATE.—The term ''State'' means any of the 50 States or the District of Columbia.

(3) NORTHEAST CORRIDOR.—The term ''Northeast Corridor'' has the meaning given under section 24102 of title 49, United States Code.

(4) HIGH-SPEED RAIL CORRIDOR.—The terms ''high-speed rail corridor'' and ''corridor'' mean a corridor designated by the Secretary pursuant to section 104(d)(2) of title 23, United States Code, and the Northeast Corridor.

TITLE VI—CAPITAL AND PREVENTIVE MAINTENANCE PROJECTS FOR WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

SEC. 601. AUTHORIZATION FOR CAPITAL AND PREVENTIVE MAINTENANCE PROJECTS FOR WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY.

(a) AUTHORIZATION.—

(1) IN GENERAL.—Subject to the succeeding provisions of this section, the Secretary of Transportation is authorized to make grants to the Transit Authority, in addition to the contributions authorized under sections 3, 14, and 17 of the National Capital Transportation Act of 1969 (sec. 9–1101.01 et seq., D.C. Official Code), for the purpose of financing in part the capital and preventive maintenance projects included in the Capital Improvement Program approved by the Board of Directors of the Transit Authority.

(2) DEFINITIONS.—In this section—

(A) the term ''Transit Authority'' means the Washington Metropolitan Area Transit Authority established under Article III of the Compact; and

(B) the term ''Compact'' means the Washington Metropolitan Area Transit Authority Compact (80 Stat. 1324; Public Law 89–774).

(b) USE OF FUNDS.—The Federal grants made pursuant to the authorization under this section shall be subject to the following limitations and conditions:

(1) The work for which such Federal grants are authorized shall be subject to the provisions of the Compact (consistent with the amendments to the Compact described in subsection (d)).

(2) Each such Federal grant shall be for 50 percent of the net project cost of the project involved, and shall be provided in cash from sources other than Federal funds or revenues from the operation of public mass transportation systems. Consistent with the terms of the amendment to the Compact described in subsection (d)(1), any funds so provided shall be solely from undistributed cash surpluses, replacement or depreciation funds or reserves available in cash, or new capital.

(3) Such Federal grants may be used only for the maintenance and upkeep of the systems of the Transit Authority as of the date of the enactment of this Act and may not be used to increase the mileage of the rail system.

(c) APPLICABILITY OF REQUIREMENTS FOR MASS TRANSPORTATION CAPITAL PROJECTS RECEIVING FUNDS UNDER FEDERAL TRANSPORTATION LAW.—Except as specifically provided in this section, the use of any amounts appropriated pursuant to the authorization under this section shall be subject to the requirements applicable to capital projects for which funds are provided under chapter 53 of title 49, United States Code, except to the extent that the Secretary of Transportation determines that the requirements are inconsistent with the purposes of this section.

(d) AMENDMENTS TO COMPACT.—No amounts may be provided to the Transit Authority pursuant to the authorization under this section until the Transit Authority notifies the Secretary of Transportation that each of the following amendments to the Compact (and any further amendments which may be required to implement such amendments) have taken effect:

(1)(A) An amendment requiring that all payments by the local signatory governments for the Transit Authority for the purpose of matching any Federal funds appropriated in any given year authorized under subsection (a) for the cost of operating and maintaining the adopted regional system are made from amounts derived from dedicated funding sources.

(B) For purposes of this paragraph, the term ''dedicated funding source'' means any source of funding which is earmarked or required under State or local law to be used to match Federal appropriations authorized under this division for payments to the Transit Authority.

(2) An amendment establishing an Office of the Inspector General of the Transit Authority.

(3) An amendment expanding the Board of Directors of the Transit Authority to include 4 additional Directors appointed by the Administrator of General Services, of whom 2 shall be nonvoting and 2 shall be voting, and requiring one of the voting members so appointed to be a regular passenger and customer of the bus or rail service of the Transit Authority.

(e) ACCESS TO WIRELESS SERVICE IN METRORAIL SYSTEM.—

(1) REQUIRING TRANSIT AUTHORITY TO PROVIDE ACCESS TO SERVICE.—No amounts may be provided to the Transit Authority pursuant to the authorization under this section unless the Transit Authority ensures that customers of the rail service of the Transit Authority have access within the rail system to services provided by any licensed wireless provider that notifies the Transit Authority (in accordance with such procedures as the Transit Authority may adopt) of its intent to offer service to the public, in accordance with the following timetable:

(A) Not later than 1 year after the date of the enactment of this Act, in the 20 underground rail station platforms with the highest volume of passenger traffic.

(B) Not later than 4 years after such date, throughout the rail system.

(2) ACCESS OF WIRELESS PROVIDERS TO SYSTEM FOR UPGRADES AND MAINTENANCE.—No amounts may be provided to the Transit Authority pursuant to the authorization under this section unless the Transit Authority ensures that each licensed wireless provider who provides service to the public within the rail system pursuant to paragraph (1) has access to the system on an ongoing basis (subject to such restrictions as the Transit Authority may impose to ensure that such access will not unduly impact rail operations or threaten the safety of customers or employees of the rail system) to carry out emergency repairs, routine maintenance, and upgrades to the service.

(3) PERMITTING REASONABLE AND CUSTOMARY CHARGES.—Nothing in this subsection may be construed to prohibit the Transit Authority from requiring a licensed wireless provider to pay reasonable and customary charges for access granted under this subsection.

(4) REPORTS.—Not later than 1 year after the date of the enactment of this Act, and each of the 3 years thereafter, the Transit Authority shall submit to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the implementation of this subsection.

(5) DEFINITION.—In this subsection, the term ''licensed wireless provider'' means any provider of wireless services who is operating pursuant to a Federal license to offer such services to the public for profit.

(f) AMOUNT.—There are authorized to be appropriated to the Secretary of Transportation for grants under this section an aggregate amount not to exceed $1,500,000,000 to be available in increments over 10 fiscal years beginning in fiscal year 2009, or until expended.

(g) AVAILABILITY.—Amounts appropriated pursuant to the authorization under this section shall remain available until expended.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Minnesota (Mr. OBERSTAR) and the gentleman from Florida (Mr. MICA) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

GENERAL LEAVE

Mr. OBERSTAR. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Resolution 1492.

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

There was no objection.

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

We are at a transformational moment in the history of surface transportation in America today with this bill which has two parts, the extension of authority and renewal of authority for Amtrak, to move Amtrak into a totally new era of high-speed rail in the Northeast Corridor and eventually getting to high-speed intercity passenger rail in the rest of the country; and the second portion of this legislation, a bill the House previously passed last year, the Rail Safety Act, the first substantive, significant changes in railroad safety law in 100 years.

These are extraordinary moments. And to reach this moment took a great deal of initiative, innovative thinking, cooperation and concession on both sides of the aisle by our side and particularly by the gentleman from Florida (Mr. MICA), the ranking member of the committee, who has offered innovative approaches to the future management of Amtrak, who has championed that cause for many years, and who said to me earlier in this Congress that this is an issue we should address, that we can address and that we can reach agreement on, and we have done; and Ms. BROWN, the Chair of the Rail Subcommittee, ''Ms. Amtrak,'' who, in previous years, when the administration in other years proposed a bankruptcy budget for Amtrak, took to the rails Harry Truman-style and traveled around the country advocating for increased funding for Amtrak, to restore Amtrak. She is a real champion. And for Mr. CUMMINGS, who served in a capacity in the previous Congress on a task force to evaluate proposals dealing with Amtrak and who submitted a report that validated the need to continue service of Amtrak.

With gas prices soaring, crippling the Nation and crippling the economy, we have seen our fellow citizens increasingly turn to intercity passenger rail. In fact, in the New York-Washington corridor, Amtrak has 56 percent of the air and rail passenger market. That is an extraordinary statement in and of itself.

At a time when flights are delayed, air delays, ground delays as many as 3 hours, people have seen the importance of Amtrak. In the aftermath of September 11, which we solemnly observed just recently in this body, it was Amtrak that carried people all throughout this country from Canada into the United States.

We have to invest in transportation solutions that are affordable, accessible and, most importantly, workable. This legislation provides a total of $13 billion over the next 5 years to help bring the Northeast Corridor to a state of good repair and to encourage development of new and improved intercity passenger rail service through a Federal-State matching grant program elsewhere throughout the country. The bill includes $1.5 billion in funding for the planning and development of high-speed rail corridors and $325 million in congestion grants to Amtrak in the States that are high-priority rail corridors.

It includes reforms in the governance and operation of Amtrak by restructuring the Amtrak board, requiring Amtrak to develop a new financial accounting system and a get-well plan for the worst-performing long-distance routes, and to open a public bidding process where nongovernment interests, private sector interests, can submit bids on management of the 11 corridors referenced in this legislation, and Amtrak will be able to bid, too. This is a concept that was very new, very much resisted, but after Mr. MICA and Ms. BROWN and Mr. SHUSTER on the Republican side and I discussed this repeatedly over many weeks, we came to a common ground. What occurred to me is a statement in President John F. Kennedy's inaugural address: ''We should never fear to negotiate, but we should never negotiate out of fear.'' We should never fear to open the process of operating Amtrak to a public-private sector bidding process, and that is what we do. That is the important transformational step we take in this legislation—open the process up.

We are going to find new energy, new ideas and new initiatives in the process of inviting, evaluating, and acting upon these bids. We will have a far better idea of what can be done for the future of Amtrak when we go through this process. It will be good for Amtrak. It will be good for the country. It will be good for the traveling public. Again, I say this is a transformational moment in the history of rail passenger service in America.

With that, I thank Ms. BROWN. I especially thank Mr. MICA for patience, the discussions and the cooperation that we have achieved and the frankness of our discussions over this past year and a half.

I reserve the balance of my time.

Mr. MICA. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker and my colleagues, first I have to say, again, as Mr. OBERSTAR said, this is a very historic moment for passenger rail service in the United States. I have to first preface any comments I would make by expressing my sincere thanks to Mr. OBERSTAR, my partner on the Transportation Committee and our Chair; Ms. BROWN, who chairs the Rail Subcommittee, my colleague from Florida; and also Mr. SHUSTER, the gentleman from Pennsylvania, who is the ranking Republican member on the Rail Subcommittee. I would be remiss if I did not also thank staff on both sides of the aisle for their tireless effort to bring us to this point today.

Mr. OBERSTAR and I sat down when we assumed responsibility for the Transportation and Infrastructure Committee and we set out some goals that we hoped to achieve. This is one of the final goals that we felt was important. And it's not a Republican issue, it's not a Democrat issue, it's not a liberal, it's not a conservative. It's an issue that affects the transportation system as we know as a Nation and it hopefully, with the action today, will take us into the 21st century.

This is one of the most historic occasions because the Congress has not been able to pass an Amtrak reauthorization for some 11 years, since 1997. I think I voted against every bill that came out. I probably ordered more studies and reviews of Amtrak, not that I was opposed to passenger rail service or high-speed rail service, but what I wanted was the most efficient operation for the taxpayer and also for the traveling public.

We made a commitment almost 18 months ago, Mr. OBERSTAR and I, and we've worked together and staff have worked together. What we've come up with tonight is a combination not only of Amtrak reauthorization but also rail safety. And we worked together on that issue to try to make passenger rail service across the Nation safer for our passengers.

So, the two bills now I might mention, for folks who may be listening and coming to vote on this, Madam Speaker, is we passed by 311 votes the Amtrak, again a historic vote, and nearly 400 votes, the rail safety measure.

□ 1800

So tonight we will vote on a combination of those two measures in a bipartisan agreement.

This couldn't be a better time to pass something, first because we need an economic infusion in this country. This country has become a third world nation when it comes to passenger rail service, and in particular high-speed rail.

We have no high-speed rail service in this country. Acela moves rather slow up the Northeast corridor. This is a proposal that will bring the potential of bringing high-speed rail not only to that corridor, but to all of the corridors across the country that have been designated by Congress.

It has a well-thought-out progression and plan for the first time for the private sector to become engaged in high-speed rail service in this country. It opens the door to competition for the development, for the financing, for the

construction, and also for the operation of high-speed rail systems. Those proposals go first to a stakeholder commission, those involved in communities around the country that want and desire service, then to the Secretary of Transportation, and then finally to the Congress for approval, a good progression and a logical order. So this is dramatic for a change the way in which we approach high-speed rail service.

This also has reforms in the bill for Amtrak that we all feel are long overdue. It also opens up some of the money-losing routes that Amtrak has to private competition. I have to give Mr. SHUSTER from Pennsylvania credit for negotiating that particular provision.

One of the interesting things too as we talk about finances, and I didn't know this, without reauthorization legislation we have had to pay a premium for the indebtedness that Amtrak has and for all of our projects. With reauthorization, we actually will save the taxpayer money, move projects forward in a cost-effective manner and also have the ability to finance them, particularly when we have some shaky markets out here. But these projects are based on cooperative efforts.

We also dramatically expand the opportunity for intercity rail service so we can get some cars off the roads and so we can move people in the most cost-effective, energy efficient manner in the history of our Nation. So all that is rolled into this legislation.

Finally, we have the provision for safety. We enhance again rail passenger safety. We saw the horrible crash we had a few weeks ago in California, so we couldn't pass rail safety provisions at a more appropriate time really to help prevent an accident like we saw and the tragedy many families had to experience in California. So this is the combination.

Again, I hope that we can get the administration to join us in making certain that our country moves forward with a transportation alternative that is cost-effective, energy efficient and protects the environment. I am hoping the other body will act soon.

With that, I reserve the balance of my time.

Mr. OBERSTAR. Madam Speaker, I yield 6 minutes to the gentlewoman from Florida, Chair of our Rail Subcommittee, Ms. BROWN.

Ms. CORRINE BROWN of Florida. Madam Speaker and Members of the House, first of all I want to thank Chairman OBERSTAR for his leadership on this issue of transportation. He is truly the guru of transportation, and the country appreciates his leadership. And thanks to Ranking Members MICA and SHUSTER. I guess the pledge of serving in Congress is serving on transportation, because transportation is truly bipartisan.

This is truly a monumental day for America, and I am so pleased to be a part of it. If you are worrying about energy prices and the economy, this bill is a one-two punch. Passenger and freight rail are energy efficient, providing good jobs that can't be shipped overseas and transporting thousands of people and tons of cargo each day in a safe and efficient manner, and all of this without drilling off the coast.

Let me repeat. If you are worried about $4 and $5 gas prices, passenger and freight rail are energy efficient, provide good jobs that can't be shipped overseas and transport thousands of people and tons of cargo each day in a safe and efficient manner.

Rising gas prices alone, with increased highway and airport congestion, have made intercity passenger rail more popular and necessary than ever. In fiscal year 2007, Amtrak carried more than 25.8 million passengers, the fifth straight fiscal year of record ridership. Like its ridership gains, Amtrak's fiscal performance has improved as well, posting approximately $1.5 billion in ticket sales.

More than just a convenient way to travel, Amtrak is a greener mode of transportation. One full passenger train can take between 250 to 350 cars off the road. Rail travel is more energy efficient and uses less fuel than cars or airplanes. According to the U.S. Department of Energy data, Amtrak is 17 percent more efficient than domestic air travel and 21 percent more efficient than auto travel.

Unfortunately, for many years Amtrak has been given just enough money each year to limp along, never getting the necessary funds to make serious improvements in the system. The high voltage electric system is over 70 years old, 65 percent of the bridges were built in the 1920s, and several tunnels that the trains go through every year were built in the 1800s.

In 2005, Amtrak conducted a comprehensive review of its capital needs. The review determined that Amtrak should invest $4.2 billion to bring their infrastructure to a state of good repair. Today, with the backlog of major bridges and tunnel work, the necessary investment capital has approached an estimated $6 billion.

As other countries continue to invest tens of billions of dollars each year in improving their passenger rail systems, we are falling further and further behind by deferring these much-needed improvements to our system. We must find a way to speed up Amtrak's backlog of repair work and bring its assets to a state of good repair. Then Amtrak can concentrate on increasing capacity, increasing speed, developing new facilities and planning for the future. These major infrastructure improvements are also necessary to improve the safety and security of the system and its passengers and workers.

Amtrak has and will continue to play a critical role in evacuating and transporting citizens during national emergencies. Amtrak was the only mode of transportation out of New York following 9/11, and transported citizens and delivered vital supplies following Hurricane Katrina. Unfortunately, it is also a prime target for those who wish to harm us, and we must provide resources to make the system less vulnerable.

This legislation also includes vital railroad safety legislation that will improve the effectiveness of freight rail systems, and, most important, will help save the lives of rail employees and the people living in the communities they serve.

Freight railroads are also energy efficient and have made major gains in fuel efficiency through training and improved locomotive technology. A single intermodal train can take up to 280 trucks off of our highways. Today, one gallon of diesel fuel can move a ton of freight an average of 414 miles, a 76 percent improvement since 1980.

Since the beginning of the 110th Congress, the Railroad Subcommittee has held five hearings on rail safety, examined fatigue, human factors and rail accidents, and current Federal safety programs. In addition to the subcommittee's hearing, we met with all of our stakeholders, including labor, the railroads, government agencies and other interested parties to craft this legislation.

The bill seeks to help prevent accidents caused by human factors, which account for 40 percent of all rail accidents, by strengthening the hours-of-service laws, decreasing limbo time, increasing worker training and qualifications, and implementing advanced safety technology.

It requires the Secretary of Transportation to develop a long-term strategy for improving railroad safety at railroad crossings by improving visibility and making it easier to report problems.

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

Mr. OBERSTAR. I yield the gentlewoman 1 additional minute.

Ms. CORRINE BROWN of Florida. I encourage all of my colleagues to support this important legislation. You don't want to go back to your district and tell your constituents that you voted against energy efficient transportation and valid railroad safety.

Vote ''yes,'' and we will move our Nation's rail system into the 21st century.

Mr. MICA. Madam Speaker, I am pleased to yield 2 minutes to the gentleman from Virginia (Mr. DAVIS).

Mr. DAVIS of Virginia. Madam Speaker, I am very pleased to support this important legislation. This bill includes vital language that will bring dedicated funding to Washington's Metro transit system. I particularly want to thank Chairman OBERSTAR and Chairman BROWN and Mr. SHUSTER and Mr. MICA.

This bill includes my amendment, which passed the House earlier this year by an overwhelming margin, and encapsulates the National Capital

Transportation Amendments Act. The cornerstone of this legislation is the authorization of $1.5 billion over 10 years to provide desperately-needed funding and capital improvements to the original 103-mile Metro system. The legislation also shores up management of the system by requiring an Inspector General position and adding four Federal representatives to the WMATA board.

Perhaps most significantly, the legislation requires that Virginia, Maryland and the District of Columbia formally dedicate funding to the system before receiving the newly-authorized Federal funds. Metro is the only major transit system in the Nation without dedicated funding. That will change.

Just this week, Metro reiterated its urgent need for billions in systems improvements. Their list of needs is anything but frivolous. Cars are being pushed beyond their life expectancy, buses are breaking down, platforms are crumbling.

Metro is unique because it is truly a creature of the Federal Government. The Federal Government depends on Metro to move its workers. Tourists depend on it to visit their Nation's Capital. Commuters depend on it as the best way to avoid our second-worst-in-the-Nation traffic woes.

The time to address these needs is now, and I applaud the House for stepping up to meet these critical needs. Again, I am most grateful to Representative HOYER, Representative OBERSTAR, Representative MICA, Chairman BROWN and Representative SHUSTER for their foresight, and also Senator CARDIN and Senator WARNER on the Senate side for their foresight and leadership on this critical issue for the Nation's capital and Federal workforce.

I urge support of the bill.

Mr. OBERSTAR. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Massachusetts, the Chair of the Transportation Appropriations Subcommittee, Mr. OLVER.

Mr. OLVER. Madam Speaker, I rise in strong support of this legislation to reauthorize Amtrak and rail safety programs. I want to commend and congratulate the gentleman from Minnesota, the chairman, Mr. OBERSTAR, and the gentleman from Florida, Mr. MICA, for their tremendous efforts and fine work on this important piece of legislation. I also congratulate Subcommittee Chairwoman BROWN and her ranking member, Mr. SHUSTER, for their tireless efforts on the bill.

At a time of record fuel prices, Americans are finding travel by air more expensive and increasingly difficult. It is no secret that those record fuel prices, along with congestion on our Nation's highways, make travel by car less attractive and less affordable.

Investments in intercity passenger rail and high-speed rail must become more integrated into our Nation's transportation policy, and this legislation will help accomplish that goal. Intercity passenger rail is already experiencing its own renaissance. Amtrak has enjoyed 5 straight years of record level ridership, reaching almost 26 million passengers in 2007, and 2008 will be another record year.

This bill will help Amtrak reduce its capital backlog, increase safety and improve service. This bill opens the door to true high-speed rail service in the Northeast corridor and will help many more Americans enjoy the benefits of intercity passenger rail.

□ 1815

Again, I would like to commend the authors of this bill, and I urge Members to support it.

Mr. MICA. Madam Speaker, I am pleased to yield 4 minutes to the distinguished ranking Republican member of the Rail Subcommittee, the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. I thank the gentleman from Florida for yielding.

Madam Speaker, today is an important day for our Nation's railroad industry. We are authorizing, as everybody has been talking about, Amtrak, which has not been done in 10 years. We are also considering a comprehensive rail safety legislation which will make our Nation's railways safer for both passengers and freight trains. I'm heartened that we are considering this bill now, and I hope it's offering some small degree of comfort to the families who are suffering after the recent Metrolink disaster in California.

America's railroads are becoming an increasingly important part of our transportation backbone. The gridlock on our highways and in the air and the need to conserve energy makes the case for passenger rail even more compelling. I believe that expanded passenger rail service can do a great deal to ease the congestion and, as I said, to conserve the energy that we so desperately need to conserve.

But it's important that the private sector be given a chance to participate. I believe this bill is an important step towards this goal because it allows the private sector to bid on lines where Amtrak currently operates, and I believe the private sector, if given an opportunity, can greatly improve the efficiencies in our passenger rail system.

I would encourage and would ask those on my side of the aisle who for years have wanted to eliminate, to break up and to kill Amtrak to consider this bill.

We have important private-sector initiatives in this bill. Instead of talking about theory, we can see it go in motion, and then we'll have the evidence that I believe will come about by having the private sector's being involved. As I said, we will prove beyond a shadow of a doubt that the private sector can operate, once again, a passenger rail service in this country in an effective and efficient manner.

I also support this bill because it has given an important opportunity to the private sector to submit proposals for the construction of high-speed rail lines, starting with the heavily traveled Northeast Corridor, followed by other corridors designated for high-speed rail service.

High-speed rail has been in long use overseas—in Japan with the Bullet train for over 40 years and with the French with their TGV trains that have been in revenue service. I'm excited about the possibility of bringing this technology or similar technology to the United States so that we can open up the Northeast Corridor and can get some cars off the highways and can get people off of planes and into rail service.

I just have to look to Pennsylvania, to the Keystone Corridor from Harrisburg to Philadelphia, which has been a partnership between Amtrak and the States. They have upgraded the lines. They now have service that runs 110 miles an hour between Harrisburg and Philadelphia. In its first year of service, it's up almost 20 percent in ridership. I think that's proof that high-speed rail or that higher speed rail with dependable service is something that Americans will use in significant numbers.

The rail safety component of this bill is equally important, and it will result in a number of things: one being the installation of Positive Train Control by the end of 2015 on all routes that carry passengers and on all mainline routes that carry toxic materials like chlorine. PTC will use state-of-the-art technology to prevent trains from colliding into each other. What happened with the Metrolink disaster possibly could have been avoided or probably would have been avoided if we had had PTC. We are also providing grants to help defray some of these costs because we are mandating it. I think it's the appropriate thing, when we mandate something, to contribute to that cost.

So, as I said, I urge my colleagues to pass this bill. Those who have come to the floor and who have argued in the past against Amtrak, please consider this. As I said, with the private-sector initiatives that are in this bill, it gives us a chance to put those theories forward for practical purposes. So I do urge the passage of this.

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

Mr. MICA. I yield the gentleman an additional 30 seconds.

Mr. SHUSTER. Finally, I do want to say thank you to my colleagues: to Chairman OBERSTAR for his leadership and hard work, to Chairwoman BROWN for her hard work and cooperation and for allowing us to participate in a significant manner in the writing of this bill and for putting in some important provisions that we needed to have in here to be able to support this bill, and also to the leader on the Republican side, Mr. MICA, for his leadership and hard work. I thank him for giving me the opportunity to be the ranking

member on this subcommittee. Thank you.

Again, I urge passage.

Mr. OBERSTAR. May I inquire how much time remains on both sides.

The SPEAKER pro tempore. The gentleman from Minnesota has 5 minutes remaining, and the gentleman from Florida has 7 minutes remaining.

Mr. OBERSTAR. I yield 3 minutes to the distinguished Chair of our Coast Guard Subcommittee, Mr. CUMMINGS.

Mr. CUMMINGS. I thank the gentleman for yielding.

Madam Speaker, today, as we in Congress consider spending on the order of $700 billion to bail out the Nation's financial system—and that figure could go up to $1.3 trillion—we have the opportunity to make what, by comparison, are very modest investments in the transportation and infrastructure that keep our economy moving. This is by supporting Amtrak and by implementing long overdue safety reforms throughout our rail system. These changes and the money will be spent effectively and efficiently.

I applaud Chairman OBERSTAR, Chairwoman BROWN, Ranking Member MICA, Ranking Member SHUSTER, and all of our colleagues in the Senate for their determined efforts to finalize this legislation. I also thank them for working with me to address several specific safety concerns in this legislation.

Section 304 of division B of the bill supports the redevelopment of tunnel infrastructure around Baltimore, in my district, which is a linchpin on the Northeast Corridor and which is more than 130 years old in some instances. It has antiquated designs, and it lacks modern fire and life-saving systems. The replacement of it is critical to improving both the quality and the safety of Amtrak service.

The legislation also responds directly to concerns raised by the National Transportation Safety Board in its investigation into the Howard Street tunnel fire in my district in Baltimore in 2001 by ensuring that first responders called to incidents in rail tunnels have all of the information they need to provide an effective response to emergency situations.

Again, I deeply thank Chairman OBERSTAR and Chairwoman BROWN for working with me to address these critical issues involving rail tunnels, and I urge my colleagues to support this legislation.

Might I finally say that I agree with Mr. SHUSTER, Ms. BROWN and with our chairman. This is a bipartisan committee, and I think this product that we have produced today shows what bipartisanship can do and what it can achieve. So, again, I urge my colleagues to support this very, very important legislation.

Mr. MICA. I reserve the balance of my time.

Mr. OBERSTAR. Does the gentleman from Florida have any further speakers?

Mr. MICA. At this time, I do not. I would like to close on my side, but I know that you get to close.

Mr. OBERSTAR. We have no further speakers. I will close on our side.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida to close.

Mr. MICA. Thank you, Madam Speaker.

I'm just sitting here, thinking that sometimes you have ideas, you know, that you come up with, that you think about and that you dream about that have an opportunity to become reality. I've got one in this bill. Will it work? Honestly, I don't know. I've given it my best try, but my intent has been to try to take the things I've seen around the world, the best from them, and adapt them to the United States of America, this great country where, I don't think, anything is impossible.

When I see other countries that have high-speed rail systems which take people from one end of their land to the other, I think about our country and think: Why not? Why can't we?

We wouldn't be here today if it weren't, again, for the cooperative effort of my counterpart, Mr. OBERSTAR—our Chair of the T&I Committee—and for the two of us and others—Mr. SHUSTER and Ms. BROWN—all working together. In closing, I do want to just thank a couple of other people.

I didn't know Mayor Bloomberg very well when I took this idea to him in New York City. New York, of course, is at the center of the east coast, at the center of the Northeast Corridor. I explained the proposal to him. I said that we'd like to see high-speed rail. Right now, from Washington to New York, on average, Acela runs at 83 miles an hour. On average from New York to Boston, it runs at 66 miles an hour.

I said, ''Mayor, what if we could go from Washington, D.C. to Center City New York in less than 2 hours? What would that do?'' Of course, his eyes lit up, and he endorsed the proposal. It would make a dramatic change in the Northeast Corridor.

I chaired Aviation for 6 years. I remember the congestion we had in 2001. The congestion is back today. Seventy percent of all of the air traffic control delays in the country emanate from New York City. So, if we could, let's put in place high-speed rail in this corridor. I don't know any other transportation solution that's more cost effective and environmentally sound than what we're proposing here tonight. Again, here, the leader of our largest city endorsed the proposal.

Then I went to MIKE CASTLE. Congressman CASTLE is the former Governor of Delaware. He heads the Rail Caucus in the House. I explained it to him, and he supported the proposal. Then I went to folks like Susan Molinari, who was our Chair, who tried to reform Amtrak when she was here, and she supported the proposal.

Now, as a Republican, I come to the floor also to thank America's rail labor unions and their employees. When I had the opportunity to sit down and say you've seen your employment dwindle from 28,000 to 19,000 on Amtrak and that you've seen proposals to zero out your budgets, just saying ''no'' is not the answer both on your side and on our side. We can do better and we must do better.

I want to thank America's rail unions for working together to make this possible. In working together, we can expand employment, and we can improve transportation. We can develop that corridor and can make it a shining asset, something we can all be proud of in development along the way. So we'll create jobs and opportunities both in their industry and along that corridor.

So, in closing, I also want to thank some of the folks from the Federal Railroad Administration, including Jo Strang, Grady Cothen, Mark Yachmetz, and Mark Lindsay. They provided us valuable technical assistance.

I want to also thank the committee staffers who worked in a bipartisan way on the bill on the Democrats' side: David Heymsfeld, Jennifer Esposito, John Drake, and Niels Knutson. On our Republican side, I want to thank Jim Coon, our staff director for the committee; Amy Steinmann, our policy director; Joyce Rose; Mike Meenan; and Allison Cullin for all of their hard work.

You don't get here by one person's coming up with an idea or by one person's trying to move a proposal or by one person's trying to dominate the legislation. You come here through the concerted effort of many people joining together.

So, in closing, again, I thank Mr. OBERSTAR and all of those.

I yield back the balance of my time.

Mr. OBERSTAR. Madam Speaker, I yield myself the balance of our time.

Again, I want to express the great appreciation for this long march that we have engaged in with Mr. MICA, with Mr. SHUSTER, with the staff on both sides, with Ms. BROWN, and with the others who have spoken this afternoon.

□ 1830

When I graduated from college, I won a scholarship to study at the College of Europe in Belgium on European economic integration. I traveled by Greyhound bus from Chisholm to St. Paul; from St. Paul to Chicago by train, the Milwaukee 400, 400 miles in 400 minutes. That is 7 hours. Then train to the east coast; the Queen Mary to Europe; and from Paris to Brussels in 6 hours. That is the distance from New York to Washington. Today that trip from Paris to Brussels is 80 minutes at 184 miles an hour on the TGV.

Within the context of this legislation, we can cut that 7-hour trip from the Twin Cities to Chicago from 7 hours to 4 hours, if there is a will to do it. If there is a will to explore, to use the authorities we have provided under this legislation.

We can transform the travel time from New York to Washington to 2

hours or under, as has long been the goal of Mr. MICA and Ms. BROWN and Mr. CUMMINGS and so many others. We can do these things. We can put our best efforts forward.

Mr. MICA has already mentioned committee staff who have contributed so many hours and efforts, and I just supplement that with additional names that I will submit for the RECORD, but especially Jennifer Esposito, who has given birth to three children: Lexi, Amtrak, and rail safety.

I will not ask for a recorded vote on this bill because we already have a vote of 311–104 on Amtrak and on rail safety 377–38.

Mr. BROWN of South Carolina. Madam Speaker, I rise in support of this historic and forward looking legislation. Freight and passenger rail play an incredibly important role in our Nation's transportation system and our economy. The legislation before us will serve to strengthen that important contribution, and I was proud to have worked on it with Chairman OBERSTAR, Ranking Member MICA, Chairwoman BROWN, Ranking Member SHUSTER, and all the members of the Transportation Committee.

Today's legislation will foster introduction of new intelligent transportation systems technologies at highway-rail grade crossings. New technologies being researched now will one day provide the ability to use an in-vehicle warning of danger at highway-rail crossings and, perhaps, even provide the means to intervene before a collision occurs. H.R. 2095 will speed up the development and deployment of these technologies by allowing innovative partnerships between the private sector, State DOTs and the Federal Government.

Even more important, this legislation contains a new commitment to high-speed rail for our country. High-speed rail can play an important role in reducing congestion in places like the Grand Strand, which sees 14 million tourists a year and Charleston, which is the most congested small city in the country. By engaging the private sector along with public partners, H.R. 2095 calls for more than just paper plans for high-speed rail projects—it calls for action.

Our constituents are paying record high prices for gasoline and spending $78 billion a year due to highway congestion. The time is now to make progress on high speed rail for our country, and this bill will do just that. H.R. 2095 sets the foundation for a privately-funded high speed rail line along the eastern seaboard connecting the population centers of the north to the tourism centers of the South, including Charleston and Myrtle Beach in my district. This is not only a sound business decision, it is a sound public policy decision that will benefit our nation.

Madam Speaker, I will proudly be voting "yes" on H.R. 2095, and I ask all my colleagues to join me in support of this legislation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. OBERSTAR) that the House suspend the rules and agree to the resolution, H. Res. 1492.

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

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 7005, by the yeas and nays;

H.R. 7006, by the yeas and nays;

S. 2606, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

ALTERNATIVE MINIMUM TAX RELIEF ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 7005, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. NEAL) that the House suspend the rules and pass the bill, H.R. 7005.

The vote was taken by electronic device, and there were—yeas 393, nays 30, not voting 10, as follows:

[Roll No. 634]

YEAS—393

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

NAYS—30

Baird
Becerra
Berry
Boyd (FL)
Boyda (KS)
Cardoza
Chandler
Cooper
Costa
Costello
Cuellar
Davis, Lincoln
DeFazio
Doggett
Harman
Hill
Hoyer
Larson (CT)
Melancon
Michaud
Peterson (MN)
Salazar
Sanchez, Loretta
Scott (VA)

Smith (WA)
Stark
Tanner
Taylor
Walz (MN)
Welch (VT)

NOT VOTING—10

Bishop (UT)
Cubin
Delahunt
Herseth Sandlin
Moran (VA)
Pryce (OH)
Renzi
Shuler
Tancredo
Weldon (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. There are 2 minutes remaining.

□ 1857

Messrs. COSTA, BECERRA, WELCH of Vermont, LARSON of Connecticut, SCOTT of Virginia, DOGGETT, SMITH of Washington and STARK changed their vote from ''yea'' to ''nay.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

DISASTER TAX RELIEF ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 7006, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. RANGEL) that the House suspend the rules and pass the bill, H.R. 7006.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 419, nays 4, not voting 10, as follows:

[Roll No. 635]

YEAS—419

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

NAYS—4

Berry
Boyd (FL)
Cooper
Smith (WA)

NOT VOTING—10

Bishop (UT)
Butterfield
Cubin
Dingell
Moran (VA)
Pryce (OH)
Renzi
Shuler
Tancredo
Weldon (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1906

Mr. SMITH of Washington changed his vote from ''yea'' to ''nay.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

UNITED STATES FIRE ADMINISTRATION REAUTHORIZATION ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the Senate bill, S. 2606, on which the yeas and nays were ordered.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Maryland (Ms. EDWARDS) that the House suspend the rules and pass the Senate bill, S. 2606.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 418, nays 2, not voting 13, as follows:

[Roll No. 636]

YEAS—418

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly
Doolittle
Doyle

Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Westmoreland
Wexler
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—2

Flake
Paul

NOT VOTING—13

Bishop (UT)
Cubin
DeFazio
Dingell
Gutierrez
Marchant
Moran (VA)
Pryce (OH)
Renzi
Shuler
Tancredo
Weldon (FL)
Whitfield (KY)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1913

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken tomorrow.

□ 1915

J. JAMES EXON FEDERAL BUREAU OF INVESTIGATION BUILDING

Ms. EDWARDS of Maryland. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3009) to designate the Federal Bureau of Investigation building under construction in Omaha, Nebraska, as the ''J. James Exon Federal Bureau of Investigation Building''.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 3009

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

SECTION 1. J. JAMES EXON FEDERAL BUREAU OF INVESTIGATION BUILDING.

(a) DESIGNATION.—The Federal Bureau of Investigation building under construction at the intersection of 120th and L Streets in Omaha, Nebraska, shall be known and designated as the ''J. James Exon Federal Bureau of Investigation Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the J. James Exon Federal Bureau of Investigation Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Maryland (Ms. EDWARDS) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Maryland.

GENERAL LEAVE

Ms. EDWARDS of Maryland. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on S. 3009.

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

There was no objection.

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

Mr. Speaker, I rise in support of S. 3009, a bill introduced by Senator NELSON of Nebraska to honor the distinguished career of former Senator J. James Exon.

J. James Exon was born on August 9, 1921, in Geddes, South Dakota. After graduating from the University of Omaha, he joined the United States Army Signal Corps serving 2 years overseas in New Guinea, the Philippines, and Japan. He was honorably discharged as a master sergeant in December of 1945 and served in the Army Reserve until 1949. In 1954, Exon founded Exon's Incorporated, which became one of Nebraska's best-known office equipment companies.

The bill designates the FBI building under construction in Omaha, Nebraska, in honor of Senator Exon. Senator Exon served two terms as Governor of Nebraska from 1971 to 1979. In 1978, he was elected to the United States Senate and served for three terms in the U.S. Senate. He was not a candidate for reelection in 1996. Senator Exon died in June of this year at the age of 83.

I support S. 3009 and urge my colleagues to also support this bill.

I reserve the balance of my time.

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

This legislation would name the Federal Bureau of Investigation Building in Omaha, Nebraska, the ''J. James Exon Federal Bureau of Investigation Building.''

J. James Exon had a long and distinguished career in public service. He was born in Geddes, South Dakota, in 1921 and attended the University of Omaha. During World War II, Senator Exon served in the United States Army Signal Corps, and he continued to serve in the Army Reserve after he was honorably discharged in 1945.

Following the war, Senator Exon moved to the private sector, eventually starting his own business in 1953. He also became active in the political process leading to his election as Governor of Nebraska in 1971.

Senator Exon represented the citizens of the State of Nebraska as Governor for 8 years. As Governor of Nebraska, he developed a reputation of holding the line on taxes and spending. His commitment to service and his popularity led to his election as a U.S.

Senator in 1979, and he served in that capacity for 18 years.

With the exception of the late Senator George Norris, Senator Exon was the only Nebraskan to win five consecutive statewide elections.

Even after retiring from the U.S. Senate in 1997, Senator Exon continued to serve his country. He was appointed to a congressionally created committee led by the former Director of Central Intelligence, John M. Deutch, to examine the threat of weapons of mass destruction. Even then, he warned of the very real threat of terrorism.

Senator Exon had a long and distinguished career in serving the State of Nebraska and the Nation. It is a fitting tribute to Senator Exon's service that this building be named after him.

I support this legislation and encourage my colleagues to do the same.

I reserve the balance of my time.

Ms. EDWARDS of Maryland. Mr. Speaker, I continue to reserve.

Mr. BOOZMAN. If the gentlelady has no additional speakers, then I will close.

Again, I would just urge my colleagues to vote to adopt this measure.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of S. 3009 a bill to honor the civic contributions of former Senator J. James Exon.

Senator J. James Exon was born in South Dakota in 1921. He attended public schools, and graduated from the University of Omaha. Following graduation, he served in the United States Army Signal Corp from 1942–1945.

Senator Exon's political career began as a member of the Nebraska Democratic State Central Committee. He was also a member of the Democratic National Committee and Chaired the Nebraska Democratic Party from 1968 to 1970. He then served two terms as Governor of Nebraska and, in 1978, was elected to the U.S. Senate. He served three terms in the United States Senate before retiring in 1996. Following his retirement from the Senate, Senator Exon served on the Deutch Commission, which was created by Congress to study the threat of weapons of mass destruction.

On June 10, 2005, Senator Exon passed away.

This is a fitting tribute to Senator Exon's long career in public service, and urge my colleagues to join me in supporting the bill.

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

Ms. EDWARDS of Maryland. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Maryland (Ms. EDWARDS) that the House suspend the rules and pass the Senate bill, S. 3009.

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

A motion to reconsider was laid on the table.

COMMEMORATING THE 80TH ANNIVERSARY OF THE OKEECHOBEE HURRICANE OF SEPTEMBER 1928

Ms. EDWARDS of Maryland. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1376) commemorating the 80th anniversary of the Okeechobee Hurricane of September 1928 and its associated tragic loss of life, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1376

Whereas the Okeechobee Hurricane, also known as Hurricane San Felipe Segundo, formed in the Atlantic Ocean, traveled through the Caribbean Sea, and up the eastern coast of the United States between September 10 and September 20, 1928;

Whereas on September 16, 1928, the Okeechobee Hurricane made landfall in the continental United States at Palm Beach County, Florida, and proceeded north over Lake Okeechobee, after which it decreased steadily in intensity before dying in Ontario, Canada;

Whereas the Okeechobee Hurricane attained the highest classification of Category 5 for tropical cyclone intensity on the Saffir-Simpson Hurricane Scale, with winds exceeding 160 miles per hour;

Whereas the Okeechobee Hurricane is officially recognized by the National Oceanic and Atmospheric Administration as the second deadliest hurricane on record in United States history, exacting the tragic loss of approximately 3,000 lives in the United States and its territories;

Whereas approximately 75 percent of fatalities from the Okeechobee Hurricane in the United States were migrant farm workers, the vast majority of which were African-American;

Whereas the extensive impact of the Okeechobee Hurricane on African-American migrant workers in southern and central Florida was memorialized in the famous 1937 literary work of Zora Neale Hurston, Their Eyes Were Watching God;

Whereas the Okeechobee Hurricane exacted horrendous damage valued at over $16,000,000,000, adjusted for inflation, to the infrastructure and towns of western Palm Beach County alone;

Whereas many of those killed by the Okeechobee Hurricane in southern Florida were buried in segregated mass graves, such as the more than 670 African-American victims in a mass grave in West Palm Beach;

Whereas the Nation and the State of Florida have taken steps to respond to the Okeechobee Hurricane and other storm events with the construction of storm damage reduction projects to mitigate the loss of life and property;

Whereas the Herbert Hoover Dike's system surrounding Lake Okeechobee consists of 143 miles of levee with 19 culverts, hurricane gates, and other water control structures that provide flood and storm damage reduction and other water control benefits;

Whereas on November 2, 2007, the Army Corps of Engineers Dam Safety Action Classification External Peer Review Panel designated the Herbert Hoover Dike with Class I designation of ''urgent and compelling,'' the highest risk category;

Whereas a breach of the Herbert Hoover Dike or similarly designated structures throughout the Nation could potentially cause catastrophic loss of life and poses grave economic and environmental consequences to the surrounding communities; and

Whereas economically disadvantaged and migrant communities are at increased risk for extensive damage and loss of life associated with natural disasters: Now, therefore, be it

Resolved,

That the House of Representatives—

(1) memorializes the tragic loss of approximately 3,000 lives in the United States and its territories due to the Okeechobee Hurricane of 1928;

(2) recognizes the enduring importance of hurricane preparedness measures, enhanced evacuation, emergency plans, and disaster response training especially in economically disadvantaged communities to prevent a disproportionate impact of natural disasters and disparities in disaster response;

(3) recognizes the role of relevant Federal agencies, research institutes, universities, and disaster response organizations in providing intensity forecasting, long-range projections of hurricane activity, emergency management, and hurricane and storm damage reduction to better prepare for, respond to, and mitigate the extensive loss of life and devastating impacts of hurricanes and storms;

(4) fully supports initiatives to enhance our understanding of storm impacts on physical structures, including water management systems and other infrastructure that may be vulnerable to the most intense of storms;

(5) urges the State of Florida and local governments to—

(A) commemorate and memorialize the 80th anniversary of the Okeechobee Hurricane of 1928 and its associated tragic loss of approximately 3,000 lives in the United States and its territories; and

(B) appropriately recognize mass graves of the victims of the Okeechobee Hurricane;

(6) urges the Federal government, and State and local governments, to—

(A) take appropriate actions to encourage hurricane and disaster preparedness, education, response, and mitigation; and

(B) support programs and initiatives that promote disaster preparedness, education, response, and mitigation especially in economically disadvantaged and migrant communities;

(7) commends the Army Corps of Engineers for its ongoing rehabilitation of the Herbert Hoover Dike and encourages continued collaboration among Federal, State, and local governments toward expeditious completion of the rehabilitation effort; and

(8) recommits itself to hurricane preparedness, safety education, response, and mitigation for all communities in the 110th Congress.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Maryland (Ms. EDWARDS) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Maryland.

GENERAL LEAVE

Ms. EDWARDS of Maryland. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H. Res. 1376.

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

There was no objection.

Ms. EDWARDS of Maryland. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. I thank my good friend and new Member, in one sense of the word, from Maryland for yielding time to me.

I also want to thank the chairwoman and ranking Republican of the Subcommittee on Economic Development, Public Buildings, and Emergency Management, Representative ELEANOR HOLMES NORTON and SAM GRAVES. And I thank Chairman OBERSTAR for his continuing leadership as well.

Mr. Speaker, I was pleased to have introduced this resolution with many

of my colleagues from Florida. All of them, as well as the majority leader and his floor staff, were so helpful in getting this resolution to the floor today.

Mr. Speaker, I rise in strong support of this resolution that commemorates last week's 80th anniversary of the Okeechobee hurricane of 1928. Numerous communities in the congressional district that I am privileged to serve last week remembered the destruction of the Okeechobee hurricane, also known as Hurricane San Felipe Segundo. The storm ravaged Florida, Puerto Rico, the Virgin Islands, the Bahamas, and numerous islands of the Caribbean.

The resolution also pays tribute appropriately to the over 4,000 lives lost from this tragic storm. More than 3,000 were lost in the United States alone, the second largest death toll ever recorded by the National Oceanic and Atmospheric Administration. Floridians living near Lake Okeechobee in communities that I am now privileged to represent experienced a devastating loss of life when the hurricane led to extensive breaches of the levees surrounding the lake.

Of the more than 3,000 casualties in the continental United States, more than 75 percent were migrant workers near Lake Okeechobee who were overwhelmingly African American.

The lack of capacity to respond to the storm and racial overtones of the era led to extensive disparities in the treatment of victims of the hurricane. Many African Americans were buried in poorly or unmarked mass graves, including one site in West Palm Beach where over 670 unfortunate souls were laid to rest.

Similar graves for white victims of the tragedy were visibly memorialized, whereas many African American graves were forgotten and still not known and some not recognized until many years later.

Mr. Speaker, neglecting these darker moments of our history can overlook important lessons, as we saw with the devastation of Hurricanes Katrina, Gustav, and most recently, Ike. Beyond just recognizing the victims of the Okeechobee hurricane, their loss is a reminder of what can happen when there are injustices in disaster response and mitigation.

The potential for devastation due to failing infrastructure following disasters exists in many places throughout our Nation. That is why this resolution also places emphasis on hurricane preparedness and education.

It also commends the Army Corps of Engineers for the work that they are doing today to repair the Herbert Hoover Dike. The dike, which was built in the 1930s to protect the Lake Okeechobee communities that were flooded and destroyed by the Okeechobee hurricane, is in dire need of repairs. To date, Congress has appropriated well over $100 million to repair the dike. Without continued help, these communities will be vulnerable to devastation from future storms.

I wish to add a footnote. I came here 15 years ago. And all of my colleagues from Louisiana on both sides of the aisle in the Senate and in the House were continuously arguing then about the levees in New Orleans, and I just shudder to think about the fact that we were tardy in responding to them.

The experience of the Okeechobee hurricane still touches the lives of so many of my constituents and people throughout Florida and the Caribbean.

One of them I wish to personally memorialize, Dave Larramore, who we referred to as Brother Larramore. One of his favorite expressions was ''ain'tchaknow.''

Brother Larramore was from the Bahamas and he was in Okeechobee when that storm occurred in 1928. He lost eight members of his family. He was holding on to his wife who was holding his child, and she dropped the child, and he grabbed the baby; and they were the only ones that came out of that storm.

He told that story often and stories of others. I take this opportunity to remember him with the kindness that this body offers to our people when they pass, no matter how long ago that it was.

The House's consideration of this resolution today is both appropriate and timely. I ask for my colleagues' support.

□ 1930

Ms. EDWARDS of Maryland. Mr. Speaker, I submit my statement for the RECORD.

I rise today to support H. Res. 1376 as amended, to commemorate the 80th anniversary of the Okeechobee Hurricane of 1928.

H. Res. 1376 as amended memorializes the loss of more than 3,000 lives in the United States and in the Caribbean as a result of Okeechobee Hurricane, also known as Hurricane San Felipe Segundo of 1928. This devastating storm formed in the Atlantic Ocean, traveled through the Caribbean Sea, and made landfall in Palm Beach County, Florida, on September 16, 1928.

According to the National Oceanic and Atmospheric Administration, this was the second deadliest hurricane on record in Untied States history, exacting the loss of over 3,000 lives in the United States and its territories. Approximately 75 percent of the fatalities were African American. The extensive impact of this hurricane on African-American migrant workers in southern and central Florida was memorialized in the famous 1937 literary work of Zora Neale Hurston, "Their Eyes Were Watching God".

This resolution also recognizes the importance of hurricane preparedness measures, enhanced evacuation and emergency plans, and disaster response training especially in economically disadvantaged communities to prevent a disproportionate impact of natural disasters and disparities in disaster response. This year's hurricanes, including Hurricanes Gustav and Ike, continue to reinforce the importance of these activities.

The resolution also recognizes the role of relevant Federal agencies, research institutes, universities, and disaster response organizations in providing intensity forecasting, long-range projections of hurricane activity, emergency management, and hurricane and storm damage reduction to better prepare for, respond to, and mitigate the extensive loss of life and devastating impacts of hurricanes and storms.

As a result of this and later hurricanes in the 1940s and 1950s, a series of larger dikes was built around the lake. The Herbert Hoover Dike was the culmination of large dike construction around Lake Okeechobee and was completed in the 1960s and consists of 143 miles of levees. Recent reviews of the Herbert Hoover Dike have indicated that the dike is in a deteriorating condition. The Army Corps of Engineers is presently undertaking a comprehensive rehabilitation of the dike to provide protection for citizens living in the area of Lake Okeechobee.

I urge my colleagues to join me in agreeing to the resolution.

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

I want to thank Mr. HASTINGS, the gentleman from Florida, and his Florida colleagues for bringing this resolution forward.

On September 16, 1928, one of the worst storms in Florida's history made landfall. While no reliable wind readings are available and the Saffire-Simpson hurricane scale had not been developed, there were reports of minimum pressures of 27.43 inches, making this the fourth strongest hurricane of record to hit the United States.

With wind speeds being recorded of up to 160 miles per hour, significant damages affected Caribbean nations, the United States, and its territories. According to the National Oceanic and Atmospheric Administration, this hurricane would have been a strong category four storm when it struck the United States coast.

The damage to property was immense, estimated at $50 million in Puerto Rico and $25 million in Florida, equating to almost $35 billion when adjusted to today's dollars, making it the eighth most damaging hurricane in the Nation's history.

More importantly, this hurricane caused heavy casualties and catastrophic destruction along its path from the Leeward Islands to Florida. The worst tragedy occurred at inland Lake Okeechobee in Florida, where the hurricane caused a lake surge of six to nine feet that inundated the surrounding area. In some cases, the flood waters exceeded 12 feet, trees were uprooted, crops destroyed, homes torn from their foundations, and entire families drowned.

According to the National Oceanic and Atmospheric Administration's National Hurricane Center, up to 3,000 died in the United States and its territories. Small towns south of the lake were wiped from the Earth in this hurricane. Only the storm at Galveston, Texas, in 1900 caused greater loss of life.

While hurricanes still assault America's coastline, the Nation is better

prepared today to respond to these types of events. Storm damage reduction projects, warning systems, and mitigation efforts have helped to reduce the catastrophic loss of life as was witnessed in 1928.

As we commemorate this tragic event of 80 years ago, let us also recognize that today's investments in hurricane and flood risk reduction projects save both lives and property.

There are many ways to reduce the risk of storm damage in low-lying coastal areas, some are structural, such as levees and flood gates; some are nonstructural, such as zoning, response planning, and insurance. All levels of government must use their abilities and their budgets to reduce hurricane and flood damage in the Nation.

I urge all Members to support the resolution. And again, I want to thank the gentleman from Florida for bringing this forward. Certainly, we need to remember events like this and prevent their occurrence in the future.

Mr. OBERSTAR. Mr. Speaker, I rise today to support H. Res. 1376, to commemorate the 80th anniversary of the Okeechobee Hurricane of 1928.

H. Res. 1376 memorializes the loss of more than 3,000 lives in the United States and its territories as a result of Hurricane Okeechobee in 1928. Furthermore, the resolution recognizes the importance of hurricane preparedness, mitigation, enhanced evacuation measures, emergency plans, and disaster response training for helping to prevent the tragic loss of life as a result of natural disasters. This resolution recognizes the important roles that the Federal Government, States, and local governments all play in planning, collaborating, preparing for, and mitigating loss in the event of a natural disaster.

Hurricane Okeechobee, also known as Hurricane San Felipe Segundo, had winds exceeding 160 miles per hours. This was the first recorded hurricane to achieve winds at levels which equate to a Category 5 on the modern Saffir-Simpson Hurricane Scale. The hurricane made its way through the Caribbean Sea, landing in Palm Beach County, Florida, and then making its way up the East Coast from September 10–20, 1928, and then travelled all the way to Ontario, Canada. The storm surge on Lake Okeechobee overwhelmed the low dike around the lake, flooding hundred of acres and killing thousands of people.

As a result of the Okeechobee Hurricane and later hurricanes in the 1940s and 1950s, a series of larger dikes was built around the lake. The Herbert Hoover Dike was the culmination of large dike construction around Lake Okeechobee and was completed in the 1960s. Recent reviews of the Herbert Hoover Dike have indicated the dike is in a deteriorating condition. The Army Corps of Engineers is presently undertaking a comprehensive rehabilitation of the Dike to provide protection for citizens living in the area of Lake Okeechobee.

I urge my colleagues to join me in agreeing to the resolution.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Maryland (Ms. EDWARDS) that the House suspend the rules and agree to the resolution, H. Res. 1376, as amended.

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

A motion to reconsider was laid on the table.

VETERANS' MENTAL HEALTH AND OTHER CARE IMPROVEMENTS ACT OF 2008

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2162) 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, as amended.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 2162

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 ''Veterans' Mental Health and Other Care Improvements Act of 2008''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References to title 38, United States Code.

TITLE I—SUBSTANCE USE DISORDERS AND MENTAL HEALTH CARE

Sec. 101. Tribute to Justin Bailey.
Sec. 102. Findings on substance use disorders and mental health.
Sec. 103. Expansion of substance use disorder treatment services provided by Department of Veterans Affairs.
Sec. 104. Care for veterans with mental health and substance use disorders.
Sec. 105. Pilot program for Internet-based substance use disorder treatment for veterans of Operation Iraqi Freedom and Operation Enduring Freedom.
Sec. 106. Report on residential mental health care facilities of the Veterans Health Administration.
Sec. 107. Pilot program on peer outreach and support for veterans and use of community mental health centers and Indian Health Service facilities.

TITLE II—MENTAL HEALTH RESEARCH

Sec. 201. Research program on comorbid post-traumatic stress disorder and substance use disorders.
Sec. 202. Extension of authorization for Special Committee on Post-Traumatic Stress Disorder.

TITLE III—ASSISTANCE FOR FAMILIES OF VETERANS

Sec. 301. Clarification of authority of Secretary of Veterans Affairs to provide mental health services to families of veterans.
Sec. 302. Pilot program on provision of readjustment and transition assistance to veterans and their families in cooperation with Vet Centers.

TITLE IV—HEALTH CARE MATTERS

Sec. 401. Veterans beneficiary travel program.
Sec. 402. Mandatory reimbursement of veterans receiving emergency treatment in non-Department of Veterans Affairs facilities until transfer to Department facilities.
Sec. 403. Pilot program of enhanced contract care authority for health care needs of veterans in highly rural areas.
Sec. 404. Epilepsy centers of excellence.
Sec. 405. Establishment of qualifications for peer specialist appointees.
Sec. 406. Establishment of consolidated patient accounting centers.
Sec. 407. Repeal of limitation on authority to conduct widespread HIV testing program.
Sec. 408. Provision of comprehensive health care by Secretary of Veterans Affairs to children of Vietnam veterans born with Spina Bifida.
Sec. 409. Exemption from copayment requirement for veterans receiving hospice care.

TITLE V—PAIN CARE

Sec. 501. Comprehensive policy on pain management.

TITLE VI—HOMELESS VETERANS MATTERS

Sec. 601. Increased authorization of appropriations for comprehensive service programs.
Sec. 602. Expansion and extension of authority for program of referral and counseling services for at-risk veterans transitioning from certain institutions.
Sec. 603. Permanent authority for domiciliary services for homeless veterans and enhancement of capacity of domiciliary care programs for female veterans.
Sec. 604. Financial assistance for supportive services for very low-income veteran families in permanent housing.

TITLE VII—AUTHORIZATION OF MEDICAL FACILITY PROJECTS AND MAJOR MEDICAL FACILITY LEASES

Sec. 701. Authorization for fiscal year 2009 major medical facility projects.
Sec. 702. Modification of authorization amounts for certain major medical facility construction projects previously authorized.
Sec. 703. Authorization of fiscal year 2009 major medical facility leases.
Sec. 704. Authorization of appropriations.
Sec. 705. Increase in threshold for major medical facility leases requiring Congressional approval.
Sec. 706. Conveyance of certain non-Federal land by City of Aurora, Colorado, to Secretary of Veterans Affairs for construction of veterans medical facility.
Sec. 707. Report on facilities administration.
Sec. 708. Annual report on outpatient clinics.
Sec. 709. Name of Department of Veterans Affairs spinal cord injury center, Tampa, Florida.

TITLE VIII—EXTENSION OF CERTAIN AUTHORITIES

Sec. 801. Repeal of sunset on inclusion of noninstitutional extended care services in definition of medical services.
Sec. 802. Extension of recovery audit authority.
Sec. 803. Permanent authority for provision of hospital care, medical services, and nursing home care to veterans who participated in certain chemical and biological testing conducted by the Department of Defense.
Sec. 804. Extension of expiring collections authorities.
Sec. 805. Extension of nursing home care.
Sec. 806. Permanent authority to establish research corporations.
Sec. 807. Extension of requirement to submit annual report on the Committee on Care of Severely Chronically Mentally Ill Veterans.
Sec. 808. Permanent requirement for biannual report on Women's Advisory Committee.
Sec. 809. Extension of pilot program on improvement of caregiver assistance services.

TITLE IX—OTHER MATTERS

Sec. 901. Technical amendments.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—SUBSTANCE USE DISORDERS AND MENTAL HEALTH CARE

SEC. 101. TRIBUTE TO JUSTIN BAILEY.

This title is enacted in tribute to Justin Bailey, who, after returning to the United States from service as a member of the Armed Forces in Operation Iraqi Freedom, died in a domiciliary facility of the Department of Veterans Affairs while receiving care for post-traumatic stress disorder and a substance use disorder.

SEC. 102. FINDINGS ON SUBSTANCE USE DISORDERS AND MENTAL HEALTH.

Congress makes the following findings:

(1) More than 1,500,000 members of the Armed Forces have been deployed in Operation Iraqi Freedom and Operation Enduring Freedom. The 2005 Department of Defense Survey of Health Related Behaviors Among Active Duty Personnel reports that 23 percent of members of the Armed Forces on active duty acknowledge a significant problem with alcohol use disorder, with similar rates of acknowledged problems with alcohol use disorder among members of the National Guard.

(2) The effects of substance use disorder are wide ranging, including significantly increased risk of suicide, exacerbation of mental and physical health disorders, breakdown of family support, and increased risk of unemployment and homelessness.

(3) While veterans suffering from mental health conditions, chronic physical illness, and polytrauma may be at increased risk for development of a substance use disorder, treatment for these veterans is complicated by the need to address adequately the physical and mental symptoms associated with these conditions through appropriate medical intervention.

(4) While the Veterans Health Administration has dramatically increased health services for veterans from 1996 through 2006, the number of veterans receiving specialized substance use disorder treatment services decreased 18 percent during that time. No comparable decrease in the national rate of substance use disorder has been observed during that time.

(5) While some facilities of the Veterans Health Administration provide exemplary substance use disorder treatment services, the availability of such treatment services throughout the health care system of the Veterans Health Administration is inconsistent.

(6) According to a 2006 report by the Government Accountability Office, the Department of Veterans Affairs significantly reduced its substance use disorder treatment and rehabilitation services between 1996 and 2006, and the Fiscal Year 2007 National Mental Health Program Monitoring System report shows that little progress has been made in restoring these services to their pre-1996 levels.

SEC. 103. EXPANSION OF SUBSTANCE USE DISORDER TREATMENT SERVICES PROVIDED BY DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall ensure the provision of such services and treatment to each veteran enrolled in the health care system of the Department of Veterans Affairs who is in need of services and treatments for a substance use disorder as follows:

(1) Screening for substance use disorder in all settings, including primary care settings.

(2) Short term motivational counseling services.

(3) Marital and family counseling.

(4) Intensive outpatient or residential care services.

(5) Relapse prevention services.

(6) Ongoing aftercare and outpatient counseling services.

(7) Opiate substitution therapy services.

(8) Pharmacological treatments aimed at reducing craving for drugs and alcohol.

(9) Detoxification and stabilization services.

(10) Coordination with groups providing peer to peer counseling.

(11) Such other services as the Secretary considers appropriate.

(b) PROVISION OF SERVICES.—

(1) ALLOCATION OF RESOURCES FOR PROVISION OF SERVICES.—The Secretary shall ensure that amounts made available for care, treatment, and services provided under this section are allocated in such a manner that a full continuum of care, treatment, and services described in subsection (a) is available to veterans seeking such care, treatment, or services, without regard to the location of the residence of any such veterans.

(2) MANNER OF PROVISION.—The services and treatment described in subsection (a) may be provided to a veteran described in such subsection—

(A) at Department of Veterans Affairs medical centers or clinics;

(B) by referral to other facilities of the Department that are accessible to such veteran; or

(C) by contract or fee-for-service payments with community-based organizations for the provision of such services and treatments.

(c) ALTERNATIVES IN CASE OF SERVICES DENIED DUE TO CLINICAL NECESSITY.—If the Secretary denies the provision to a veteran of services or treatment for a substance use disorder due to clinical necessity, the Secretary shall provide the veteran such other services or treatment as are medically appropriate.

SEC. 104. CARE FOR VETERANS WITH MENTAL HEALTH AND SUBSTANCE USE DISORDERS.

(a) IN GENERAL.—If the Secretary of Veterans Affairs provides a veteran inpatient or outpatient care for a substance use disorder and a comorbid mental health disorder, the Secretary shall ensure that treatment for such disorders is provided concurrently—

(1) through a service provided by a clinician or health professional who has training and expertise in treatment of substance use disorders and mental health disorders;

(2) by separate substance use disorder and mental health disorder treatment services when there is appropriate coordination, collaboration, and care management between such treatment services; or

(3) by a team of clinicians with appropriate expertise.

(b) TEAM OF CLINICIANS WITH APPROPRIATE EXPERTISE DEFINED.—In this section, the term ''team of clinicians with appropriate expertise'' means a team consisting of the following:

(1) Clinicians and health professionals with expertise in treatment of substance use disorders and mental health disorders who act in coordination and collaboration with each other.

(2) Such other professionals as the Secretary considers appropriate for the provision of treatment to veterans for substance use and mental health disorders.

SEC. 105. PILOT PROGRAM FOR INTERNET-BASED SUBSTANCE USE DISORDER TREATMENT FOR VETERANS OF OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) FINDINGS.—Congress makes the following findings:

(1) Stigma associated with seeking treatment for mental health disorders has been demonstrated to prevent some veterans from seeking such treatment at a medical facility operated by the Department of Defense or the Department of Veterans Affairs.

(2) There is a significant incidence among veterans of post-deployment mental health problems, especially among members of a reserve component who return as veterans to civilian life.

(3) Computer-based self-guided training has been demonstrated to be an effective strategy for supplementing the care of psychological conditions.

(4) Younger veterans, especially those who served in Operation Enduring Freedom or Operation Iraqi Freedom, are comfortable with and proficient at computer-based technology.

(5) Veterans living in rural areas may find access to treatment for substance use disorder limited.

(6) Self-assessment and treatment options for substance use disorders through an Internet website may reduce stigma and provides additional access for individuals seeking care and treatment for such disorders.

(b) IN GENERAL.—Not later than October 1, 2009, the Secretary of Veterans Affairs shall carry out a pilot program to assess the feasibility and advisability of providing veterans who seek treatment for substance use disorders access to a computer-based self-assessment, education, and specified treatment program through a secure Internet website operated by the Secretary. Participation in the pilot program shall be available on a voluntary basis for those veterans who have served in Operation Enduring Freedom or Operation Iraqi Freedom.

(c) ELEMENTS OF PILOT PROGRAM.—

(1) IN GENERAL.—In carrying out the pilot program under this section, the Secretary shall ensure that—

(A) access to the Internet website and the programs available on the website by a veteran (or family member) does not involuntarily generate an identifiable medical record of that access by that veteran in any medical database maintained by the Department of Veterans Affairs;

(B) the Internet website is accessible from remote locations, especially rural areas; and

(C) the Internet website includes a self-assessment tool for substance use disorders, self-guided treatment and educational materials for such disorders, and appropriate information and materials for family members of veterans.

(2) CONSIDERATION OF SIMILAR PROJECTS.—In designing the pilot program under this section, the Secretary shall consider similar pilot projects of the Department of Defense for the early diagnosis and treatment of post-traumatic stress disorder and other mental health conditions established under section 741 of the John Warner National Defense Authorization Act of Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2304).

(3) LOCATION OF PILOT PROGRAM.—The Secretary shall carry out the pilot program through those medical centers of the Department of Veterans Affairs that have established Centers for Excellence for Substance Abuse Treatment and Education or that have established a Substance Abuse Program Evaluation and Research Center.

(4) CONTRACT AUTHORITY.—The Secretary may enter into contracts with qualified entities or organizations to carry out the pilot program required under this section.

(d) DURATION OF PILOT PROGRAM.—The pilot program required by subsection (a) shall be carried out during the two-year period beginning on the date of the commencement of the pilot program.

(e) REPORT.—Not later than six months after the completion of the pilot program, the Secretary shall submit to Congress a report on the pilot program, and shall include in that report—an assessment of the feasibility and advisability of continuing or expanding the pilot program, of any cost savings or other benefits associated with the pilot program, and any other recommendations.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Veterans Affairs $1,500,000 for each of fiscal years 2010 and 2011 to carry out the pilot program under this section.

SEC. 106. REPORT ON RESIDENTIAL MENTAL HEALTH CARE FACILITIES OF THE VETERANS HEALTH ADMINISTRATION.

(a) REVIEW.—

(1) IN GENERAL.—Not later than six months after the date of the enactment of this Act, the Secretary of Veterans Affairs shall, acting through the Inspector General of the Department of Veterans Affairs, complete a review of all residential mental health care facilities, including domiciliary facilities, of the Veterans Health Administration.

(2) ASSESSMENT.—As part of the review required by paragraph (1), the Secretary, acting through the Inspector General, shall assess the following:

(A) The availability of care in residential mental health care facilities in each Veterans Integrated Service Network (VISN).

(B) The supervision and support provided in the residential mental health care facilities of the Veterans Health Administration.

(C) The ratio of staff members at each residential mental health care facility to patients at such facility.

(D) The appropriateness of rules and procedures for the prescription and administration of medications to patients in such residential mental health care facilities.

(E) The protocols at each residential mental health care facility for handling missed appointments.

(3) RECOMMENDATIONS.—As part of the review required by paragraph (1), the Secretary, acting through the Inspector General, shall develop such recommendations as the Secretary considers appropriate for improvements to residential mental health care facilities of the Veterans Health Administration and the care provided in such facilities.

(b) FOLLOW-UP REVIEW.—Not later than two years after the date of the completion of the review required by subsection (a), the Secretary of Veterans Affairs shall, acting through the Inspector General of the Department of Veterans Affairs, complete a follow-up review of the facilities reviewed under subsection (a) to evaluate any improvements made or problems remaining since the review under subsection (a) was completed.

(c) REPORT.—Not later than 90 days after the completion of the review required by subsection (a), the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the findings of the Secretary with respect to such review.

SEC. 107. PILOT PROGRAM ON PEER OUTREACH AND SUPPORT FOR VETERANS AND USE OF COMMUNITY MENTAL HEALTH CENTERS AND INDIAN HEALTH SERVICE FACILITIES.

(a) PILOT PROGRAM REQUIRED.—Commencing not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall carry out a pilot program to assess the feasability and advisability of providing to veterans of Operation Iraqi Freedom and Operation Enduring Freedom, and, in particular, veterans who served in such operations as a member of the National Guard or Reserve, the following:

(1) Peer outreach services.

(2) Peer support services provided by licensed providers of peer support services or veterans who have personal experience with mental illness.

(3) Readjustment counseling services described in section 1712A of title 38, United States Code.

(4) Other mental health services.

(b) PROVISION OF CERTAIN SERVICES.—In providing services described in paragraphs (3) and (4) of subsection (a) under the pilot program to veterans who reside in rural areas and do not have adequate access through the Department of Veterans Affairs to the services described in such paragraphs, the Secretary shall, acting through the Office of Mental Health Services and the Office of Rural Health, provide such services as follows:

(1) Through community mental health centers under contracts or other agreements if entered into by the Secretary of Veterans Affairs and the Secretary of Health and Human Services for the provision of such services for purposes of the pilot program.

(2) Through the Indian Health Service, or an Indian tribe or tribal organization that has entered into an agreement with the Indian Health Service pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), if a memorandum of understanding is entered into by the Secretary of Veterans Affairs and the Secretary of Health and Human Services for purposes of the pilot program.

(3) Through other appropriate entities under contracts or other agreements entered into by the Secretary of Veterans Affairs for the provision of such services for purposes of the pilot program.

(c) DURATION.—The pilot program shall be carried out during the three-year period beginning on the date of the commencement of the pilot program.

(d) PROGRAM LOCATIONS.—

(1) IN GENERAL.—The pilot program shall be carried out within areas selected by the Secretary for the purpose of the pilot program in at least three Veterans Integrated Service Networks (VISNs).

(2) RURAL GEOGRAPHIC LOCATIONS.—The locations selected shall be in rural geographic locations that, as determined by the Secretary, lack access to comprehensive mental health services through the Department of Veterans Affairs.

(3) QUALIFIED PROVIDERS.—In selecting locations for the pilot program, the Secretary shall select locations in which an adequate number of licensed mental health care providers with credentials equivalent to those of Department mental health care providers are available in Indian Health Service facilities, community mental health centers, and other entities for participation in the pilot program.

(e) PARTICIPATION IN PROGRAM.—Each community mental health center, facility of the Indian Health Service, or other entity participating in the pilot program under subsection (b) shall—

(1) provide the services described in paragraphs (3) and (4) of subsection (a) to eligible veterans, including, to the extent practicable, telehealth services that link the center or facility with Department of Veterans Affairs clinicians;

(2) use the clinical practice guidelines of the Veterans Health Administration or the Department of Defense in the provision of such services; and

(3) meet such other requirements as the Secretary shall require.

(f) COMPLIANCE WITH DEPARTMENT PROTOCOLS.—Each community mental health center, facility of the Indian Health Service, or other entity participating in the pilot program under subsection (b) shall comply with—

(1) applicable protocols of the Department before incurring any liability on behalf of the Department for the provision of services as part of the pilot program; and

(2) access and quality standards of the Department relevant to the provision of services as part of the pilot program.

(g) PROVISION OF CLINICAL INFORMATION.—Each community mental health center, facility of the Indian Health Service, or other entity participating in the pilot program under subsection (b) shall, in a timely fashion, provide the Secretary with such clinical information on each veteran for whom such health center or facility provides mental health services under the pilot program as the Secretary shall require.

(h) TRAINING.—

(1) TRAINING OF VETERANS.—As part of the pilot program, the Secretary shall carry out a program of training for veterans described in subsection (a) to provide the services described in paragraphs (1) and (2) of such subsection.

(2) TRAINING OF CLINICIANS.—

(A) IN GENERAL.—The Secretary shall conduct a training program for clinicians of community mental health centers, Indian Health Service facilities, or other entities participating in the pilot program under subsection (b) to ensure that such clinicians can provide the services described in paragraphs (3) and (4) of subsection (a) in a manner that accounts for factors that are unique to the experiences of veterans who served on active duty in Operation Iraqi Freedom or Operation Enduring Freedom (including their combat and military training experiences).

(B) PARTICIPATION IN TRAINING.—Personnel of each community mental health center, facility of the Indian Health Service, or other entity participating in the pilot program under subsection (b) shall participate in the training program conducted pursuant to subparagraph (A).

(i) ANNUAL REPORTS.—Each community mental health center, facility of the Indian Health Service, or other entity participating in the pilot program under subsection (b)

shall submit to the Secretary on an annual basis a report containing, with respect to the provision of services under subsection (b) and for the last full calendar year ending before the submission of such report—

(1) the number of—

(A) veterans served; and

(B) courses of treatment provided; and

(2) demographic information for such services, diagnoses, and courses of treatment.

(j) PROGRAM EVALUATION.—

(1) IN GENERAL.—The Secretary shall, through Department of Veterans Affairs Mental Health Services investigators and in collaboration with relevant program offices of the Department, design and implement a strategy for evaluating the pilot program.

(2) ELEMENTS.—The strategy implemented under paragraph (1) shall assess the impact that contracting with community mental health centers, the Indian Health Service, and other entities participating in the pilot program under subsection (b) has on the following:

(A) Access to mental health care by veterans in need of such care.

(B) The use of telehealth services by veterans for mental health care needs.

(C) The quality of mental health care and substance use disorder treatment services provided to veterans in need of such care and services.

(D) The coordination of mental health care and other medical services provided to veterans.

(k) DEFINITIONS.—In this section:

(1) The term ''community mental health center'' has the meaning given such term in section 410.2 of title 42, Code of Federal Regulations (as in effect on the day before the date of the enactment of this Act).

(2) The term ''eligible veteran'' means a veteran in need of mental health services who—

(A) is enrolled in the Department of Veterans Affairs health care system; and

(B) has received a referral from a health professional of the Veterans Health Administration to a community mental health center, a facility of the Indian Health Service, or other entity for purposes of the pilot program.

(3) The term ''Indian Health Service'' means the organization established by section 601(a) of the Indian Health Care Improvement Act (25 U.S.C. 1661(a)).

(l) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

TITLE II—MENTAL HEALTH RESEARCH

SEC. 201. RESEARCH PROGRAM ON COMORBID POST-TRAUMATIC STRESS DISORDER AND SUBSTANCE USE DISORDERS.

(a) PROGRAM REQUIRED.—The Secretary of Veterans Affairs shall, through the Office of Research and Development, carry out a program of research into comorbid post-traumatic stress disorder (PTSD) and substance use disorder.

(b) DISCHARGE THROUGH NATIONAL CENTER FOR POSTTRAUMATIC STRESS DISORDER.—The research program required by subsection (a) shall be carried out by the National Center for Posttraumatic Stress Disorder. In carrying out the program, the Center shall—

(1) develop protocols and goals with respect to research under the program; and

(2) coordinate research, data collection, and data dissemination under the program.

(c) RESEARCH.—The program of research required by subsection (a) shall address the following:

(1) Comorbid post-traumatic stress disorder and substance use disorder.

(2) The systematic integration of treatment for post-traumatic stress disorder with treatment for substance use disorder.

(3) The development of protocols to evaluate care of veterans with comorbid post-traumatic stress disorder and substance use disorder.

(d) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Department of Veterans Affairs for each of fiscal years 2009 through 2012, $2,000,000 to carry out this section.

(2) AVAILABILITY.—Amounts authorized to be appropriated by paragraph (1) shall be made available to the National Center on Posttraumatic Stress Disorder for the purpose specified in that paragraph.

(3) SUPPLEMENT NOT SUPPLANT.—Any amount made available to the National Center on Posttraumatic Stress Disorder for a fiscal year under paragraph (2) is in addition to any other amounts made available to the National Center on Posttraumatic Stress Disorder for such year under any other provision of law.

SEC. 202. EXTENSION OF AUTHORIZATION FOR SPECIAL COMMITTEE ON POST-TRAUMATIC STRESS DISORDER.

Section 110(e)(2) of the Veterans' Health Care Act of 1984 (38 U.S.C. 1712A note; Public Law 98–528) is amended by striking ''through 2008'' and inserting ''through 2012''.

TITLE III—ASSISTANCE FOR FAMILIES OF VETERANS

SEC. 301. CLARIFICATION OF AUTHORITY OF SECRETARY OF VETERANS AFFAIRS TO PROVIDE MENTAL HEALTH SERVICES TO FAMILIES OF VETERANS.

(a) IN GENERAL.—Chapter 17 is amended—

(1) in section 1701(5)(B)—

(A) by inserting ''marriage and family counseling,'' after ''professional counseling,''; and

(B) by striking ''as may be essential to'' and inserting ''as the Secretary considers appropriate for''; and

(2) in section 1782—

(A) in subsection (a), by inserting ''marriage and family counseling,'' after ''professional counseling,''; and

(B) in subsection (b)—

(i) by inserting ''marriage and family counseling,'' after ''professional counseling,''; and

(ii) by striking ''if—'' and all that follows and inserting a period.

(b) LOCATION.—Paragraph (5) of section 1701 of title 38, United States Code, shall not be construed to prevent the Secretary of Veterans Affairs from providing services described in subparagraph (B) of such paragraph to individuals described in such subparagraph in centers under section 1712A of such title (commonly referred to as ''Vet Centers''), Department of Veterans Affairs medical centers, community-based outpatient clinics, or in such other facilities of the Department of Veterans Affairs as the Secretary considers necessary.

SEC. 302. PILOT PROGRAM ON PROVISION OF READJUSTMENT AND TRANSITION ASSISTANCE TO VETERANS AND THEIR FAMILIES IN COOPERATION WITH VET CENTERS.

(a) PILOT PROGRAM.—The Secretary of Veterans Affairs shall carry out, through a non-Department of Veterans Affairs entity, a pilot program to assess the feasability and advisability of providing readjustment and transition assistance described in subsection (b) to veterans and their families in cooperation with centers under section 1712A of title 38, United States Code (commonly referred to as ''Vet Centers'').

(b) READJUSTMENT AND TRANSITION ASSISTANCE.—Readjustment and transition assistance described in this subsection is assistance as follows:

(1) Readjustment and transition assistance that is preemptive, proactive, and principle-centered.

(2) Assistance and training for veterans and their families in coping with the challenges associated with making the transition from military to civilian life.

(c) NON-DEPARTMENT OF VETERANS AFFAIRS ENTITY.—

(1) IN GENERAL.—The Secretary shall carry out the pilot program through any for-profit or non-profit organization selected by the Secretary for purposes of the pilot program that has demonstrated expertise and experience in the provision of assistance and training described in subsection (b).

(2) CONTRACT OR AGREEMENT.—The Secretary shall carry out the pilot program through a non-Department entity described in paragraph (1) pursuant to a contract or other agreement entered into by the Secretary and the entity for purposes of the pilot program.

(d) COMMENCEMENT OF PILOT PROGRAM.—The pilot program shall commence not later than 180 days after the date of the enactment of this Act.

(e) DURATION OF PILOT PROGRAM.—The pilot program shall be carried out during the three-year period beginning on the date of the commencement of the pilot program, and may be carried out for additional one-year periods thereafter.

(f) LOCATION OF PILOT PROGRAM.—

(1) IN GENERAL.—The Secretary shall provide assistance under the pilot program in cooperation with 10 centers described in subsection (a) designated by the Secretary for purposes of the pilot program.

(2) DESIGNATIONS.—In designating centers described in subsection (a) for purposes of the pilot program, the Secretary shall designate centers so as to provide a balanced geographical representation of such centers throughout the United States, including the District of Columbia, the Commonwealth of Puerto Rico, tribal lands, and other territories and possessions of the United States.

(g) PARTICIPATION OF CENTERS.—A center described in subsection (a) that is designated under subsection (f) for participation in the pilot program shall participate in the pilot program by promoting awareness of the assistance and training available to veterans and their families through—

(1) the facilities and other resources of such center;

(2) the non-Department of Veterans Affairs entity selected pursuant to subsection (c); and

(3) other appropriate mechanisms.

(h) ADDITIONAL SUPPORT.—In carrying out the pilot program, the Secretary may enter into contracts or other agreements, in addition to the contract or agreement described in subsection (c), with such other non-Department of Veterans Affairs entities meeting the requirements of subsection (c) as the Secretary considers appropriate for purposes of the pilot program.

(i) REPORT ON PILOT PROGRAM.—

(1) REPORT REQUIRED.—Not later than three years after the date of the enactment of this Act, the Secretary shall submit to the congressional veterans affairs committees a report on the pilot program.

(2) ELEMENTS.—Each report under paragraph (1) shall include the following:

(A) A description of the activities under the pilot program as of the date of such report, including the number of veterans and families provided assistance under the pilot program and the scope and nature of the assistance so provided.

(B) A current assessment of the effectiveness of the pilot program.

(C) Any recommendations that the Secretary considers appropriate for the extension or expansion of the pilot program.

(3) CONGRESSIONAL VETERANS AFFAIRS COMMITTEES DEFINED.—In this subsection, the

term ''congressional veterans affairs committees'' means—

(A) the Committees on Veterans' Affairs and Appropriations of the Senate; and

(B) the Committees on Veterans' Affairs and Appropriations of the House of Representatives.

(j) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated for the Department of Veterans Affairs for each of fiscal years 2009 through 2011 $1,000,000 to carry out this section.

(2) AVAILABILITY.—Amounts authorized to be appropriated by paragraph (1) shall remain available until expended.

TITLE IV—HEALTH CARE MATTERS

SEC. 401. VETERANS BENEFICIARY TRAVEL PROGRAM.

(a) REPEAL OF REQUIREMENT TO ADJUST AMOUNTS DEDUCTED FROM PAYMENTS OR ALLOWANCES FOR BENEFICIARY TRAVEL.—

(1) IN GENERAL.—Section 111(c) is amended—

(A) by striking paragraph (5); and

(B) in paragraph (2), by striking '', except as provided in paragraph (5) of this subsection,''.

(2) REINSTATEMENT OF AMOUNT OF DEDUCTION SPECIFIED BY STATUTE.—Notwithstanding any adjustment made by the Secretary of Veterans Affairs under paragraph (5) of section 111(c) of title 38, United States Code, as such paragraph was in effect before the date of the enactment of this Act, the amount deducted under paragraph (1) of such section 111(c) on or after such date shall be the amount specified in such paragraph.

(b) DETERMINATION OF MILEAGE REIMBURSEMENT RATE.—Section 111(g) is amended—

(1) by amending paragraph (1) to read as follows:

''(1) Subject to paragraph (3), in determining the amount of allowances or reimbursement to be paid under this section, the Secretary shall use the mileage reimbursement rate for the use of privately owned vehicles by Government employees on official business (when a Government vehicle is available), as prescribed by the Administrator of General Services under section 5707(b) of title 5.'';

(2) by striking paragraphs (3) and (4); and

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

''(3) Subject to the availability of appropriations, the Secretary may modify the amount of allowances or reimbursement to be paid under this section using a mileage reimbursement rate in excess of that prescribed under paragraph (1).''.

(c) REPORT.—Not later than 14 months after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report containing an estimate of the additional costs incurred by the Department of Veterans Affairs because of this section, including—

(1) any costs resulting from increased utilization of healthcare services by veterans eligible for travel allowances or reimbursements under section 111 of title 38, United States Code; and

(2) the additional costs that would be incurred by the Department should the Secretary exercise the authority described in subsection (g)(3) of such section.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to travel expenses incurred after the expiration of the 90-day period that begins on the date of the enactment of this Act.

SEC. 402. MANDATORY REIMBURSEMENT OF VETERANS RECEIVING EMERGENCY TREATMENT IN NON-DEPARTMENT OF VETERANS AFFAIRS FACILITIES UNTIL TRANSFER TO DEPARTMENT FACILITIES.

(a) CERTAIN VETERANS WITHOUT SERVICE-CONNECTED DISABILITY.—Section 1725 is amended—

(1) in subsection (a)(1), by striking ''may reimburse'' and inserting ''shall reimburse''; and

(2) in subsection (f)(1), by striking subparagraph (C) and inserting the following new subparagraph (C):

''(C) until—

''(i) such time as the veteran can be transferred safely to a Department facility or other Federal facility and such facility is capable of accepting such transfer; or

''(ii) such time as a Department facility or other Federal facility accepts such transfer if—

''(I) at the time the veteran could have been transferred safely to a Department facility or other Federal facility, no Department facility or other Federal facility agreed to accept such transfer; and

''(II) the non-Department facility in which such medical care or services was furnished made and documented reasonable attempts to transfer the veteran to a Department facility or other Federal facility.''.

(b) CERTAIN VETERANS WITH SERVICE-CONNECTED DISABILITY.—Section 1728 is amended—

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

''(a) The Secretary shall, under such regulations as the Secretary prescribes, reimburse veterans eligible for hospital care or medical services under this chapter for the customary and usual charges of emergency treatment (including travel and incidental expenses under the terms and conditions set forth in section 111 of this title) for which such veterans have made payment, from sources other than the Department, where such emergency treatment was rendered to such veterans in need thereof for any of the following:

''(1) An adjudicated service-connected disability.

''(2) A non-service-connected disability associated with and held to be aggravating a service-connected disability.

''(3) Any disability of a veteran if the veteran has a total disability permanent in nature from a service-connected disability.

''(4) Any illness, injury, or dental condition of a veteran who—

''(A) is a participant in a vocational rehabilitation program (as defined in section 3101(9) of this title); and

''(B) is medically determined to have been in need of care or treatment to make possible the veteran's entrance into a course of training, or prevent interruption of a course of training, or hasten the return to a course of training which was interrupted because of such illness, injury, or dental condition.'';

(2) in subsection (b), by striking ''care or services'' both places it appears and inserting ''emergency treatment''; and

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

''(c) In this section, the term 'emergency treatment' has the meaning given such term in section 1725(f)(1) of this title.''.

SEC. 403. PILOT PROGRAM OF ENHANCED CONTRACT CARE AUTHORITY FOR HEALTH CARE NEEDS OF VETERANS IN HIGHLY RURAL AREAS.

(a) PILOT PROGRAM REQUIRED.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall conduct a pilot program under which the Secretary provides covered health services to covered veterans through qualifying non-Department of Veterans Affairs health care providers.

(2) COMMENCEMENT.—The Secretary shall commence the conduct of the pilot program on the date that is 120 days after the date of the enactment of this Act.

(3) TERMINATION.—A veteran may receive health services under the pilot program only during the three-year period beginning on the date of the commencement of the pilot program under paragraph (2).

(4) PROGRAM LOCATIONS.—The pilot program shall be carried out within areas selected by the Secretary for the purposes of the pilot program in at least five Veterans Integrated Service Networks (VISNs). Of the Veterans Integrated Service Networks so selected—

(A) not less than four such networks shall include at least three highly rural counties, as determined by the Secretary upon consideration of the most recent decennial census;

(B) not less than one such network, not including a network selected under subparagraph (A), shall include only one highly rural county, as determined by the Secretary upon consideration of the most recent decennial census;

(C) all such networks shall include area within the borders of at least four States; and

(D) no such networks shall be participants in the Healthcare Effectiveness through Resource Optimization pilot program of the Department of Veterans Affairs.

(b) COVERED VETERANS.—

(1) IN GENERAL.—For purposes of the pilot program under this section, a covered veteran is any highly rural veteran who is—

(A) enrolled in the system of patient enrollment established under section 1705(a) of title 38, United States Code, as of the date of the commencement of the pilot program under subsection (a)(2); or

(B) eligible for health care under section 1710(e)(3)(C) of title 38, United States Code.

(2) HIGHLY RURAL VETERANS.—For purposes of this subsection, a highly rural veteran is any veteran who—

(A) resides in a location that is—

(i) more than 60 miles driving distance from the nearest Department health care facility providing primary care services, if the veteran is seeking such services;

(ii) more than 120 miles driving distance from the nearest Department health care facility providing acute hospital care, if the veteran is seeking such care; or

(iii) more than 240 miles driving distance from the nearest Department health care facility providing tertiary care, if the veteran is seeking such care; or

(B) in the case of a veteran who resides in a location less than the distance specified in clause (i), (ii), or (iii) of subparagraph (A), as applicable, experiences such hardship or other difficulties in travel to the nearest appropriate Department health care facility that such travel is not in the best interest of the veteran, as determined by the Secretary pursuant to regulations prescribed for purposes of this subsection.

(c) COVERED HEALTH SERVICES.—For purposes of the pilot program under this section, a covered health service with respect to a covered veteran is any hospital care, medical service, rehabilitative service, or preventative health service that is authorized to be provided by the Secretary to the veteran under chapter 17 of title 38, United States Code, or any other provision of law.

(d) QUALIFYING NON-DEPARTMENT HEALTH CARE PROVIDERS.—For purposes of the pilot program under this section, an entity or individual is a qualifying non-Department

health care provider of a covered health service if the Secretary determines that the entity or individual is qualified to furnish such service to veterans under the pilot program.

(e) ELECTION.—A covered veteran seeking to be provided covered health services under the pilot program under this section shall submit to the Secretary an application therefor in such form, and containing such information as the Secretary shall specify for purposes of the pilot program.

(f) PROVISION OF SERVICES THROUGH CONTRACT.—The Secretary shall provide covered health services to veterans under the pilot program under this section through contracts with qualifying non-Department health care providers for the provision of such services.

(g) EXCHANGE OF MEDICAL INFORMATION.—In conducting the pilot program under this section, the Secretary shall develop and utilize a functional capability to provide for the exchange of appropriate medical information between the Department and non-Department health care providers providing health services under the pilot program.

(h) REPORTS.—Not later than the 30 days after the end of each year in which the pilot program under this section is conducted, the Secretary shall submit to the Committee of Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report which includes—

(1) the assessment of the Secretary of the pilot program during the preceding year, including its cost, volume, quality, patient satisfaction, benefit to veterans, and such other findings and conclusions with respect to pilot program as the Secretary considers appropriate; and

(2) such recommendations as the Secretary considers appropriate regarding—

(A) the continuation of the pilot program;

(B) extension of the pilot program to other or all Veterans Integrated Service Networks of the Department;

(C) making the pilot program permanent.

SEC. 404. EPILEPSY CENTERS OF EXCELLENCE.

(a) IN GENERAL.—Subchapter II of chapter 73 is amended by adding at the end the following new section:

"§ 7330A. Epilepsy centers of excellence

''(a) ESTABLISHMENT OF CENTERS.—(1) Not later than 120 days after the date of the enactment of the Veterans' Mental Health and Other Care Improvements Act of 2008, the Secretary shall designate at least four but not more than six Department health care facilities as locations for epilepsy centers of excellence for the Department.

''(2) Of the facilities designated under paragraph (1), not less than two shall be centers designated under section 7327 of this title.

''(3) Of the facilities designated under paragraph (1), not less than two shall be facilities that are not centers designated under section 7327 of this title.

''(4) Subject to the availability of appropriations for such purpose, the Secretary shall establish and operate an epilepsy center of excellence at each location designated under paragraph (1).

''(b) DESIGNATION OF FACILITIES.—(1) In designating locations for epilepsy centers of excellence under subsection (a), the Secretary shall solicit proposals from Department health care facilities seeking designation as a location for an epilepsy center of excellence.

''(2) The Secretary may not designate a facility as a location for an epilepsy center of excellence under subsection (a) unless the peer review panel established under subsection (c) has determined under that subsection that the proposal submitted by such facility seeking designation as a location for an epilepsy center of excellence is among those proposals that meet the highest competitive standards of scientific and clinical merit.

''(3) In choosing from among the facilities meeting the requirements of paragraph (2), the Secretary shall also consider appropriate geographic distribution when designating the epilepsy centers of excellence under subsection (a).

''(c) PEER REVIEW PANEL.—(1) The Under Secretary for Health shall establish a peer review panel to assess the scientific and clinical merit of proposals that are submitted to the Secretary for the designation of epilepsy centers of excellence under this section.

''(2)(A) The membership of the peer review panel shall consist of experts on epilepsy, including post-traumatic epilepsy.

''(B) Members of the peer review panel shall serve for a period of no longer than two years, except as specified in subparagraph (C).

''(C) Of the members first appointed to the panel, one half shall be appointed for a period of three years and one half shall be appointed for a period of two years, as designated by the Under Secretary at the time of appointment.

''(3) The peer review panel shall review each proposal submitted to the panel by the Under Secretary for Health and shall submit its views on the relative scientific and clinical merit of each such proposal to the Under Secretary.

''(4) The peer review panel shall, in conjunction with the national coordinator designated under subsection (e), conduct regular evaluations of each epilepsy center of excellence established and operated under subsection (a) to ensure compliance with the requirements of this section.

''(5) The peer review panel shall not be subject to the Federal Advisory Committee Act.

''(d) EPILEPSY CENTER OF EXCELLENCE DEFINED.—In this section, the term 'epilepsy center of excellence' means a health care facility that has (or in the foreseeable future can develop) the necessary capacity to function as a center of excellence in research, education, and clinical care activities in the diagnosis and treatment of epilepsy and has (or may reasonably be anticipated to develop) each of the following:

''(1) An affiliation with an accredited medical school that provides education and training in neurology, including an arrangement with such school under which medical residents receive education and training in the diagnosis and treatment of epilepsy (including neurosurgery).

''(2) The ability to attract the participation of scientists who are capable of ingenuity and creativity in health care research efforts.

''(3) An advisory committee composed of veterans and appropriate health care and research representatives of the facility and of the affiliated school or schools to advise the directors of such facility and such center on policy matters pertaining to the activities of the center during the period of the operation of such center.

''(4) The capability to conduct effectively evaluations of the activities of such center.

''(5) The capability to assist in the expansion of the Department's use of information systems and databases to improve the quality and delivery of care for veterans enrolled within the Department's health care system.

''(6) The capability to assist in the expansion of the Department telehealth program to develop, transmit, monitor, and review neurological diagnostic tests.

''(7) The ability to perform epilepsy research, education, and clinical care activities in collaboration with Department medical facilities that have centers for research, education, and clinical care activities on complex multi-trauma associated with combat injuries established under section 7327 of this title.

''(e) NATIONAL COORDINATOR FOR EPILEPSY PROGRAMS.—(1) To assist the Secretary and the Under Secretary for Health in carrying out this section, the Secretary shall designate an individual in the Veterans Health Administration to act as a national coordinator for epilepsy programs of the Veterans Health Administration.

''(2) The duties of the national coordinator for epilepsy programs shall include the following:

''(A) To supervise the operation of the centers established pursuant to this section.

''(B) To coordinate and support the national consortium of providers with interest in treating epilepsy at Department health care facilities lacking such centers in order to ensure better access to state-of-the-art diagnosis, research, clinical care, and education for traumatic brain injury and epilepsy throughout the health care system of the Department.

''(C) To conduct, in conjunction with the peer review panel established under subsection (c), regular evaluations of the epilepsy centers of excellence to ensure compliance with the requirements of this section.

''(D) To coordinate (as part of an integrated national system) education, clinical care, and research activities within all facilities with an epilepsy center of excellence.

''(E) To develop jointly a national consortium of providers with interest in treating epilepsy at Department health care facilities lacking an epilepsy center of excellence in order to ensure better access to state-of-the-art diagnosis, research, clinical care, and education for traumatic brain injury and epilepsy throughout the health care system of the Department. Such consortium should include a designated epilepsy referral clinic in each Veterans Integrated Service Network.

''(3) In carrying out duties under this subsection, the national coordinator for epilepsy programs shall report to the official of the Veterans Health Administration responsible for neurology.

''(f) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated $6,000,000 for each of fiscal years 2009 through 2013 for the support of the clinical care, research, and education activities of the epilepsy centers of excellence established and operated pursuant to subsection (a)(2).

''(2) There are authorized to be appropriated for each fiscal year after fiscal year 2013 such sums as may be necessary for the support of the clinical care, research, and education activities of the epilepsy centers of excellence established and operated pursuant to subsection (a)(2).

''(3) The Secretary shall ensure that funds for such centers are designated for the first three years of operation as a special purpose program for which funds are not allocated through the Veterans Equitable Resource Allocation system.

''(4) In addition to amounts authorized to be appropriated under paragraphs (1) and (2) for a fiscal year, the Under Secretary for Health shall allocate to such centers from other funds appropriated generally for the Department medical services account and medical and prosthetics research account, as appropriate, such amounts as the Under Secretary for Health determines appropriate.

''(5) In addition to amounts authorized to be appropriated under paragraphs (1) and (2) for a fiscal year, there are authorized to be appropriated such sums as may be necessary to fund the national coordinator established by subsection (e).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 is

amended by inserting after the item relating to section 7330 the following new item:

''7330A. Epilepsy centers of excellence.''.

SEC. 405. ESTABLISHMENT OF QUALIFICATIONS FOR PEER SPECIALIST APPOINTEES.

(a) IN GENERAL.—Section 7402(b) is amended—

(1) by redesignating the paragraph (11) relating to other health care positions as paragraph (14); and

(2) by inserting after paragraph (12) the following new paragraph (13):

''(13) PEER SPECIALIST.—To be eligible to be appointed to a peer specialist position, a person must—

''(A) be a veteran who has recovered or is recovering from a mental health condition; and

''(B) be certified by—

''(i) a not-for-profit entity engaged in peer specialist training as having met such criteria as the Secretary shall establish for a peer specialist position; or

''(ii) a State as having satisfied relevant State requirements for a peer specialist position.''.

(b) PEER SPECIALIST TRAINING.—Section 7402 is amended by adding at the end the following new subsection:

''(g) The Secretary may enter into contracts with not-for-profit entities to provide—

''(1) peer specialist training to veterans; and

''(2) certification for veterans under subsection (b)(13)(B)(i).''.

SEC. 406. ESTABLISHMENT OF CONSOLIDATED PATIENT ACCOUNTING CENTERS.

(a) ESTABLISHMENT OF CENTERS.—Chapter 17 is amended by inserting after section 1729A the following new section:

''§ 1729B. Consolidated patient accounting centers

''(a) IN GENERAL.—Not later than five years after the date of the enactment of this section, the Secretary of Veterans Affairs shall establish not more than seven consolidated patient accounting centers for conducting industry-modeled regionalized billing and collection activities of the Department.

''(b) FUNCTIONS.—The centers shall carry out the following functions:

''(1) Reengineer and integrate all business processes of the revenue cycle of the Department.

''(2) Standardize and coordinate all activities of the Department related to the revenue cycle for all health care services furnished to veterans for non-service-connected medical conditions.

''(3) Apply commercial industry standards for measures of access, timeliness, and performance metrics with respect to revenue enhancement of the Department.

''(4) Apply other requirements with respect to such revenue cycle improvement as the Secretary may specify.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1729A the following:

''1729B. Consolidated patient accounting centers.''.

SEC. 407. REPEAL OF LIMITATION ON AUTHORITY TO CONDUCT WIDESPREAD HIV TESTING PROGRAM.

Section 124 of the Veterans' Benefits and Services Act of 1988 (title I of Public Law 100–322, as amended; 38 U.S.C. 7333 note) is repealed.

SEC. 408. PROVISION OF COMPREHENSIVE HEALTH CARE BY SECRETARY OF VETERANS AFFAIRS TO CHILDREN OF VIETNAM VETERANS BORN WITH SPINA BIFIDA.

(a) PROVISION OF COMPREHENSIVE HEALTH CARE.—Section 1803(a) is amended by striking ''such health care as the Secretary determines is needed by the child for the spina bifida or any disability that is associated with such condition'' and inserting ''health care under this section''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to care furnished after the date of the enactment of this Act.

SEC. 409. EXEMPTION FROM COPAYMENT REQUIREMENT FOR VETERANS RECEIVING HOSPICE CARE.

Section 1710 is amended—

(1) in subsection (f)(1), by inserting ''(except if such care constitutes hospice care)'' after ''nursing home care''; and

(2) in subsection (g)(1), by inserting ''(except if such care constitutes hospice care)'' after ''medical services''.

TITLE V—PAIN CARE

SEC. 501. COMPREHENSIVE POLICY ON PAIN MANAGEMENT.

(a) COMPREHENSIVE POLICY REQUIRED.—Not later than October 1, 2009, the Secretary of Veterans Affairs shall develop and implement a comprehensive policy on the management of pain experienced by veterans enrolled for health care services provided by the Department of Veterans Affairs.

(b) SCOPE OF POLICY.—The policy required by subsection (a) shall cover each of the following:

(1) The Department-wide management of acute and chronic pain experienced by veterans.

(2) The standard of care for pain management to be used throughout the Department.

(3) The consistent application of pain assessments to be used throughout the Department.

(4) The assurance of prompt and appropriate pain care treatment and management by the Department, system-wide, when medically necessary.

(5) Department programs of research related to acute and chronic pain suffered by veterans, including pain attributable to central and peripheral nervous system damage characteristic of injuries incurred in modern warfare.

(6) Department programs of pain care education and training for health care personnel of the Department.

(7) Department programs of patient education for veterans suffering from acute or chronic pain and their families.

(c) UPDATES.—The Secretary shall revise the policy required by subsection (a) on a periodic basis in accordance with experience and evolving best practice guidelines.

(d) CONSULTATION.—The Secretary shall develop the policy required by subsection (a), and revise such policy under subsection (c), in consultation with veterans service organizations and organizations with expertise in the assessment, diagnosis, treatment, and management of pain.

(e) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the completion and initial implementation of the policy required by subsection (a) and on October 1 of every fiscal year thereafter through fiscal year 2018, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the implementation of the policy required by subsection (a).

(2) CONTENTS.—The report required by paragraph (1) shall include the following:

(A) A description of the policy developed and implemented under subsection (a) and any revisions to such policy under subsection (c).

(B) A description of the performance measures used to determine the effectiveness of such policy in improving pain care for veterans system-wide.

(C) An assessment of the adequacy of Department pain management services based on a survey of patients managed in Department clinics.

(D) An assessment of the research projects of the Department relevant to the treatment of the types of acute and chronic pain suffered by veterans.

(E) An assessment of the training provided to Department health care personnel with respect to the diagnosis, treatment, and management of acute and chronic pain.

(F) An assessment of the patient pain care education programs of the Department.

(f) VETERANS SERVICE ORGANIZATION DEFINED.—In this section, the term ''veterans service organization'' means any organization recognized by the Secretary for the representation of veterans under section 5902 of title 38, United States Code.

TITLE VI—HOMELESS VETERANS MATTERS

SEC. 601. INCREASED AUTHORIZATION OF APPROPRIATIONS FOR COMPREHENSIVE SERVICE PROGRAMS.

Section 2013 is amended by striking ''$130,000,000'' and inserting ''$150,000,000''.

SEC. 602. EXPANSION AND EXTENSION OF AUTHORITY FOR PROGRAM OF REFERRAL AND COUNSELING SERVICES FOR AT-RISK VETERANS TRANSITIONING FROM CERTAIN INSTITUTIONS.

(a) PROGRAM AUTHORITY.—Subsection (a) of section 2023 is amended by striking ''a demonstration program for the purpose of determining the costs and benefits of providing'' and inserting ''a program of''.

(b) SCOPE OF PROGRAM.—Subsection (b) of such section is amended—

(1) by striking ''DEMONSTRATION'' in the subsection heading;

(2) by striking ''demonstration''; and

(3) by striking ''in at least six locations'' and inserting ''in at least 12 locations''.

(c) EXTENSION OF AUTHORITY.—Subsection (d) of such section is amended by striking ''shall cease'' and all that follows and inserting ''shall cease on September 30, 2012.''.

(d) CONFORMING AMENDMENTS.—

(1) Subsection (c)(1) of such section is amended by striking ''demonstration''.

(2) The heading of such section is amended to read as follows:

''§ 2023. Referral and counseling services: veterans at risk of homelessness who are transitioning from certain institutions''.

(3) Section 2022(f)(2)(C) of such title is amended by striking ''demonstration''.

(e) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 20 is amended by striking the item relating to section 2023 and inserting the following:

''2023. Referral and counseling services: veterans at risk of homelessness who are transitioning from certain institutions.''.

SEC. 603. PERMANENT AUTHORITY FOR DOMICILIARY SERVICES FOR HOMELESS VETERANS AND ENHANCEMENT OF CAPACITY OF DOMICILIARY CARE PROGRAMS FOR FEMALE VETERANS.

Subsection (b) of section 2043 is amended to read as follows:

''(b) ENHANCEMENT OF CAPACITY OF DOMICILIARY CARE PROGRAMS FOR FEMALE VETERANS.—The Secretary shall take appropriate actions to ensure that the domiciliary care programs of the Department are adequate, with respect to capacity and with respect to safety, to meet the needs of veterans who are women.''.

SEC. 604. FINANCIAL ASSISTANCE FOR SUPPORTIVE SERVICES FOR VERY LOW-INCOME VETERAN FAMILIES IN PERMANENT HOUSING.

(a) PURPOSE.—The purpose of this section is to facilitate the provision of supportive services for very low-income veteran families in permanent housing.

(b) FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—Subchapter V of chapter 20 is amended by adding at the end the following new section:

"§ 2044. Financial assistance for supportive services for very low-income veteran families in permanent housing

''(a) DISTRIBUTION OF FINANCIAL ASSISTANCE.—(1) The Secretary shall provide financial assistance to eligible entities approved under this section to provide and coordinate the provision of supportive services described in subsection (b) for very low-income veteran families occupying permanent housing.

''(2) Financial assistance under this section shall consist of grants for each such family for which an approved eligible entity is providing or coordinating the provision of supportive services.

''(3)(A) The Secretary shall provide such grants to each eligible entity that is providing or coordinating the provision of supportive services.

''(B) The Secretary is authorized to establish intervals of payment for the administration of such grants and establish a maximum amount to be awarded, in accordance with the services being provided and their duration.

''(4) In providing financial assistance under paragraph (1), the Secretary shall give preference to entities providing or coordinating the provision of supportive services for very low-income veteran families who are transitioning from homelessness to permanent housing.

''(5) The Secretary shall ensure that, to the extent practicable, financial assistance under this subsection is equitably distributed across geographic regions, including rural communities and tribal lands.

''(6) Each entity receiving financial assistance under this section to provide supportive services to a very low-income veteran family shall notify that family that such services are being paid for, in whole or in part, by the Department.

''(7) The Secretary may require entities receiving financial assistance under this section to submit a report to the Secretary that describes the projects carried out with such financial assistance.

''(b) SUPPORTIVE SERVICES.—The supportive services referred to in subsection (a) are the following:

''(1) Services provided by an eligible entity or a subcontractor of an eligible entity that address the needs of very low-income veteran families occupying permanent housing, including—

''(A) outreach services;

''(B) case management services;

''(C) assistance in obtaining any benefits from the Department which the veteran may be eligible to receive, including, but not limited to, vocational and rehabilitation counseling, employment and training service, educational assistance, and health care services; and

''(D) assistance in obtaining and coordinating the provision of other public benefits provided in federal, State, or local agencies, or any organization defined in subsection (f), including—

''(i) health care services (including obtaining health insurance);

''(ii) daily living services;

''(iii) personal financial planning;

''(iv) transportation services;

''(v) income support services;

''(vi) fiduciary and representative payee services;

''(vii) legal services to assist the veteran family with issues that interfere with the family's ability to obtain or retain housing or supportive services;

''(viii) child care;

''(ix) housing counseling; and

''(x) other services necessary for maintaining independent living.

''(2) Services described in paragraph (1) that are delivered to very low-income veteran families who are homeless and who are scheduled to become residents of permanent housing within 90 days pending the location or development of housing suitable for permanent housing.

''(3) Services described in paragraph (1) for very low-income veteran families who have voluntarily chosen to seek other housing after a period of tenancy in permanent housing, that are provided, for a period of 90 days after such families exit permanent housing or until such families commence receipt of other housing services adequate to meet their current needs, but only to the extent that services under this paragraph are designed to support such families in their choice to transition into housing that is responsive to their individual needs and preferences.

''(c) APPLICATION FOR FINANCIAL ASSISTANCE.—(1) An eligible entity seeking financial assistance under subsection (a) shall submit to the Secretary an application therefor in such form, in such manner, and containing such commitments and information as the Secretary determines to be necessary to carry out this section.

''(2) Each application submitted by an eligible entity under paragraph (1) shall contain—

''(A) a description of the supportive services proposed to be provided by the eligible entity and the identified needs for those services;

''(B) a description of the types of very low-income veteran families proposed to be provided such services;

''(C) an estimate of the number of very low-income veteran families proposed to be provided such services;

''(D) evidence of the experience of the eligible entity in providing supportive services to very low-income veteran families; and

''(E) a description of the managerial capacity of the eligible entity—

''(i) to coordinate the provision of supportive services with the provision of permanent housing by the eligible entity or by other organizations;

''(ii) to assess continuously the needs of very low-income veteran families for supportive services;

''(iii) to coordinate the provision of supportive services with the services of the Department;

''(iv) to tailor supportive services to the needs of very low-income veteran families; and

''(v) to seek continuously new sources of assistance to ensure the long-term provision of supportive services to very low-income veteran families.

''(3) The Secretary shall establish criteria for the selection of eligible entities to be provided financial assistance under this section.

''(d) TECHNICAL ASSISTANCE.—(1) The Secretary shall provide training and technical assistance to participating eligible entities regarding the planning, development, and provision of supportive services to very low-income veteran families occupying permanent housing, through the Technical Assistance grants program in section 2064 of this title.

''(2) The Secretary may provide the training described in paragraph (1) directly or through grants or contracts with appropriate public or nonprofit private entities.

''(e) FUNDING.—(1) From amounts appropriated to the Department for Medical Services, there shall be available to carry out subsection (a), (b), and (c) amounts as follows:

''(A) $15,000,000 for fiscal year 2009.

''(B) $20,000,000 for fiscal year 2010.

''(C) $25,000,000 for fiscal year 2011.

''(2) Not more than $750,000 may be available under paragraph (1) in any fiscal year to provide technical assistance under subsection (d).

''(3) There is authorized to be appropriated $1,000,000 for each of the fiscal year 2009 through 2011 to carry out the provisions of subsection (d).

''(f) DEFINITIONS.—In this section:

''(1) The term 'consumer cooperative' has the meaning given such term in section 202 of the Housing Act of 1959 (12 U.S.C. 1701q).

''(2) The term 'eligible entity' means—

''(A) a private nonprofit organization; or

''(B) a consumer cooperative.

''(3) The term 'homeless' has the meaning given that term in section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302).

''(4) The term 'permanent housing' means community-based housing without a designated length of stay.

''(5) The term 'private nonprofit organization' means any of the following:

''(A) Any incorporated private institution or foundation—

''(i) no part of the net earnings of which inures to the benefit of any member, founder, contributor, or individual;

''(ii) which has a governing board that is responsible for the operation of the supportive services provided under this section; and

''(iii) which is approved by the Secretary as to financial responsibility.

''(B) A for-profit limited partnership, the sole general partner of which is an organization meeting the requirements of clauses (i), (ii), and (iii) of subparagraph (A).

''(C) A corporation wholly owned and controlled by an organization meeting the requirements of clauses (i), (ii), and (iii) of subparagraph (A).

''(D) A tribally designated housing entity (as defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103)).

''(6)(A) Subject to subparagraphs (B) and (C), the term 'very low-income veteran family' means a veteran family whose income does not exceed 50 percent of the median income for an area specified by the Secretary for purposes of this section, as determined by the Secretary in accordance with this paragraph.

''(B) The Secretary shall make appropriate adjustments to the income requirement under subparagraph (A) based on family size.

''(C) The Secretary may establish an income ceiling higher or lower than 50 percent of the median income for an area if the Secretary determines that such variations are necessary because the area has unusually high or low construction costs, fair market rents (as determined under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f)), or family incomes.

''(7) The term 'veteran family' includes a veteran who is a single person and a family in which the head of household or the spouse of the head of household is a veteran.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 20 is amended by inserting after the item relating to section 2043 the following new item:

''2044. Financial assistance for supportive services for very low-income veteran families in permanent housing.''.

(c) STUDY OF EFFECTIVENESS OF PERMANENT HOUSING PROGRAM.—

(1) IN GENERAL.—For fiscal years 2009 and 2010, the Secretary shall conduct a study of the effectiveness of the permanent housing program under section 2044 of title 38, United States Code, as added by subsection (b), in meeting the needs of very low-income veteran families, as that term is defined in that section.

(2) COMPARISON.—In the study required by paragraph (1), the Secretary shall compare the results of the program referred to in that subsection with other programs of the Department of Veterans Affairs dedicated to the delivery of housing and services to veterans.

(3) CRITERIA.—In making the comparison required in paragraph (2), the Secretary shall examine the following:

(A) The satisfaction of veterans targeted by the programs described in paragraph (2).

(B) The health status of such veterans.

(C) The housing provided such veterans under such programs.

(D) The degree to which such veterans are encouraged to productive activity by such programs.

(4) REPORT.—Not later than March 31, 2011, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the results of the study required by paragraph (1).

TITLE VII—AUTHORIZATION OF MEDICAL FACILITY PROJECTS AND MAJOR MEDICAL FACILITY LEASES

SEC. 701. AUTHORIZATION FOR FISCAL YEAR 2009 MAJOR MEDICAL FACILITY PROJECTS.

The Secretary of Veterans Affairs may carry out the following major medical facility projects in fiscal year 2009 in the amount specified for each project:

(1) Seismic corrections, Building 2, at the Department of Veterans Affairs Palo Alto Health Care System, Palo Alto Division Palo Alto, California, in an amount not to exceed $54,000,000.

(2) Construction of a polytrauma healthcare and rehabilitation center at the Department of Veterans Affairs Medical Center, San Antonio, Texas, in an amount not to exceed $66,000,000.

(3) Seismic corrections, Building 1, at the Department of Veterans Affairs Medical Center, San Juan, Puerto Rico, in an amount not to exceed $225,900,000.

SEC. 702. MODIFICATION OF AUTHORIZATION AMOUNTS FOR CERTAIN MAJOR MEDICAL FACILITY CONSTRUCTION PROJECTS PREVIOUSLY AUTHORIZED.

(a) MODIFICATION OF MAJOR MEDICAL FACILITY AUTHORIZATIONS.—Section 801(a) of the Veterans Benefits, Health Care, and Information Technology Act of 2006 (Public Law 109–461) is amended—

(1) in paragraph (1)—

(A) by striking ''$300,000,000'' and inserting ''$625,000,000''; and

(B) by striking the second sentence; and

(2) in paragraph (3), by striking ''$98,000,000'' and inserting ''$568,400,000''.

(b) MODIFICATION OF AUTHORIZATION FOR CERTAIN MAJOR MEDICAL FACILITY CONSTRUCTION PROJECTS PREVIOUSLY AUTHORIZED IN CONNECTION WITH CAPITAL ASSET REALIGNMENT INITIATIVE.—

(1) CORRECTION OF PATIENT PRIVACY DEFICIENCIES AT THE DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, GAINESVILLE, FLORIDA.—Paragraph (5) of section 802 of the Veterans Benefits, Health Care, and Information Technology Act of 2006 (Public Law 109–461) is amended by striking ''$85,200,000'' and inserting ''$136,700,000''.

(2) CONSTRUCTION OF A NEW MEDICAL CENTER FACILITY AT THE DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, LAS VEGAS, NEVADA.—Paragraph (7) of such section is amended by striking ''$406,000,000'' and inserting ''$600,400,000''.

(3) CONSTRUCTION OF A NEW OUTPATIENT CLINIC, LEE COUNTY, FLORIDA.—Paragraph (8) of such section is amended—

(A) by striking ''ambulatory'' and all that follows through ''purchase,'' and inserting ''outpatient clinic in''; and

(B) by striking ''$65,100,000'' and inserting ''$131,800,000''.

(4) CONSTRUCTION OF A NEW MEDICAL CENTER FACILITY, ORLANDO, FLORIDA.—Paragraph (11) of such section is amended by striking ''$377,700,000'' and inserting ''$656,800,000''.

(5) CONSOLIDATION OF CAMPUSES AT THE UNIVERSITY DRIVE AND H. JOHN HEINZ III DIVISIONS, PITTSBURGH, PENNSYLVANIA.—Paragraph (12) of such section is amended by striking ''$189,205,000'' and inserting ''$295,600,000''.

SEC. 703. AUTHORIZATION OF FISCAL YEAR 2009 MAJOR MEDICAL FACILITY LEASES.

The Secretary of Veterans Affairs may carry out the following major medical facility leases in fiscal year 2009 at the locations specified, and in an amount for each lease not to exceed the amount shown for such location:

(1) For an outpatient clinic, Brandon, Florida, $4,326,000.

(2) For an outpatient clinic, Colorado Springs, Colorado, $10,300,000.

(3) For an outpatient clinic, Eugene, Oregon, $5,826,000.

(4) For the expansion of an outpatient clinic, Green Bay, Wisconsin, $5,891,000.

(5) For an outpatient clinic, Greenville, South Carolina, $3,731,000.

(6) For an outpatient clinic, Mansfield, Ohio, $2,212,000.

(7) For an outpatient clinic, Mayaguez, Puerto Rico, $6,276,000.

(8) For an outpatient clinic, Mesa, Arizona, $5,106,000.

(9) For interim research space, Palo Alto, California, $8,636,000.

(10) For the expansion of an outpatient clinic, Savannah, Georgia, $3,168,000.

(11) For an outpatient clinic, Sun City, Arizona, $2,295,000.

(12) For a primary care annex, Tampa, Florida, $8,652,000.

(13) For an outpatient clinic, Peoria, Illinois, $3,600,000.

SEC. 704. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2009 MAJOR MEDICAL FACILITY PROJECTS.—There is authorized to be appropriated for the Secretary of Veterans Affairs for fiscal year 2009 for the Construction, Major Projects, account—

(1) $345,900,000 for the projects authorized in section 701; and

(2) $1,493,495,000 for the increased amounts authorized for projects whose authorizations are modified by section 702.

(b) AUTHORIZATION FOR APPROPRIATIONS FOR FISCAL YEAR 2009 MAJOR MEDICAL FACILITY LEASES.—There is authorized to be appropriated for the Secretary of Veterans Affairs for fiscal year 2009 for the Medical Facilities account, $70,019,000, for the leases authorized in section 703.

SEC. 705. INCREASE IN THRESHOLD FOR MAJOR MEDICAL FACILITY LEASES REQUIRING CONGRESSIONAL APPROVAL.

Section 8104(a)(3)(B) is amended by striking ''$600,000'' and inserting ''$1,000,000''.

SEC. 706. CONVEYANCE OF CERTAIN NON-FEDERAL LAND BY CITY OF AURORA, COLORADO, TO SECRETARY OF VETERANS AFFAIRS FOR CONSTRUCTION OF VETERANS MEDICAL FACILITY.

Section 410 of title IV of division I of the Consolidated Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2276) is amended to read as follows:

''SEC. 410. CONVEYANCE OF CERTAIN NON-FEDERAL LAND.

''(a) DEFINITIONS.—In this section:

''(1) CITY.—The term 'City' means the City of Aurora, Colorado.

''(2) DEED.—The term 'deed' means the quitclaim deed—

''(A) conveyed to the City by the Secretary (acting through the Director of the National Park Service); and

''(B) dated May 24, 1999.

''(3) NON-FEDERAL LAND.—The term 'non-Federal land' means—

''(A) parcel I of the former United States Army Garrison Fitzsimons, Adams County, Colorado, as more specifically described in the deed; and

''(B) the parcel of land described in the deed.

''(4) SECRETARY.—The term 'Secretary' means the Secretary of the Interior.

''(b) DUTY OF SECRETARY.—To allow the City to convey by donation to the United States the non-Federal land to be used by the Secretary of Veterans Affairs for the construction of a veterans medical facility, not later than 60 days after the date of enactment of this section, the Secretary shall execute each instrument that is necessary to release all rights, conditions, and restrictions retained by the United States in and to the non-Federal land conveyed in the deed.''.

SEC. 707. REPORT ON FACILITIES ADMINISTRATION.

Not later than 60 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the progress of the Secretary in complying with section 312A of title 38, United States Code.

SEC. 708. ANNUAL REPORT ON OUTPATIENT CLINICS.

(a) ANNUAL REPORT REQUIRED.—Subchapter I of chapter 81 is amended by adding at the end the following new section:

''§ 8119. Annual report on outpatient clinics

''(a) ANNUAL REPORT REQUIRED.—The Secretary shall submit to the committees an annual report on community-based outpatient clinics and other outpatient clinics of the Department. The report shall be submitted each year not later than the date on which the budget for the next fiscal year is submitted to the Congress under section 1105 of title 31.

''(b) CONTENTS OF REPORT.—Each report required under subsection (a) shall include the following:

''(1) A list of each community-based outpatient clinic and other outpatient clinic of the Department, and for each such clinic, the type of clinic, location, size, number of health professionals employed by the clinic, workload, whether the clinic is leased or constructed and operated by the Secretary, and the annual cost of operating the clinic.

''(2) A list of community-based outpatient clinics and other outpatient clinics that the Secretary opened during the fiscal year preceding the fiscal year during which the report is submitted and a list of clinics the Secretary proposes opening during the fiscal year during which the report is submitted and the subsequent fiscal year, together with the cost of activating each such clinic and

the information required to be provided under paragraph (1) for each such clinic and proposed clinic.

''(3) A list of proposed community-based outpatient clinics and other outpatient clinics that are, as of the date of the submission of the report, under review by the National Review Panel and a list of possible locations for future clinics identified in the Department's strategic planning process, including any identified locations in rural and underserved areas.

''(4) A prioritized list of sites of care identified by the Secretary that the Secretary could establish without carrying out construction or entering into a lease, including—

''(A) any such sites that could be expanded by hiring additional staff or allocating staff to Federal facilities or facilities operating in collaboration with the Federal Government; and

''(B) any sites established, or able to be established, under sections 8111 and 8153 of this title.''.

(b) DEADLINE FOR FIRST ANNUAL REPORT.—The Secretary of Veterans Affairs shall submit the first report required under section 8119(a) of title 38, United States Code, as added by subsection (a), by not later than 90 days after the date of the enactment of this Act.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end of the items relating to subchapter I the following new item:

''8119. Annual report on outpatient clinics.''.

SEC. 709. NAME OF DEPARTMENT OF VETERANS AFFAIRS SPINAL CORD INJURY CENTER, TAMPA, FLORIDA.

The spinal cord injury center located at the James A. Haley Department of Veterans Affairs Medical Center in Tampa, Florida, shall after the date of the enactment of this Act be known and designated as the ''Michael Bilirakis Department of Veterans Affairs Spinal Cord Injury Center''. Any reference to such center in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the ''Michael Bilirakis Department of Veterans Affairs Spinal Cord Injury Center''.

TITLE VIII—EXTENSION OF CERTAIN AUTHORITIES

SEC. 801. REPEAL OF SUNSET ON INCLUSION OF NONINSTITUTIONAL EXTENDED CARE SERVICES IN DEFINITION OF MEDICAL SERVICES.

Section 1701 is amended—

(1) by striking paragraph (10); and

(2) in paragraph (6)—

(A) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively; and

(B) by inserting after subparagraph (D) the following new subparagraph (E):

''(E) Noninstitutional extended care services, including alternatives to institutional extended care that the Secretary may furnish directly, by contract, or through provision of case management by another provider or payer.''.

SEC. 802. EXTENSION OF RECOVERY AUDIT AUTHORITY.

Section 1703(d)(4) is amended by striking ''September 30, 2008'' and inserting ''September 30, 2013''.

SEC. 803. PERMANENT AUTHORITY FOR PROVISION OF HOSPITAL CARE, MEDICAL SERVICES, AND NURSING HOME CARE TO VETERANS WHO PARTICIPATED IN CERTAIN CHEMICAL AND BIOLOGICAL TESTING CONDUCTED BY THE DEPARTMENT OF DEFENSE.

(a) PERMANENT AUTHORITY.—Subsection (e)(3) of section 1710 is amended—

(1) in subparagraph (B), by inserting ''and'' after the semicolon;

(2) in subparagraph (C), by striking ''; and'' and inserting a period; and

(3) by striking subparagraph (D).

(b) CONFORMING AMENDMENT.—Subsection (e)(1)(E) of such section is amended by striking ''paragraphs (2) and (3)'' and inserting ''paragraph (2)''.

SEC. 804. EXTENSION OF EXPIRING COLLECTIONS AUTHORITIES.

(a) HEALTH CARE COPAYMENTS.—Section 1710(f)(2)(B) is amended by striking ''September 30, 2008'' and inserting ''September 30, 2010''.

(b) MEDICAL CARE COST RECOVERY.—Section 1729(a)(2)(E) is amended by striking ''October 1, 2008'' and inserting ''October 1, 2010''.

SEC. 805. EXTENSION OF NURSING HOME CARE.

Section 1710A(d) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2013''.

SEC. 806. PERMANENT AUTHORITY TO ESTABLISH RESEARCH CORPORATIONS.

(a) REPEAL.—Chapter 73 is amended by striking section 7368.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking the item relating to section 7368.

SEC. 807. EXTENSION OF REQUIREMENT TO SUBMIT ANNUAL REPORT ON THE COMMITTEE ON CARE OF SEVERELY CHRONICALLY MENTALLY ILL VETERANS.

Section 7321(d)(2) is amended by striking ''through 2008'' and inserting ''through 2012''.

SEC. 808. PERMANENT REQUIREMENT FOR BIANNUAL REPORT ON WOMEN'S ADVISORY COMMITTEE.

Section 542(c)(1) is amended by striking ''through 2008''.

SEC. 809. EXTENSION OF PILOT PROGRAM ON IMPROVEMENT OF CAREGIVER ASSISTANCE SERVICES.

Section 214 of the Veterans Benefits, Health Care, and Information Technology Act of 2006 (Public Law 109-461; 38 U.S.C. 1710B note) is amended—

(1) in subsection (b), by striking ''two-year period'' and inserting ''three-year period''; and

(2) in subsection (d), by striking ''fiscal years 2007 and 2008'' and inserting ''fiscal years 2007 through 2009''.

TITLE IX—OTHER MATTERS

SEC. 901. TECHNICAL AMENDMENTS.

(a) TITLE 38.—Title 38, United States Code, is amended—

(1) in section 1712A—

(A) by striking subsection (g);

(B) by redesignating subsections (d) through (i) as subsections (c) through (f), respectively; and

(C) in subsection (f), as so redesignated, by striking ''(including a Resource Center designated under subsection (h)(3)(A) of this section)'';

(2) in section 2065(b)(3)(C), by striking ''(''';

(3) in the table of sections at the beginning of chapter 36, by striking the item relating to section 3684A and inserting the following new item:

''3684A. Procedures relating to computer matching program.'';

(4) in section 4110(c)(1), by striking ''15'' and inserting ''16'';

(5) in the table of sections at the beginning of chapter 51, by striking the item relating to section 5121 and inserting the following new item:

''5121. Payment of certain accrued benefits upon death of a beneficiary.'';

(6) in section 7458(b)(2), by striking ''pro rated'' and inserting ''pro-rated'';

(7) in section 8117(a)(1), by striking ''such such'' and inserting ''such''; and

(8) in each of sections 1708(d), 7314(f), 7320(j)(2), 7325(i)(2), and 7328(i)(2), by striking ''medical care account'' and inserting ''medical services account''.

(b) VETERANS BENEFITS, HEALTH CARE, AND INFORMATION TECHNOLOGY ACT OF 2006.—Section 807(e) of the Veterans Benefits, Health Care, and Information Technology Act of 2006 (Public Law 109–461) is amended by striking ''Medical Care'' each place it appears and inserting ''Medical Facilities''.

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

The Chair recognizes the gentleman from California.

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

We are considering two bills. This first one, S. 2162, as amended, the Veterans' Mental Health and Other Care Improvements Act of 2008, and the next one is going to be about the Veterans' Benefits Improvement Act of 2008. These are two bills which passed the Senate, and is an omnibus bill that includes legislation from the Senate and from the House.

Many of our Members have legislation in this bill. And they are two bills that are really going to be great for veterans, greatly enhance the benefit in both the health field and on the benefit field.

As we have discussed these bills, we have learned much about the needs of our Nation's veterans, and this bill goes a long way to address them. Rates for post traumatic stress disorder, for example, amongst Operation Enduring Freedom and Operation Iraqi Freedom veterans has been estimated to be higher than 30 percent. Additionally, as we have tragically learned, suicide is on the rise. The Army reports, in fact, rates as high as they were during the Vietnam War. And the rate of homelessness among this cohort is also tragically growing. We must act now to address these issues before it's too late.

We know from past wars that some veterans will struggle with substance abuse, homelessness, and PTSD. And we can see the same patterns emerging as a result of the stress of repeated deployments to OEF and OIF.

This bill expands and improves the health care services available to veterans fighting substance use disorders and requires that all VA medical centers provide veterans access to the full continuum of care for substance use disorders.

I would like to recognize both the leadership of the chairman of the Subcommittee on Health, Mr. MICHAUD, and Ms. BERKLEY for their strong advocacy for veterans who suffer with substance use disorder and for their contributions to this very important provision in the bill.

As a way to honor the memory of Justin Bailey, a brave veteran that we lost to the horrors of war, this bill would ensure that the VA conduct more research about the often tragic relationship between PTSD and substance use disorders. The bill allows

community mental health centers in rural areas to work with the VA to provide peer outreach and support services as well as readjustment and mental health services.

We now know that PTSD not only affects the veteran, but also has a profound effect on their family. Thanks to the leadership of Mr. HARE from Illinois, this bill makes necessary changes to the law to allow the VA to provide needed counseling to families of veterans.

In addition to addressing the mental health challenges facing our veterans, many also experience homelessness. While the VA continues to be the largest provider of direct services to homeless veterans, we must ensure that it remains postured to assist the growing number of homeless veterans and veterans at risk for homelessness. To this end, the bill increases the authorization for homeless programs to $150 million.

It also expands and extends a valuable joint VA and Department of Labor program of referral and counseling services, ensures that the VA domiciliary program is capable of meeting the needs of the growing female population, and provides necessary support to low-income veteran families that have made the transition to permanent housing. I want to thank Mr. MURPHY and Ms. HERSETH SANDLIN for their focus on this issue and ensuring that these provisions are in the bill.

Aside from mental health and homelessness, many veterans struggle to cope with chronic and acute pain. This pain lingers long after the physical wounds of war have healed and affects the quality of life of many veterans. Thanks to Mr. WALZ of Minnesota's leadership, this bill would require the VA to develop and implement a system-wide policy on pain management.

S. 2162 also improves the health care for certain groups of especially vulnerable populations within the VA. It establishes Epilepsy Centers of Excellence to care for the 89,000 veterans with epilepsy, provides comprehensive health care to children of Vietnam veterans born with spina bifida, and updates VA policies regarding HIV testing. This would not have been possible without the hard work of Mr. PERLMUTTER of Colorado, Mr. ELLSWORTH of Indiana, and Mr. DOYLE of Pennsylvania.

Next, this bill would reduce the financial burden placed on our veterans. It requires the VA to reimburse veterans for the cost of emergency treatment received in non-VA facilities, prohibits the collection of copayments for all hospice care furnished by the VA, and increases the beneficiary travel mileage reimbursement rate to the current government employee rate. I want to thank Mr. SPACE of Ohio for his contribution on the emergency treatment provision. And I would like to thank Mr. MILLER from Florida for his work on prohibiting copayments for hospice care.

Another challenge facing the VA is rural health. Today, nearly 39 percent of veterans enrolled in the VA health care system live in rural areas. Despite the expansion of community-based outpatient clinics and vet centers, many rural veterans still have problems of access. Thanks to Mr. MORAN of Kansas' leadership, this bill requires the VA to conduct a 3-year pilot program in five Veterans Integrated Service Networks to allow highly rural veterans to seek covered health services from non-VA health care providers.

The VA is currently authorized to collect third-party payments from veterans' insurance companies, but due to ineffective procedures, over $1 billion go uncollected annually. This legislation would require the VA to establish no more than seven other Consolidated Patient Account Centers to enable it to improve its billing performance. And I want to recognize and thank my ranking member, Mr. BUYER of Indiana, for his contributions to this issue.

The bill also gives the VA the legal authorities it needs to move forward in major facility construction projects and leases so that it can continue to provide world-class health care to veterans in world-class facilities.

The bill also extends or makes permanent a number of important expiring authorities.

Finally, the bill would name the VA Spinal Cord Injury Center in Tampa, Florida, after our former colleague, Michael Bilirakis. It was through former Congressman Bilirakis' efforts that this center came into being. He served in the Air Force in the 1950s and served in Congress for 24 years. It is fitting that we recognize his efforts in naming the center after him.

I want to recognize and thank Mr. MILLER of Florida for his leadership on this issue, and also the younger Mr. BILIRAKIS from Florida for carrying on his father's tradition.

Mr. Speaker, both Republican and Democratic Members of this committee made major contributions to this bill. And I want to thank the staff from both sides of the aisle for putting together such a comprehensive package. It takes care of the men and women who have given so much to defend this Nation, provides our veterans with the quality health care programs and services they need and they so richly deserve.

I hope my colleagues will support S. 2162, as amended.

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

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

Mr. Speaker, I rise in support of S. 2162, the Veterans' Mental Health and Other Care Improvements Act of 2008, as amended. I would like to say up front how very pleased I am with the overall bill, as well as S. 3023, as amended, the Veterans' Benefits Improvement Act, which will follow this bill.

Before us, this bill incorporates almost 50 veterans' health care provisions that have passed either the House or the Senate this Congress in 15 bills listed in the joint explanatory statement accompanying this legislation.

I would like to thank Chairman FILNER and our esteemed colleagues in the Senate, Chairman AKAKA and Ranking Member RICHARD BURR, for their bipartisan efforts to bring the compromise to the floor here tonight.

I would also like to commend Health Subcommittee Chairman MIKE MICHAUD and Ranking Member JEFF MILLER for their leadership and spirit of cooperation that enabled us to reach this compromise agreement with the Senate.

This comprehensive bill includes an array of substantive initiatives, and I would like to highlight just a few of them.

The chairman just mentioned the construction bill. And in particular, I'm very pleased that we have the $66 million to fund for the fifth polytrauma center. And at these polytrauma centers, very dedicated individuals do amazing work to help save America's most precious assets. And so funding for the fifth polytrauma center is extremely important.

I am also pleased that we have not only the facilities in Palo Alto, but also in Puerto Rico with regard to seismic corrections. We have increases in previous authorizations, not only in New Orleans, but also in Denver. And I'm most hopeful that the initiatives in Denver can be worked out satisfactorily that also please the Secretary of the VA. We also have increases with Orlando. So these three ongoing projects, New Orleans, Denver and Orlando, are extremely important to me.

I also recognize and I want to thank the chairman. At the last moment—out-of-scope revisions are always difficult for us, and the VA brought us one of the out-of-scope provisions that dealt with the outpatient clinic in Peoria. And I want to thank the chairman for taking this up, and I also want to thank the Senate for accepting this, because that facility in Peoria, there were some miscalculations. And had we not acted, the VA could have proceeded, but in the end it would have cost us more money.

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Acting and taking care of this outpatient clinic in Peoria was the right thing to do. I want to thank the chairman for taking up this out-of-scope provision and also for the leadership of RAY LAHOOD of Illinois.

I also want to comment on the VA substance-use disorder and mental health programs. A full continuum of care for substance-use disorder will go a long way I believe to help at-risk veterans obtain care and overcome the stigma that may prevent them from seeking the services that they in fact need.

In order to ensure that VA implements a patient-centered pain care strategy that is effective and consistent system-wide, the bill will require the VA to develop and implement

a comprehensive pain management policy.

The bill will also establish a pilot program to allow veterans in certain highly rural areas to obtain care from their local community providers. This provision originated from legislation introduced by my good friend and longtime member of the VA Committee, JERRY MORAN of Kansas. JERRY MORAN is a real champion of rural veterans, and I applaud him for his hard work and dedication to this cause. This is a cause that has lasted now for several Congresses.

I am pleased that this bill also includes a measure I introduced, H.R. 6366, to help the VA secure collections from third-party insurance companies. This is an issue that I have been working on now for the last four sessions of Congress. Specifically, it would require the VA to establish seven Consolidated Patient Accounting Centers, or CPACs, modeled after the successful Mid-Atlantic CPAC over the next 5 years. I would like to thank Chairman FILNER for working with me in a bipartisan fashion to make sure that this was included in the bill, and I also want to applaud the leadership of MIKE MICHAUD and Mr. MILLER.

This measure comes from a bill I introduced to help the VA better manage third-party collections and provide additional fiscal responsibility for the department. The Consolidated Patient Accounting Center was established as a demonstration project back in 2005. It proved to be very successful in enhancing revenue by more than $12.5 million in fiscal year 2007 in the demonstration project alone and more than $22 million over and above the goal as of August for fiscal year 2008.

Building on this success would enable the VA to secure hundreds of millions of dollars that currently go uncollected. What we did is we did a pilot. We found how successful that pilot project was over and above the projected revenue that we would get. And so we looked at this and said, well, this is something that needs to be rolled out across the country, and when we do this, we in fact are going to be receiving hundreds of millions of dollars. Those dollars then can be poured back in to further improve veterans' health care.

I want to thank subcommittee Chairman MIKE MICHAUD and Ranking Member JEFF MILLER for having joined me as cosponsors on this initiative along with the leadership of Chairman FILNER.

Also, Mr. Speaker, there are a number of other important provisions in this bill that are omitted from my remarks simply because of the result of the constraints on time. But I would like to conclude by mentioning a notable provision that would designate the spinal cord injury center at the VA Medical Center in Tampa, Florida, as the MICHAEL BILIRAKIS Department of Veterans Affairs Spinal Cord Injury Center that the chairman spoke of. All of us have a great deal of respect for Michael Bilirakis, and I am very, very pleased that my good friend and this great public servant is going to be recognized.

Mr. Speaker, I would like to acknowledge at this time the hard work of the staff of both sides of the aisle here in the House Committee on Veterans' Affairs for their work on this legislation, in particular not only the individuals of the House majority health subcommittee but also that in the House and the Senate.

With that, I want to reserve my time.

Mr. FILNER. Mr. Speaker, I would like to yield 4 minutes to an incredibly active and important new Member from New York, JOHN HALL, who chairs our Subcommittee on Disability Assistance and Memorial Affairs. I thank you for all your efforts on behalf of our veterans.

Mr. HALL of New York. Thank you, Mr. Chairman.

I rise today in strong support of this bill, the Veterans' Mental Health and Other Care Improvements Act. I am so pleased that the needs of our returning soldiers are finally being recognized and that Congress is finally taking action.

While this is no panacea and much still needs to be done to fully care for our soldiers, namely to make wartime service in the theater of combat a presumption for post traumatic stress disorder which I have submitted that concept in independent legislation, I am glad to see that mental health is beginning to gain the recognition and the treatment it deserves.

There is no greater time for this recognition than right now. The Rand Corporation did studies showing that approximately 20 to 30 percent of our military servicemembers returning from Iraq and Afghanistan are showing symptoms of PTSD or depression. Longer and more frequent deployments are placing increased stresses on our military families and are taking a very real toll. Substance abuse and suicides are up, and coupled with our current financial hardships, our returning brave men and women and their families are facing incredibly difficult times.

I am very grateful for all the work of the members of the Senate and House Veterans' Affairs Committees and for the leadership of Chairman FILNER and Ranking Member BUYER for pushing through this legislation.

Just to name a few of the provisions of the bill, it will utilize the Internet to provide education, outreach and treatment for substance abuse, PTSD or other ailments soldiers are facing; a review and update of all the VA's mental health facilities by the Inspector General; an additional pilot program providing peer outreach, peer support, readjustment and mental health services to veterans through contracts with community mental health centers; it increases funds for mental health research; and it provides marriage and family counseling within authorized mental health services and also bolsters family outreach programs.

I strongly encourage my colleagues to support this bill and provide the returning men and women of our Armed Forces who have sacrificed so much for our Nation with the treatment and the respect that they deserve.

Mr. BUYER. Mr. Speaker, I would like to yield to the gentleman from Kansas who actually represents 69 counties in the State of Kansas, which is about the size of the State of Indiana. But before he gets too excited, you could probably take five Kansases and put it in the State of Alaska. I bring that to your attention, Mr. Speaker, because this gentleman is a champion of rural America.

With that, I yield as much time as the gentleman from Kansas (Mr. MORAN) may consume.

Mr. MORAN of Kansas. I thank the gentleman from Indiana for yielding me the time, and I am very grateful for the efforts that he and our chairman, the gentleman from California (Mr. FILNER) have made on this entire legislation. But I'm here tonight to express my gratitude for the inclusion of provisions that for a long time have been a high priority for me as a Member of Congress from a very rural part of America. I have always thought that our veterans should not be discriminated against based upon where they live. And while we've made progress in regard to caring for all our veterans, we've made progress in regard to caring for our rural veterans, we still have a lot of effort that needs to be made. This bill tonight takes one additional step that I think is very important.

The Department of Veterans Affairs, through our encouragement, has increased the number of outpatient clinics in this country so that those who live long distances from a VA hospital can access routine health care closer to home. We also have significantly increased the mileage reimbursement rate for veterans who live long distances. That is a major undertaking on our part, particularly with the ever rising cost of gasoline. And so we are making some steps that I think benefit rural veterans.

But still, despite that effort, many veterans, including many who live in my congressional district in the State of Kansas, drive up to 5 hours to access a VA outpatient clinic or a VA hospital. And so what a portion of this bill does tonight, the part I want to commend and bring forth for the Members of the House of Representatives to know and to understand, is this bill requires the Department of Veterans Affairs to create a 3-year pilot project that gives our highly rural veterans living in rural regions of this country the choice to receive health care at home. What this says is that the veteran can have the opportunity to see his or her hometown physician, be admitted to his or her hometown hospital, and that the Department of Veterans Affairs must enter into a contract to provide those services.

So while I am very appreciative of the outpatient clinics and I appreciate the service and care that our VA hospitals provide, we have the opportunity for our veterans, particularly those who are aging, and many of our rural veterans are older every day, many of them are World War II veterans in their eighties and nineties, and a trip that is miles away and hours from home requires a significant undertaking. This allows those who are that distance, and that distance being about 60 miles from a VA clinic, 120 miles from a VA hospital or 240 miles from a specialized care facility, to have those services provided at home.

It's also a good thing for the rural health care provider. I always describe it this way: Our hospitals, the infrastructure that surrounds the delivery of health care in rural America, is a lot like schools. We need every student we can get in a rural school to keep the school going, just as our hospitals and physicians need every patient that they can get in order to keep the hospital alive and well.

So I'm here to commend my colleagues for their support of this legislation. I am very grateful to Delores Dunn, the staff director of the subcommittee, who has shepherded this effort on my behalf but really on behalf of veterans across rural America, and I commend our chairman and ranking member for their strong efforts on behalf of rural American veterans.

Mr. BUYER. Reclaiming my time, I want to thank the gentleman for his leadership. He went through several Congresses with this. This is a testimonial really to your persistence and your dedication to the issue. I want to thank you. You never gave up on it. I want to thank you for your leadership.

With that, I reserve my time.

Mr. FILNER. Mr. Speaker, I would recognize another great and new member of our committee, the gentleman from Illinois (Mr. HARE), also for 4 minutes.

Mr. HARE. Mr. Speaker, I rise in strong support of S. 2162, the Veterans' Mental Health and Other Care Improvement Acts of 2008. I want to commend Chairman AKAKA, Chairman FILNER, Ranking Member BUYER and all the members of the Senate and House Veterans' Affairs Committee for their leadership and hard work on this bill.

S. 2162 is a bill that improves a variety of health care services provided by the Department of Veterans Affairs. First, it improves the treatment and services provided by the VA to veterans suffering from post traumatic stress disorder. Second, it provides more treatment for veterans battling substance-use disorders, and it directs the VA to develop and implement a comprehensive policy on the management of pain care.

The bill also authorizes medical facility projects and major medical facility leases which are crucial to the improvement of health care for our veterans. And it takes on the unacceptable plight of homelessness, which thousands of our veterans face each and every night.

S. 2162 also improves access to health care for veterans living in rural areas. It allows highly rural veterans to get services closer to home, and it provides a fair reimbursement rate to those who have to drive considerable distances. We have been working on this issue tirelessly throughout the 110th Congress. As someone who represents a district in Illinois that is very rural, I appreciate the progress that has been made on this issue. I want to commend my friend, Congressman MORAN from Kansas, for his hard work and dedication on this issue.

Finally, S. 2162 expands mental health care for the families of our heroes. The psychological toll that war brings also extends to the brave family members of our servicemembers. That is why I am encouraged to see that a bill I introduced, the Mental Health For Heroes' Family Act of 2008, has been included in S. 2162. Specifically, my bill removes the requirement that counseling must be initiated during the veteran's hospitalization, and is essential to permit the discharge for the veteran from the hospital. It also directs the Secretary of the Veterans Administration to carry out a 3-year pilot program to assess the feasibility and advisability of providing readjustment and transition assistance to veterans and their families.

Mr. Speaker, I again thank Chairman AKAKA, Chairman FILNER and Ranking Member BUYER for their leadership on this bill and I want to commend both the Senate and House Veterans' Affairs Committee staff for their tireless work on this bill. I urge all of my colleagues to support this incredibly important piece of legislation.

Mr. BUYER. The first thing I would like to do, Mr. Speaker, is I want to thank Mr. HARE for his leadership in mental health. You're a great addition to the committee, and I want to thank the gentleman.

With that I reserve my time.

Mr. FILNER. Mr. Speaker, I would like to recognize for 5 minutes the dynamic gentlelady from Florida who has served with me and fought with me for 16 years on this committee, Ms. BROWN.

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Ms. CORRINE BROWN of Florida. Mr. Speaker, first of all, let me thank Mr. FILNER for his leadership on this committee. I am so proud that I am a part of this committee. Under his leadership, we passed the largest VA budget in the history of the United States. Our committee doesn't just ''talk the talk.'' We are ''walking the walk'' for the veterans. Thank you, and thanks to all of the members of the committee.

I rise in support of S. 2162, the Veterans' Mental Health and Other Care Improvements Act of 2008. This bill includes many important issues of concern for veterans: mental health care, assistance for families, health care, pain care, provisions helping homeless vets, and construction of badly needed medical facilities.

This last item is very important to Florida. My State has the largest and fastest growing elderly veterans population in the country. Everyone enjoys the warm weather, and veterans are no different. It is high time we build the facilities that will take care of those heroes and sheroes.

The bill increases the authorization for the construction of a new VA medical facility in Orlando for close to $700 million. We have waited over 25 years for this facility. Let me repeat that. We have waited over 25 years for this facility, and to have construction delayed because of lack of money due to increased energy costs or inflation would be criminal.

Also this bill increases the authorization by $51.5 million to fund patient privacy at the Gainesville Medical Center. We need to make sure our veterans are treated with respect.

Earlier this year, this Congress passed the Military Construction and Veterans Affairs Appropriations bill under the leadership of Chairman Chet Edwards. I appreciate his including funds for the projects in this bill, allowing for the continued development of these medical centers.

I urge the passage of this bill and continued support for our Nation's veterans.

May God bless America, and I thank all the veterans for their service.

Mr. FILNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. RODRIGUEZ), another Member who has served on our committee for almost a decade.

Mr. RODRIGUEZ. Madam Speaker, let me take this opportunity once again to thank Chairman FILNER and the ranking member for this opportunity.

Let me just say that the 110th Congress will be seen as the Congress that has done the most for veterans in the history of this House in terms of the funding of over $13 billion from the 2007–2008 budget, in addition to the supplementals. This will be the largest amount of resources for the VA since its inception in any one session. So the 110th Congress is going to be seen as one of those Congresses that provided the resources, but also provided the programs that were needed and the accountability that needs to occur in order to make it happen. The result of that is because of the leadership in the form of Congressman Bob Filner, and I want to once again personally thank him for his leadership.

Let me just say this particular bill has language that begins to make services permanent for those soldiers that participated in what was referred to as Project 112, or Project SHAD, which were the studies during the Cold War that this country did on our soldiers from the use of nerve gas to other items to see how our soldiers reacted.

Now we know these soldiers are in need of services, and this language extends that opportunity for thousands of these soldiers to get those services that they are entitled to. So I want to thank the leadership for that. I know it was a struggle with the Department of Defense in just identifying these projects.

Secondly, I also want to signify that we have four major polytrauma centers throughout this country. The fifth one is going to be built in San Antonio. This particular center allows an opportunity for those soldiers that are out there that come back as veterans that have a multitude of problems, and this will allow the opportunity for returning servicemembers to be able to get the help they are entitled to and the construction of this facility, referred to as the fifth polytrauma center.

In closing, let me also just say that I have one of the largest districts in the Nation. My district runs in a straight line 650 miles and 785 miles along the border, over 20 large counties. Some of the counties are larger than some of the States in the country. I have an area where not a single clinic exists in the Rural Health Initiatives that are out there to provide access for these soldiers and veterans.

It is also important and essential, as indicated earlier, the fact that we have raised the amount of resources for reimbursement rates per mile for gasoline, and we know we might have to come back and revisit this because of the cost of gasoline.

So, once again I thank the chairman and the ranking member for allowing us to pass these pieces of legislation.

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

I would like to comment on a provision from the ranking member in the Senate, RICHARD BURR, the provision to require the VA to provide financial assistance grants to very low income veterans families residing in permanent housing for supportive services, including outreach, case management, assistance in obtaining VA benefits and assistance in obtaining other forms of public benefits.

As we transition veterans from homelessness into permanent housing, these are provisions that in the last Congress Senator BURR was working very hard on, but did not come out as a result of the conference. He hung in there and we were able to get this done, and I want to thank Chairman FILNER, who also accepted these provisions, and I want to extend my appreciation.

I also want to extend appreciation to the leadership and to some Members who worked very hard on Orlando in making sure that that becomes a reality. These are Members that seem to never leave me alone. In particular, TOM FEENEY, CLIFF STEARNS, CORRINE BROWN, GINNY BROWN-WAITE and RIC KELLER, working very hard to make sure that Orlando becomes a reality.

The last thing I would like to thank Chairman FILNER for was accepting the provisions along with Chairman MICHAUD, and that was Ranking Member JEFF MILLER of the Health Subcommittee sought to eliminate all copayments for hospice care. Those of us that have had to deal with a loved one that goes through hospice care understand how difficult and challenging that moment is in all of our lives. So for us to waive those copayments during that time period I think was the right thing to do, and I want to thank the gentleman for his leadership on that.

With that, I encourage all Members to support this legislation.

Madam Speaker, I yield back my time.

GENERAL LEAVE

Mr. FILNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on S. 2162, as amended.

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

There was no objection.

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

Madam Speaker, I want to say to Congressman BUYER, the ranking member, and really all the Members on both the Republican and Democrat side of this committee, we have had some ups and downs in this year, but these two bills that we are doing today are great bills. I think we, and I say ''we'' meaning all of us, have a great deal to be proud of. We are going to touch millions of veterans with these bills, millions, and their families, and we are doing it on behalf of people that we know deserve no less.

We have traveled around the country. We have met thousands of veterans in different States. I think both of us get more and more impressed with both the newer veterans and the older veterans and what they have accomplished and how they have carried out their lives. So we are very proud to have worked together to produce these bills.

JOINT EXPLANATORY STATEMENT FOR S. 2162, AS AMENDED

VETERANS' MENTAL HEALTH AND OTHER CARE IMPROVEMENTS ACT OF 2008

The ''Veterans' Mental Health and Other Care Improvements Act of 2008'' reflects a compromise agreement that the Senate and House of Representatives' Committees on Veterans' Affairs reached on certain provisions of a number of bills considered by the House and Senate during the 110th Congress, including: S. 2162, 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, passed by the Senate on June 3, 2008 [hereinafter, ''Senate Bill'']; H.R. 5554, to expand and improve health care services available to veterans from the Department of Veterans Affairs for substance use disorders, and for other purposes, passed by the House on May 20, 2008 [hereinafter, ''House Bill'']; S. 1233, to provide and enhance intervention, rehabilitative treatment, and services to veterans with traumatic brain injury, and for other purposes, placed on the Senate calendar on August 29, 2007.

H.R. 1527, to conduct a pilot program to permit certain highly rural veterans enrolled in the health system of the Department of Veterans Affairs to receive covered health services through providers other than those of the Department, passed by the House on September 10, 2008; H.R. 2623, to prohibit the collection of copayments for all hospice care furnished by the Department of Veterans Affairs, passed by the House on July 30, 2007; H.R. 2818, to provide for the establishment of epilepsy centers of excellence in the Veterans Health Administration of the Department of Veterans Affairs, passed by the House on June 24, 2008; H.R. 2874, to make certain improvements in the provision of health care to veterans, and for other purposes, passed by the House on July 30, 2007; S. 2969, to enhance the capacity of the Department of Veterans Affairs to recruit and retain nurses and other critical health care professionals, and for other purposes, placed on the Senate calendar on September 18, 2008.

H.R. 3819, to reimburse veterans receiving emergency treatment in non-Department of Veterans Affairs facilities for such treatment until such veterans are transferred to Department facilities, and for other purposes, passed by the House on May 21, 2008; H.R. 4264, to name the Department of Veterans Affairs spinal cord injury center in Tampa, Florida, as the ''Michael Bilirakis Department of Veterans Affairs Spinal Cord Injury Center, passed by the House on June 26, 2008; H.R. 5729, to provide comprehensive health care to children of Vietnam veterans born with Spina Bifida, and for other purposes, passed by the House on May 20, 2008; H.R. 6445, to prohibit the Secretary of Veterans Affairs from collecting certain copayments from veterans who are catastrophically disabled, and for other purposes, passed by the House on July 30, 2008; H.R. 6832, to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal year 2009, to extend certain authorities of the Secretary of Veterans Affairs, and for other purposes, passed by the House on September 11, 2008; S. 2969, to enhance the capacity of the Department of Veterans Affairs to recruit and retain nurses and other critical health care professionals and for other purposes, which was placed on the Senate legislative calendar on September 18, 2008.

The House and Senate Committees on Veterans' Affairs have prepared the following explanation of the compromise bill, S. 2162 (hereinafter referred to as the ''Compromise Agreement''). Differences between the provisions contained in the Compromise Agreement and the related provisions in the bills listed above are noted in this document, except for clerical corrections and conforming changes made necessary by the Compromise Agreement, and minor drafting, technical, and clarifying changes.

TITLE I—SUBSTANCE USE DISORDERS AND MENTAL HEALTH CARE

tribute to justin bailey (sec. 101)

The Senate bill contained a provision (sec. 306) to specify that this title is enacted in tribute to Justin Bailey, who, after returning to the United States from service as member of the Armed Forces in Operation Iraqi Freedom, died in a domiciliary facility of the Department of Veterans Affairs while receiving care for post-traumatic stress disorder and a substance use disorder.

Section 6 of the House bill contained the identical provision.

The Compromise Agreement contains this provision.

Findings on Substance Use Disorders and Mental Health (sec. 102)

The Senate bill contained a provision (sec. 301) that would express the sense of the Congress that:

(1) More than 1,500,000 members of the Armed Forces have been deployed in Operation Iraqi Freedom and Operation Enduring Freedom. The 2005 Department of Defense Survey of Health Related Behaviors Among Active Duty Personnel reports that 23 percent of members of the Armed Forces on active duty acknowledge a significant problem with alcohol use, with similar rates of acknowledged problems with alcohol use among members of the National Guard.

(2) The effects of substance abuse are wide ranging, including significantly increased risk of suicide, exacerbation of mental and physical health disorders, breakdown of family support, and increased risk of unemployment and homelessness.

(3) While veterans suffering from mental health conditions, chronic physical illness, and poly trauma may be at increased risk for development of a substance use disorder, treatment for these veterans is complicated by the need to address adequately the physical and mental symptoms associated with these conditions through appropriate medical intervention.

(4) While the Veterans Health Administration has dramatically increased health services for veterans from 1996 through 2006, the number of veterans receiving specialized substance abuse treatment services decreased 18 percent during that time. No comparable decrease in the national rate of substance abuse has been observed during that time.

(5) While some facilities of the Veterans Health Administration provide exemplary substance use disorder treatment services, the availability of such treatment services throughout the health care system of the Veterans Health Administration is inconsistent.

(6) According to the Government Accountability Office, the Department of Veterans Affairs significantly reduced its substance use disorder treatment and rehabilitation services between 1996 and 2006, and has made little progress since in restoring these services to their pre–1996 levels.

The House bill contained no similar provision.

The Compromise Agreement contains the Senate provision but modifies finding (6) to include the year of the Government Accountability report and cites the National Mental Health Program Monitoring System report.

Expansion of Substance Use Disorder Treatment Services Provided by the Department of Veterans Affairs (sec. 103)

The Senate bill contained a provision (sec. 302) that would require that the Secretary of Veterans Affairs ensure the provision of services and treatment to each veteran enrolled in the health care system of the Department who is in need of services and treatments for a substance use disorder, and the bill included a specific list of services. The Senate bill would also authorize that the services and treatments may be provided to a veteran: (1) at Department of Veterans Affairs medical centers or clinics; (2) by referral to other facilities of the Department that are accessible to such veteran; or (3) by contract or fee- for-service payments with community-based organizations for the provision of such services and treatments.

The House bill contained a similar provision (sec. 2) that would require the Secretary to provide a full continuum of care for substance use disorders to veterans in need of such care and included a specific list of services, including three services not included in the Senate bill: marital and family counseling, screening for substance use disorders, and coordination with groups providing peer to peer counseling. The House bill (sec. 3) would also require the Secretary to ensure that the amounts made available for care, treatment, and services are allocated evenly throughout the system, including an annual reporting requirement.

The Compromise Agreement includes the listing of substance use disorder services included in both the Senate and House bills, and follows the Senate bill with respect to the locations of where services would be provided. The Compromise Agreement follows the House bill with respect to ensuring the equitable distribution of resources for substance abuse services but does not include the annual reporting requirement.

Care for Veterans with Mental Health and Substance Use Disorders (sec. 104)

The Senate bill contained a provision (sec. 303) that would ensure that if the Secretary of Veterans Affairs provides a veteran inpatient or outpatient care for a substance use disorder and a comorbid mental health disorder, that the treatment for such disorders be provided concurrently: (1) through a service provided by a clinician or health professional who has training and expertise in treatment of substance use disorders and mental health disorders; (2) by separate substance use disorder and mental health disorder treatment services when there is appropriate coordination, collaboration, and care management between such treatment services; or (3) by a team of clinicians with appropriate expertise.

The House bill contained no similar provision.

The Compromise Agreement contains the Senate provision.

Pilot Program for Internet-based Substance Use Disorder Treatment for Veterans of Operation Iraqi Freedom and Operation Enduring Freedom (sec. 105)

The House bill contained a provision (sec. 4) that would express the sense of the Congress that:

(1) Stigma associated with seeking treatment for mental health disorders has been demonstrated to prevent some veterans from seeking such treatment at a medical facility operated by the Department of Defense or the Department of Veterans Affairs.

(2) There is a significant incidence among veterans of post-deployment mental health problems, especially among members of a reserve component who return as veterans to civilian life.

(3) Computer-based self-guided training has been demonstrated to be an effective strategy for supplementing the care of psychological conditions.

(4) Younger veterans, especially those who served in Operation Enduring Freedom or Operation Iraqi Freedom, are comfortable with and proficient at computer-based technology.

(5) Veterans living in rural areas find access to treatment for substance use disorder limited.

(6) Self-assessment and treatment options for substance use disorders through an Internet website may reduce stigma and provides additional access for individuals seeking care and treatment for such disorders.

This provision would also require the Secretary of Veterans Affairs to carry out a pilot program to test the feasibility and advisability of providing veterans who seek treatment for substance use disorders access to a computer-based self-assessment, education, and specified treatment program through a secure Internet website operated by the Secretary.

The Senate bill contained no similar provision.

The Compromise Agreement contains the House provision.

Report on Residential Mental Health Care Facilities of the Veterans Health Administration (sec. 106)

The Senate bill contained a provision (sec. 305) that would require the Secretary of Veterans Affairs, acting through the Office of Mental Health Services of the Department of Veterans Affairs, not later than six months after the date of the enactment of this Act, conduct a review of all residential mental health care facilities, including domiciliary facilities, of the Veterans Health Administration; and not later than two years after the date of the completion of the first review conduct a follow-up review of such facilities to evaluate any improvements made or problems remaining since the first review was completed. Not later than 90 days after the completion of the first review, the Secretary would be required to submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on such review.

The House bill (sec. 5) contained a similar provision, except there was no provision for a two-year follow-up review, and the six-month review would be carried out by the Office of the Medical Inspector.

The Compromise Agreement includes the Senate provision which specifies the two-year follow-up review, but would have the Inspector General carry out the reviews.

Pilot Program on Peer Outreach and Support for Veterans and Use of Community Mental Health Centers and Indian Health Service Facilities (sec. 107)

The Senate bill contained a provision (sec. 401) that would require the Secretary of Veterans Affairs to carry out a pilot program to assess the feasibility and advisability of providing the following to veterans of OIF/OEF in at least two Veterans Integrated Service Networks: 1) peer outreach services; 2) peer support services provided by licensed providers of peer support services or veterans who have personal experience with mental illness; 3) readjustment counseling services; and other mental health services. Services would be provided through community mental health centers or other entities under contracts or other agreements and through the Indian Health Service pursuant to a memorandum of understanding entered into by the Secretary of Veterans Affairs and the Secretary of Health and Human Services.

Section 6 of H.R. 2874 required the Secretary to carry out a program to provide peer outreach services, peer support services, and readjustment and mental health services to covered veterans. This provision was not a pilot program and did not provide for the means to collaborate with the Indian Health Service.

The Compromise Agreement contains the Senate provision with an amendment that would authorize at least three pilot sites.

TITLE II—MENTAL HEALTH RESEARCH

Research Program on Comorbid Post-traumatic Stress Disorder and Substance Use Disorders (sec. 201)

The Senate bill contained a provision (sec. 501) that would require the Secretary of Veterans Affairs to carry out a program of research into comorbid post-traumatic stress disorder (PTSD) and substance use disorder. This research program shall be carried out by the National Center for Posttraumatic Stress Disorder. In carrying out the program, the Center shall: 1) develop protocols and goals with respect to research under the program; and 2) coordinate research, data collection, and data dissemination under the program.

The House bill contained no similar provision.

The Compromise Agreement contains the Senate provision.

Extension of Authorization for Special Committee on Post-Traumatic Stress Disorder (sec. 202)

The Senate bill contained a provision (sec. 502) that would modify section 110(e)(2) of the Veterans' Health Care Act of 1984, P.L. 98–528, to extend the reporting requirement for the Special Committee on Post-Traumatic Stress Disorder. Currently, the reporting requirement is set to expire in 2008; this provision would extend it through 2012.

Section 209 of H.R. 6832 contained an identical provision.

The Compromise Agreement contains the provision.

TITLE III—ASSISTANCE FOR FAMILIES OF VETERANS

Clarification of Authority of Secretary of Veterans Affairs to Provide Mental Health Services to Families of Veterans (sec. 301)

The Senate bill contained a provision (sec. 601) that would amend section 1701(5)(B) of title 38, United States Code, to clarify the authority of the Secretary of Veterans Affairs to provide mental health services to families of veterans.

Section 3 of H.R. 6445 contained a provision that would modify section 1782(b) of title 38 so as to eliminate the requirement that family support services be initiated during the veteran's hospitalization and deemed essential to permit the veteran's discharge.

The Compromise Agreement follows the House bill with respect to the provision eliminating the need for services to be initiated during a veteran's hospitalization and essential to the veteran's discharge, but follows the Senate bill with respect to the provision to clarify the authority of the Secretary of Veterans Affairs to provide mental health services to families.

Pilot Program on Provision of Readjustment and Transition Assistance to Veterans and Their Families in Cooperation with Vet Centers (sec. 302)

The Senate bill contained a provision (sec. 402) that would establish a pilot program to assess the feasibility and advisability of providing additional readjustment and transition assistance to veterans and their families in cooperation with Readjustment Counseling Centers. The pilot would be similar to family assistance programs previously conducted at ten Army facilities around the country.

The House bill contained no similar provision.

The Compromise Agreement contains the Senate provision with an amendment to begin the pilot program no later than 180 days after the enactment of the Act.

TITLE IV—HEALTH CARE MATTERS

Veterans Beneficiary Travel Program (sec. 401)

The Senate bill contained a provision (sec. 101) that would direct the Secretary to reimburse qualifying veterans at the rate authorized for Government employees under section 5707(b) of title 5. The Senate provision would also strike a provision that allows the Secretary to raise or lower the deductible for reimbursements in proportion to a change in the mileage rate. Finally, the Senate provision would reinstate the amount of the deductible for the beneficiary travel reimbursement program to the amount in effect prior to the Secretary's February 1, 2008, decision on beneficiary travel.

The House bill contained no similar provision.

The Compromise Agreement contains the Senate provision.

Mandatory Reimbursement of Veterans Receiving Emergency Treatment in Non-Department of Veterans Affairs Facilities until Transfer to Department Facilities (sec. 402)

The Senate bill contained a provision that would amend section 1725 of title 38 in subsections (a)(1) and (f)(1). Subsection (a)(1) would be amended by replacing 'may reimburse' with 'shall reimburse.' This change would make reimbursement for emergency care received at non-VA facilities mandatory for eligible veterans, rather than at the discretion of the Secretary. Subsection (f)(1) would be amended to provide greater specificity regarding the termination of VA's obligation to reimburse. The Senate bill would also amend section 1728 of title 38 so as to make that section, which relates to reimbursement for the emergency treatment of service-connected conditions, consistent with section 1725, as amended. Thus, reimbursement would also be made mandatory under Section 1728. The existing criteria, defining veteran eligibility for reimbursement for emergency care services, would be carried over in the revised statutory language. In addition, the Senate bill would further amend section 1728 so as to strike the phrase 'care and services' in current subsection (b) of section 1728, and replace that phrase with 'emergency treatment.' This proposed change is designed to promote consistency between sections 1725 and 1728.

H.R. 3819 contained similar provisions.

The Compromise Agreement contains these provisions.

Pilot Program of Enhanced Contract Care Authority for Health Care Needs of Veterans in Highly Rural Areas (sec. 403)

H.R. 1527 (sec. 2) would require the Secretary to conduct a pilot program which permits highly rural veterans who are enrolled in the system of patient enrollment established under section 1705(a) of title 38, and who reside in Veterans Integrated Service Networks (VISNs) 1, 15, 18, and 19, to elect to receive covered health services for which such veterans are eligible, through a non-Department health care provider.

The Senate bill contained no similar provision.

The Compromise Agreement follows the House bill, with an amendment that specifies that the pilot program will be carried out in 5 VISNs, four of which shall include at least three highly rural counties (as determined by the Secretary based upon the most recent census data), and one of which shall include one highly rural county. All VISNs selected must include an area within the borders of at least four states, and not be already participating in Project HERO. Eligibility for participation in the pilot program would be limited to those veterans already enrolled in the VA health care system at the time of commencement of the program, as well as OIF/OEF veterans who are eligible for VA health care under section 1710(e)(3)(C) of title 38.

Epilepsy Centers of Excellence (sec. 404)

The Senate bill contained a provision (sec. 103) that would require that the Secretary, upon the recommendation of the Under Secretary for Health, designate not less than six Department health care facilities as locations for epilepsy centers of excellence.

H.R. 2818 (sec. 2) would require the Secretary to designate an epilepsy center of excellence at each of the 5 centers designated under section 7327 of title 38 (Centers for research, education, and clinical activities on complex multi-trauma associated with combat injuries).

The Compromise Agreement specifies that the Secretary shall designate at least four but not more than six Department health care facilities as locations for epilepsy centers of excellence. Not less than two of these centers shall be collocated with centers designated under 7327 of title 38.

Establishment of Qualifications for Peer Specialist Appointees (sec. 405)

The Senate bill contained a provision (sec. 104) that would amend section 7402(b) of title 38 so as to define qualifications for peer specialist positions employed by the Veterans Health Administration. Specifically, in order to be eligible to be appointed to a peer specialist position, a person must be a veteran who has recovered or is recovering from a mental health condition; and be certified by a not-for-profit entity engaged in peer specialist training by having met such criteria as the Secretary shall establish for a peer specialist position; or a State by having satisfied relevant State requirements for a peer specialist position. The Senate bill would also amend section 7402 of title 38 so as to add a new subsection providing authority for the Secretary to enter into contracts with not-for-profit entities to provide peer specialist training to veterans and certification for veterans.

The House bill contained no similar provision.

The Compromise Agreement contains the Senate provision.

Establishment of Consolidated Patient Accounting Centers (sec. 406)

Section 5 of H.R. 6445 contained a provision that would amend chapter 17 of title 38 to insert a new section mandating that not later than 5 years after the date of enactment of this bill, the Secretary of Veterans Affairs shall establish not more than seven consolidated patient accounting centers for conducting industry-modeled regionalized billing and collection activities of the Department.

The Senate bill contained no comparable provision.

The Compromise Agreement contains the House provision.

Widespread HIV Testing Program (sec. 407)

Section 217 of S. 2969 would repeal section 124 of Public Law 100–322, which permits VA to test a patient for HIV infection only if the veteran receives pre-test counseling and provides written informed consent for such testing. Eliminating this section from the law would bring VA's statutory HIV testing requirements in line with current guidelines issued by the Centers for Disease Control and Prevention.

Section 6 of H.R. 6445 contained an identical provision.

The Compromise Agreement contains the provision.

Provision of Comprehensive Health Care by Secretary of Veterans Affairs to Children of Vietnam Veterans Born with Spina Bifida (sec. 408)

H.R. 5729 would amend section 1803(a) of title 38 so as to expand the existing VA Spina Bifida Health Care Program and provide a comprehensive health benefit to beneficiaries.

The Senate bill contained no comparable provision.

The Compromise Agreement contains the House provision.

Exemption from Copayment Requirement for Veterans Receiving Hospice Care (sec. 409)

Section 309 of S. 1233 would amend section 1710 of title 38 so as to exempt hospice care provided in all settings from the copayment requirement for VA long-term care. Under current law, only hospice care provided in a VA nursing home is exempted from copayment.

H.R. 2623 contained a similar provision.

The Compromise Agreement contains the provision.

TITLE V—PAIN CARE

Comprehensive Policy on Pain Management (sec. 501)

The Senate bill contained a provision (sec. 201) that would require the Secretary of Veterans Affairs to develop and implement a comprehensive policy on the management of pain experienced by veterans enrolled for VA health care services no later than October 1, 2008.

The policy would be required to cover the following: the Department-wide management of acute and chronic pain experienced by veterans; the standard of care for pain management to be used throughout the Department; the consistent application of pain assessments to be used throughout the Department; the assurance of prompt and appropriate pain care treatment and management by the Department, system-wide, when medically necessary; Department programs of research related to acute and chronic pain suffered by veterans, including pain attributable to central and peripheral nervous system damage characteristic of injuries incurred in modern warfare; Department programs of pain care education and training for health care personnel of the Department; and Department programs of patient education for veterans suffering from acute or chronic pain and their families.

Section 4 of H.R. 6445 contained identical provisions.

The Compromise Agreement contains the provisions, but would require the Secretary of Veterans Affairs to develop and implement a comprehensive policy on pain management no later than October 1, 2009.

TITLE VI—HOMELESS VETERANS MATTERS

Increase in Authorization of Appropriations for the Homeless Grant and Per Diem Program (sec. 601)

Section 506 of S. 2969 would amend section 2013 of title 38, to increase the authorization of appropriations for the Homeless Grant and Per Diem Program from $130 million to $200 million.

The House bill contained no comparable provision.

The Compromise Agreement contains the Senate provision but changes the authorization amount to $150 million.

Expansion and Extension of Authority for Program of Referral and Counseling Services for At-risk Veterans Transitioning from Certain Institutions (sec. 602)

Section 403 of S. 1233 would amend section 2023 of title 38 so as to extend and expand the authority for a program to aid incarcerated veterans in their transition back to civilian life. The program would be extended until September 30, 2011, and would be expanded from six to twelve sites.

Section 7 of H.R. 2874 contained identical provisions.

The Compromise Agreement contains the provision, but would extend the program until September 30, 2012.

Permanent Authority for Domiciliary Services for Homeless Veterans and Enhancement of Capacity of Domiciliary Care Programs for Female Veterans (sec. 603)

Section 405 of S. 1233 would amend section 2043 of title 38 to make permanent an existing authority to expand domiciliary care for homeless women veterans.

Section 8 of H.R. 2874 contained identical provisions.

The Compromise Agreement contains the provisions.

Financial Assistance for Supportive Services for Very-low Income Veteran Families in Permanent Housing (sec. 604)

Section 406 of S. 1233 would amend title 38 so as to add a new section 2044, relating to supportive services for very low-income veterans and their families occupying permanent housing. Proposed new section 2044 would direct VA to provide grants to eligible entities to provide and coordinate the provision of a comprehensive range of supportive services for very low-income veteran families occupying permanent housing, including those transitioning from homelessness to such housing.

Those families may be occupying permanent housing, moving into permanent housing within 90 days, or moving from one permanent residence to another to better suit their needs. Entities eligible to receive grants under this provision are public or private non-profit organizations which have demonstrated the capacity and experience necessary to deliver the services outlined in the proposed new section. Under the provisions of the proposed new section 2044, grants would be provided for a wide range of services, so as to give families a broad set of tools to maintain a permanent residence. To this end, providers could receive grants to furnish outreach, case management, assistance in obtaining and coordinating VA benefits, and assistance in obtaining and coordinating other public benefits provided by federal, state, or local agencies or organizations.

Section 9 of H.R. 2874 contained similar provisions but provided a more expansive list of supportive services, and authorized for appropriations a different funding level.

The Compromise Agreement contains the Senate provision.

TITLE VII—AUTHORIZATION OF MEDICAL FACILITY PROJECTS AND MAJOR MEDICAL FACILITY LEASES

Authorization for Fiscal Year 2009 Major Medical Facility Projects (sec. 701)

Section 701 of S. 2969 would authorize:

$54,000,000 to construct a facility to replace a seismically unsafe acute psychiatric inpatient building in Palo Alto, California.

$131,800,000 for an outpatient clinic in Lee County, Florida.

$225,900,000 to make seismic corrections at a VA Medical Center in San Juan, Puerto Rico.

$66,000,000 to construct a state-of-the-art polytrauma health care and rehabilitation center in San Antonio, Texas.

Section 101 of H.R. 6832 contained the same provisions, except for Lee County, Florida. Instead, H.R. 6832 authorizes the Lee County project under a different section.

The Compromise Agreement contains the House provision.

Modification of Authorization Amounts for Certain Major Medical Facility Construction Projects Previously Authorized (sec. 702)

Section 702 of S. 2969 would modify previous authorizations by providing $625,000,000 for restoration, new construction, or replacement of the medical care facility for the VA Medical Center at New Orleans, Louisiana.

Section 102 of H.R. 6832 contained the same provisions and the following additional provisions:

$769,200,000 for the replacement of the VA Medical Center at Denver, Colorado.

$131,800,000 for an outpatient clinic in Lee County, Florida.

$136,700,000 to correct patient privacy deficiencies at the VA Medical Center in Gainesville, Florida.

$600,400,000 to build a new VA Medical Center in Las Vegas, Nevada.

$656,800,000 to build a new medical center in Orlando, Florida.

$295,600,000 to consolidate the campuses at the University Drive and H. John Heinz III Divisions in Pittsburgh, Pennsylvania.

The Compromise Agreement contains the House provision with an amendment to provide $568,000,000 for the replacement of the VA Medical Center at Denver, Colorado.

Authorization of Fiscal Year 2009 Major Medical Facility Leases (sec. 703)

Section 703 of S. 2969 would authorize fiscal year 2009 major medical facility leases as follows:

$4,326,000 for an outpatient clinic in Brandon, Florida.

$10,300,000 for a community-based outpatient clinic in Colorado Springs, Colorado.

$5,826,000 for an outpatient clinic in Eugene, Oregon.

$5,891,000 to expand an outpatient clinic in Green Bay, Wisconsin.

$3,731,000 for an outpatient clinic in Greenville, South Carolina.

$2,212,000 for a community-based outpatient clinic in Mansfield, Ohio.

$6,276,000 for a satellite outpatient clinic in Mayaguez, Puerto Rico.

$5,106,000 for a community-based outpatient clinic in Southeast Phoenix, Mesa, Arizona.

$8,636,000 for interim research space in Palo Alto, California.

$3,168,000 to expand a community-based outpatient clinic in Savannah, Georgia.

$2,295,000 for a community-based outpatient clinic in Northwest Phoenix, Sun City, Arizona.

$8,652,000 for a primary care annex in Tampa, Florida.

Section 102 of H.R. 6832 included the same provisions, except that it provided $3,995,000 for Colorado Springs.

The Compromise Agreement includes the Senate provisions.

Authorization of Appropriations (sec. 704)

Section 704 of S. 2969 would authorize for appropriations:

$477,700,000 for the aforementioned list of major medical facility projects authorized for fiscal year 2009.

$625,000,000 for the aforementioned list of major medical facility construction projects previously authorized.

$66,419,000 for the aforementioned list of major facility leases authorized for fiscal year 2009.

S. 2969 also identified funding sources which may be used to carry out major medical facility projects authorized for fiscal year 2009 and for those projects previously authorized.

Section 105 of H.R. 6832 would authorize for appropriations:

$345,900,000 for the aforementioned list of major medical facility projects authorized for fiscal year 2009.

$1,694,295,000 for the aforementioned list of major medical facility construction projects previously authorized.

$54,475,000 for the aforementioned list of major facility leases authorized for fiscal year 2009.

The Compromise Agreement includes the House provision, with amendments to provide $1,493,495,000 for major facility construction projects previously authorized and $70,019,000 for major facility leases authorized for fiscal year 2009. The Agreement also includes the provision in S. 2969 on allowable funding sources to carry out major medical facility projects.

Increase in Threshold for Major Medical Facility Leases Requiring Congressional Approval (sec. 705)

Section 705 of S. 2969 would increase the threshold for major medical facility leases requiring Congressional approval from $600,000 to $1,000,000.

H.R. 6832 contained no comparable provision.

The Compromise Agreement contains the Senate provision.

Conveyance of Certain Non-Federal Land by City of Aurora, Colorado, to Secretary of Veterans Affairs for Construction of Veterans Medical Facility (sec. 706)

Section 706 of S. 2969 would allow the city of Aurora to donate non-Federal land for use by the Secretary of Veterans Affairs no later than 60 days after the enactment of this section.

H.R. 6832 contained no comparable provision.

The Compromise Agreement contains the Senate provision.

Report on facilities administration (sec. 707)

Section 106 of H.R. 6832 would require the Secretary of Veterans Affairs to submit a report on facilities administration no later than 60 days after the date of the enactment of this section.

S. 2969 contained no comparable provision

The Compromise Agreement includes the House provision.

Annual report on outpatient clinics (sec. 708)

Section 107 of H.R. 6832 would require an annual report on outpatient clinics no later than the date on which the budget for the next fiscal year is submitted to the Congress under section 1105 of title 31.

S. 2969 contained no comparable provision.

The Compromise Agreement includes the House provision.

Name of Department of Veterans Affairs Spinal Cord Injury Center, Tampa, Florida (sec. 709)

H.R. 4264 would name the VA spinal cord injury center in Tampa Florida, ''Michael Bilirakis Department of Veterans Affairs Spinal Cord Injury Center.''

S. 2969 contained no comparable provision.

The Compromise Agreement includes the House provision.

TITLE VIII—EXTENSION OF CERTAIN AUTHORITIES

Repeal of Sunset on Inclusion of Non-institutional Extended Care Services in Definition of Medical Services (sec. 801)

Section 201 of S. 2969 would amend section 1701 of title 38 to repeal the December 31, 2008, sunset on the inclusion of non-institutional extended care services in the definition of medical services.

Sec. 201 of H.R. 6832 contained an identical provision.

The Compromise Agreement contains the provision.

Extension of Recovery Audit Authority (sec. 802)

Section 202 of S. 2969 would amend section 1703(d)(4) of title 38 to extend the recovery audit authority for fee-basis contracts and other medical services contracts in non-VA facilities from September 30, 2008, to September 30, 2013.

Sec. 202 of H.R. 6832 contained an identical provision.

The Compromise Agreement contains the provision.

Permanent Authority for Provision of Hospital Care, Medical Services, and Nursing Home Care to Veterans who Participated in Certain Chemical and Biological Testing Conducted by the Department of Defense (sec. 803)

Section 203 of S. 2969 would amend subsection (e)(3) of section 1710 of title 38 to provide permanent authority for the provision of hospital care, medical services, and nursing home care to veterans who participated in certain chemical and biological testing conducted by the Department of Defense.

Section 203 of H.R. 6832 contained an identical provision.

The Compromise Agreement contains the provision.

Extension of Expiring Collections Authorities (sec. 804)

S. 2969 contained no comparable provision.

Section 204 of H.R. 6832 would extend the expiring collections authorities for the following: a) amend section 1710(f)(2)(B) of title 38 to extend health care copayments from September 30, 2008, under current law, to September 30, 2010; and b) amend section 1729 (a)(2)(E) of title 38 to extend the medical care cost recovery from October 1, 2008, to October 1, 2010.

The Compromise Agreement contains the House provision.

Extension of Nursing Home Care (sec. 805)

Section 202 of S. 2969 would amend 1710A(d) of title 38 to provide nursing home care to veterans with service-connected disability, which expires on December 31, 2008, to December 31, 2013.

Section 205 of H.R. 6832 contained an identical provision.

The Compromise Agreement contains the provision.

Permanent Authority to Establish Research Corporations (sec. 806)

Section 607 of S. 2969 would strike section 7368 of title 38 to provide permanent authority to establish research corporations

Section 207 of H.R. 6832 contained an identical provision.

The Compromise Agreement contains the provision.

Extension of Requirement to Submit Annual Report on the Committee on Care of Severely Chronically Mentally Ill Veterans (sec. 807)

Section 210 of H.R. 6832 would amend section 7321(d)(2) of title 38 to extend the requirement to submit an annual report on the committee on care of severely chronically mentally ill veterans through 2012.

S. 2969 contained no comparable provision.

The Compromise Agreement contains the House provision.

Permanent Requirement for Biannual Report on Women's Advisory Committee (sec. 808)

Section 211 of H.R. 6832 would amend section 542(c)(1) of title 38 to provide for a permanent requirement for a biannual report by the women's advisory committee on the needs of women veterans including compensation, health care, rehabilitation, outreach, and other benefits and programs administered by the VA.

S. 2969 contained no comparable provision.

The Compromise Agreement contains the House provision.

Extension of Pilot Program on Improvement of Caregiver Assistance Services (sec. 809)

Section 222 of S. 2969 would extend the pilot program on improvement of caregiver assistance services for a three-year period through fiscal year 2009.

H.R. 6832 contained no comparable provision.

The Compromise Agreement includes the Senate provision.

TITLE IX—OTHER MATTERS

Technical Amendments (sec. 901)

Section 303 of H.R. 6832 would provide for technical amendments for the following sections of title 38: 1712A; 2065(b)(3)(C); 4110(c)(1); 7458(b)(2); 8117(a)(1); 1708(d); 7314(f); 7320(j)(2); 7325(i)(2); and 7328(i)(2). It also would provide for technical amendments to the table of sections at the beginning of chapter 36 and chapter 51, as well as amend section 807(e) of the Veterans Benefits, Health Care, and Information Technology Act of 2006 (Public Law 109–461) to replace the phrase 'Medical Care' with 'Medical Facilities.'

S. 2969 contained no comparable provision.

The Compromise Agreement contains the House provision.

Ms. BERKLEY. Madam Speaker, I am grateful for the opportunity to be part of this important legislation which expands mental health services for PTSD and substance use disorders, among other initiatives, for the brave men and women who have selflessly served our nation.

Nationally, one in five veterans returning from Iraq and Afghanistan suffers from PTSD. Twenty-three percent of members of the Armed Forces on active duty acknowledge a significant problem with alcohol use. It is vital that our veterans receive the help they need to deal with these conditions.

The effects of substance abuse are wide ranging, including significantly increased risk of suicide, exacerbation of mental and physical health disorders, breakdown of family support, and increased risk of unemployment and homelessness. Veterans suffering from mental health issues are at an increased risk for developing a substance abuse disorder.

A constituent of mine, Lance Corporal Justin Bailey, was a 1998 graduate of Las Vegas High School. Upon returning from a tour of duty in Iraq, he was diagnosed with PTSD, and was discharged from the Marines in 2004. He developed a substance abuse disorder and checked himself into a VA facility in West Los Angeles. After being given 5 medications on a self-medication policy, Justin overdosed and died on January 26, 2007.

Justin's parents were treated with indifference and apathy at the West LA facility. They were even handed Justin's belongings in a trash bag. Last August, 8 months after Justin's death, the Baileys returned to Los Angeles to meet with the Chief of Staff at the West LA VA Hospital. They came away from the meeting feeling the Chief of Staff had been completely unprepared and seemed out of touch with the needs of veterans. He even went so far as to state his staff does not know how to treat veterans of Iraq and Afghanistan because they are young and the staff is not tough enough on the younger veterans—giving them anything they ask for.

I introduced the House companion bill to S. 2162—the Mental Health Improvements Act, H.R. 4053—because it is imperative that we provide adequate mental health services for those who have sacrificed for this great nation and those who continue to serve. I am so thankful that the House is considering S. 2162 today.

Passage of this bill will help to ensure that we have the mental health resources and substance abuse treatment programs needed to care for our veterans.

The assessments of residential mental health facilities required by the bill will help tell us how well the VA is performing and what we can do to improve these services, including expanding availability at VA hospitals.

The availability of treatment for PTSD, including substance use disorder counseling, literally saves lives—so this must remain a top priority. A review of the services provided to our veterans is needed to ensure that what happened to Justin does not happen to anyone else.

I am grateful that this bill also contains the final authorization for the new Las Vegas VA Medical Complex that is so desperately needed in Southern Nevada. The complex will feature a 90-bed inpatient hospital, 120-bed nursing home for veterans, and an outpatient clinic. The complex will be over 900,000 square feet and is scheduled to open by mid-2011.

I WANT TO THANK BOTH THE CHAIRMEN AND RANKING MEMBERS OF THE HOUSE AND SENATE VETERANS' AFFAIRS COMMITTEES FOR WORKING TOGETHER TO COME TO A COMPROMISE ON A BILL THAT CONTAINS MANY VITAL INITIATIVES FOR OUR VETERANS. I WHOLE-HEARTEDLY SUPPORT S. 2162 AND I URGE MY COLLEAGUES TO DO THE SAME.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the Senate bill, S. 2162, as amended.

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

A motion to reconsider was laid on the table.

VETERANS' BENEFITS IMPROVEMENT ACT OF 2008

Mr. FILNER. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 3023) to amend title 38, United States Code, to improve and enhance compensation and pension, housing, labor and education, and insurance benefits for veterans, and for other purposes, as amended.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 3023

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 ''Veterans' Benefits Improvement Act of 2008''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Reference to title 38, United States Code.

TITLE I—COMPENSATION AND PENSION MATTERS

Sec. 101. Regulations on contents of notice to be provided claimants by the Department of Veterans Affairs regarding the substantiation of claims.
Sec. 102. Judicial review of adoption and revision by the Secretary of Veterans Affairs of the schedule of ratings for disabilities of veterans.
Sec. 103. Conforming amendment relating to non-deductibility from veterans' disability compensation of disability severance pay for disabilities incurred by members of the Armed Forces in combat zones.
Sec. 104. Report on progress of the Secretary of Veterans Affairs in addressing causes for variances in compensation payments for veterans for service-connected disabilities.
Sec. 105. Extension of temporary authority for the performance of medical disability examinations by contract physicians.
Sec. 106. Addition of osteoporosis to disabilities presumed to be service-connected in former prisoners of war with post-traumatic stress disorder.

TITLE II—MODERNIZATION OF DEPARTMENT OF VETERANS AFFAIRS DISABILITY COMPENSATION SYSTEM

Subtitle A—Benefits Matters

Sec. 211. Authority for temporary disability ratings.
Sec. 212. Substitution upon death of claimant.
Sec. 213. Report on compensation of veterans for loss of earning capacity and quality of life and on long-term transition payments to veterans undergoing rehabilitation for service-connected disabilities.
Sec. 214. Advisory Committee on Disability Compensation.

Subtitle B—Assistance and Processing Matters

Sec. 221. Pilot programs on expedited treatment of fully developed claims and provision of checklists to individuals submitting claims.
Sec. 222. Office of Survivors Assistance.
Sec. 223. Comptroller General report on adequacy of dependency and indemnity compensation to maintain survivors of veterans who die from service-connected disabilities.
Sec. 224. Independent assessment of quality assurance program.
Sec. 225. Certification and training of employees of the Veterans Benefits Administration responsible for processing claims.
Sec. 226. Study of performance measures for claims adjudications of the Veterans Benefits Administration.
Sec. 227. Review and enhancement of use of information technology in Veterans Benefits Administration.
Sec. 228. Study and report on improving access to medical advice.

TITLE III—LABOR AND EDUCATION MATTERS

Subtitle A—Labor and Employment Matters

Sec. 311. Reform of USERRA complaint process.
Sec. 312. Modification and expansion of reporting requirements with respect to enforcement of USERRA.
Sec. 313. Training for executive branch human resources personnel on employment and reemployment rights of members of the uniformed services.
Sec. 314. Report on the employment needs of Native American veterans living on tribal lands.
Sec. 315. Equity powers.
Sec. 316. Waiver of residency requirement for Directors for Veterans' Employment and Training.
Sec. 317. Modification of special unemployment study to cover veterans of Post 9/11 Global Operations.

Subtitle B—Education Matters

Sec. 321. Modification of period of eligibility for Survivors' and Dependents' Educational Assistance of certain spouses of individuals with service-connected disabilities total and permanent in nature.
Sec. 322. Repeal of requirement for report to the Secretary of Veterans Affairs on prior training.
Sec. 323. Modification of waiting period before affirmation of enrollment in a correspondence course.

Sec. 324. Change of programs of education at the same educational institution.
Sec. 325. Repeal of certification requirement with respect to applications for approval of self-employment on-job training.
Sec. 326. Coordination of approval activities in the administration of education benefits.
Subtitle C—Vocational Rehabilitation Matters
Sec. 331. Waiver of 24-month limitation on program of independent living services and assistance for veterans with a severe disability incurred in the Post-9/11 Global Operations period.
Sec. 332. Increase in cap of number of veterans participating in independent living program.
Sec. 333. Report on measures to assist and encourage veterans in completing vocational rehabilitation.
Sec. 334. Longitudinal study of Department of Veterans Affairs vocational rehabilitation programs.
TITLE IV—INSURANCE MATTERS
Sec. 401. Report on inclusion of severe and acute post-traumatic stress disorder among conditions covered by traumatic injury protection coverage under Servicemembers' Group Life Insurance.
Sec. 402. Treatment of stillborn children as insurable dependents under Servicemembers' Group Life Insurance.
Sec. 403. Other enhancements of Servicemembers' Group Life Insurance coverage.
Sec. 404. Administrative costs of service disabled veterans' insurance.
TITLE V—HOUSING MATTERS
Sec. 501. Temporary increase in maximum loan guaranty amount for certain housing loans guaranteed by Secretary of Veterans Affairs.
Sec. 502. Report on impact of mortgage foreclosures on veterans.
Sec. 503. Requirement for regular updates to handbook for design furnished to veterans eligible for specially adapted housing assistance by Secretary of Veterans Affairs.
Sec. 504. Enhancement of refinancing of home loans by veterans.
Sec. 505. Extension of certain veterans home loan guaranty programs.
TITLE VI—COURT MATTERS
Sec. 601. Temporary increase in number of authorized judges of the United States Court of Appeals for Veterans Claims.
Sec. 602. Protection of privacy and security concerns in court records.
Sec. 603. Recall of retired judges of the United States Court of Appeals for Veterans Claims.
Sec. 604. Annual reports on workload of the United States Court of Appeals for Veterans Claims.
Sec. 605. Additional discretion in imposition of practice and registration fees.
TITLE VII—ASSISTANCE TO UNITED STATES PARALYMPIC INTEGRATED ADAPTIVE SPORTS PROGRAM
Sec. 701. Findings and purpose.
Sec. 702. Department of Veterans Affairs provision of assistance to United States Paralympics, Inc.
Sec. 703. Department of Veterans Affairs Office of National Veterans Sports Programs and Special Events.
Sec. 704. Comptroller General report.
TITLE VIII—OTHER MATTERS
Sec. 801. Authority for suspension or termination of claims of the United States against individuals who died while serving on active duty in the Armed Forces.
Sec. 802. Three-year extension of authority to carry out income verification.
Sec. 803. Maintenance, management, and availability for research of assets of Air Force Health Study.
Sec. 804. National Academies study on risk of developing multiple sclerosis as a result of certain service in the Persian Gulf War and Post 9/11 Global Operations theaters.
Sec. 805. Termination or suspension of contracts for cellular telephone service for certain servicemembers.
Sec. 806. Contracting goals and preferences for veteran-owned small business concerns.
Sec. 807. Penalties for violation of interest rate limitation under Servicemembers Civil Relief Act.
Sec. 808. Five-year extension of sunset provision for Advisory Committee on Minority Veterans.
Sec. 809. Authority of Secretary of Veterans Affairs to advertise to promote awareness of benefits under laws administered by the Secretary.
Sec. 810. Memorial headstones and markers for deceased remarried surviving spouses of veterans.

SEC. 2. REFERENCE TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—COMPENSATION AND PENSION MATTERS

SEC. 101. REGULATIONS ON CONTENTS OF NOTICE TO BE PROVIDED CLAIMANTS BY THE DEPARTMENT OF VETERANS AFFAIRS REGARDING THE SUBSTANTIATION OF CLAIMS.

(a) IN GENERAL.—Section 5103(a) is amended—

(1) by inserting ''(1)'' before ''Upon receipt''; and

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

''(2)(A) The Secretary shall prescribe in regulations requirements relating to the contents of notice to be provided under this subsection.

''(B) The regulations required by this paragraph—

''(i) shall specify different contents for notice based on whether the claim concerned is an original claim, a claim for reopening a prior decision on a claim, or a claim for an increase in benefits;

''(ii) shall provide that the contents for such notice be appropriate to the type of benefits or services sought under the claim;

''(iii) shall specify for each type of claim for benefits the general information and evidence required to substantiate the basic elements of such type of claim; and

''(iv) shall specify the time period limitations required pursuant to subsection (b).''.

(b) APPLICABILITY.—The regulations required by paragraph (2) of section 5103(a) of title 38, United States Code (as amended by subsection (a) of this section), shall apply with respect to notices provided to claimants on or after the effective date of such regulations.

SEC. 102. JUDICIAL REVIEW OF ADOPTION AND REVISION BY THE SECRETARY OF VETERANS AFFAIRS OF THE SCHEDULE OF RATINGS FOR DISABILITIES OF VETERANS.

Section 502 is amended by striking ''(other than an action relating to the adoption or revision of the schedule of ratings for disabilities adopted under section 1155 of this title)''.

SEC. 103. CONFORMING AMENDMENT RELATING TO NON-DEDUCTIBILITY FROM VETERANS' DISABILITY COMPENSATION OF DISABILITY SEVERANCE PAY FOR DISABILITIES INCURRED BY MEMBERS OF THE ARMED FORCES IN COMBAT ZONES.

(a) CONFORMING AMENDMENT.—Section 1646 of the Wounded Warrior Act (title XVI of Public Law 110–181; 122 Stat. 472) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

''(c) CONFORMING AMENDMENT.—Section 1161 of title 38, United States Code, is amended by striking 'as required by section 1212(c) of title 10' and inserting 'to the extent required by section 1212(d) of title 10'.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 28, 2008 (the date of the enactment of the Wounded Warrior Act), as if included in that Act, to which they relate.

SEC. 104. REPORT ON PROGRESS OF THE SECRETARY OF VETERANS AFFAIRS IN ADDRESSING CAUSES FOR VARIANCES IN COMPENSATION PAYMENTS FOR VETERANS FOR SERVICE-CONNECTED DISABILITIES.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report describing the progress of the Secretary in addressing the causes of unacceptable variances in compensation payments for veterans for service-connected disabilities.

(b) ELEMENTS.—The report required under subsection (a) shall include the following:

(1) A description of the efforts of the Veterans Benefits Administration to coordinate with the Veterans Health Administration to improve the quality of examinations of veterans with service-connected disabilities that are performed by the Veterans Health Administration and contract clinicians, including efforts relating to the use of approved templates for such examinations and of reports on such examinations that are based on such templates prepared in an easily-readable format.

(2) An assessment of the current personnel requirements of the Veterans Benefits Administration, including an assessment of the adequacy of the number of personnel assigned to each regional office of the Administration for each type of claim adjudication position.

(3) A description of the differences, if any, in current patterns of claims submitted to the Secretary of Veterans Affairs regarding ratings for service-connected disabilities among various populations of veterans, including veterans living in rural and highly rural areas, minority veterans, veterans who served in the National Guard or Reserve, and veterans who are retired from the Armed Forces, and a description and assessment of efforts undertaken to reduce such differences.

SEC. 105. EXTENSION OF TEMPORARY AUTHORITY FOR THE PERFORMANCE OF MEDICAL DISABILITY EXAMINATIONS BY CONTRACT PHYSICIANS.

Section 704(c) of the Veterans Benefits Act of 2003 (Public Law 108–183; 117 Stat. 2651; 38 U.S.C. 5101 note) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

SEC. 106. ADDITION OF OSTEOPOROSIS TO DISABILITIES PRESUMED TO BE SERVICE-CONNECTED IN FORMER PRISONERS OF WAR WITH POST-TRAUMATIC STRESS DISORDER.

Section 1112(b)(2) is amended by adding at the end the following new subparagraph:

''(F) Osteoporosis, if the Secretary determines that the veteran has post-traumatic stress disorder (PTSD).''.

TITLE II—MODERNIZATION OF DEPARTMENT OF VETERANS AFFAIRS DISABILITY COMPENSATION SYSTEM

Subtitle A—Benefits Matters

SEC. 211. AUTHORITY FOR TEMPORARY DISABILITY RATINGS.

(a) IN GENERAL.—Chapter 11 is amended by inserting after section 1155 the following new section:

''§ 1156. Temporary disability ratings

''(a) ASSIGNMENT OF TEMPORARY RATINGS.—(1) For the purpose of providing disability compensation under this chapter to veterans, the Secretary shall assign a temporary disability rating to a veteran as follows:

''(A) To a veteran who—

''(i) was discharged or released from active duty not more than 365 days before the date such veteran submits a claim for disability compensation under this chapter;

''(ii) has one or more disabilities for which a rating of total is not immediately assignable—

''(I) under the regular provisions of the schedule of ratings; or

''(II) on the basis of individual unemployability; and

''(iii) has one or more—

''(I) severe disabilities that result in substantially gainful employment not being feasible or advisable; or

''(II) healed, unhealed, or incompletely healed wounds or injuries that make material impairment of employability likely.

''(B) To a veteran who, as a result of a highly stressful in-service event, has a mental disorder that is severe enough to bring about the veteran's discharge or release from active duty.

''(C) To a veteran who has a service-connected disability that requires hospital treatment or observation in a Department of Veterans Affairs or approved hospital for a period in excess of 21 days.

''(D) To a veteran who has a service-connected disability that has required convalescent care or treatment at hospital discharge (regular discharge or release to non-bed care) or outpatient release that meets the requirements of regulations prescribed by the Secretary.

''(2) With respect to a veteran described in paragraph (1)(A), the Secretary may assign a temporary disability rating to such veteran regardless of whether such veteran has obtained a medical examination or a medical opinion concerning such veteran's disability.

''(3) With respect to a veteran described in paragraph (1)(B), the Secretary shall schedule a medical examination for such veteran not later than six months after the separation or discharge of such veteran from active duty.

''(b) TERMINATION OF TEMPORARY DISABILITY RATINGS.—(1) Except as provided in paragraph (2), a temporary disability rating assigned to a veteran under this section shall remain in effect as follows:

''(A) For a veteran who is assigned a temporary disability rating under subsection (a)(1)(A), until the later of the date that is—

''(i) 12 months after the date of discharge or release from active duty; or

''(ii) provided in regulations prescribed by the Secretary.

''(B) For a veteran who is assigned a temporary disability rating under subsection (a)(1)(B), until the date on which a rating decision is issued to such veteran following the medical examination scheduled under subsection (a)(3).

''(C) For a veteran who is assigned a temporary disability rating under subsection (a)(1)(C), until the later of the date that is—

''(i) the last day of the month in which the veteran is discharged from the hospital as described in such subsection (a)(1)(C); or

''(ii) provided in regulations prescribed by the Secretary.

''(D) For a veteran who is assigned a temporary disability rating under subsection (a)(1)(D), until the date that is provided in regulations prescribed by the Secretary.

''(2) The Secretary may extend a temporary disability rating assigned to a veteran under subsection (a) beyond the applicable termination date under paragraph (1) if the Secretary determines that such an extension is appropriate.

''(c) REGULATIONS.—The Secretary shall prescribe regulations to carry out the provisions of this section.

''(d) CONSTRUCTION.—Nothing in this section shall be construed to preclude the Secretary from providing a temporary disability rating under an authority other than this section.''.

(b) APPLICATION.—Section 1156(a)(1) of title 38, United States Code, as added by subsection (a), shall apply with respect to a veteran who is discharged or released from active duty (as defined in section 101 of title 38, United States Code) on or after the date of the enactment of this Act.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 11 is amended by inserting after the item relating to section 1155 the following new item:

''1156. Temporary disability ratings.''.

SEC. 212. SUBSTITUTION UPON DEATH OF CLAIMANT.

(a) IN GENERAL.—Chapter 51 is amended by inserting after section 5121 the following new section:

''§ 5121A. Substitution in case of death of claimant

''(a) SUBSTITUTION.—(1) If a claimant dies while a claim for any benefit under a law administered by the Secretary, or an appeal of a decision with respect to such a claim, is pending, a living person who would be eligible to receive accrued benefits due to the claimant under section 5121(a) of this title may, not later than one year after the date of the death of such claimant, file a request to be substituted as the claimant for the purposes of processing the claim to completion.

''(2) Any person seeking to be substituted for the claimant shall present evidence of the right to claim such status within such time as prescribed by the Secretary in regulations.

''(3) Substitution under this subsection shall be in accordance with such regulations as the Secretary may prescribe.

''(b) LIMITATION.—Those who are eligible to make a claim under this section shall be determined in accordance with section 5121 of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 51 is amended by inserting after the item relating to section 5121 the following new item:

''5121A. Substitution in case of death of claimant.''.

(c) EFFECTIVE DATE.—Section 5121A of title 38, United States Code, as added by subsection (a), shall apply with respect to the claim of any claimant who dies on or after the date of the enactment of this Act.

SEC. 213. REPORT ON COMPENSATION OF VETERANS FOR LOSS OF EARNING CAPACITY AND QUALITY OF LIFE AND ON LONG-TERM TRANSITION PAYMENTS TO VETERANS UNDERGOING REHABILITATION FOR SERVICE-CONNECTED DISABILITIES.

(a) REPORT REQUIRED.—Not later than 210 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report on the findings of the Secretary as a result of the following studies:

(1) The most recent study of the Secretary on the appropriate levels of disability compensation to be paid to veterans to compensate for loss of earning capacity and quality of life as a result of service-related disabilities.

(2) The most recent study of the Secretary on the feasability and appropriate level of long-term transition payments to veterans who are separated from the Armed Forces due to disability while such veterans are undergoing rehabilitation for such disability.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A comprehensive description of the findings and recommendations of the Secretary as a result of the studies described in subsection (a).

(2) A description of the actions proposed to be taken by the Secretary in light of such findings and recommendations, including a description of any modification of the schedule for rating disabilities of veterans under section 1155 of title 38, United States Code, proposed to be undertaken by the Secretary and of any other modification of policy or regulations proposed to be undertaken by the Secretary.

(3) For each action proposed to be taken as described in paragraph (2), a proposed schedule for the taking of such action, including a schedule for the commencement and completion of such action.

(4) A description of any legislative action required in order to authorize, facilitate, or enhance the taking of any action proposed to be taken as described in paragraph (2).

SEC. 214. ADVISORY COMMITTEE ON DISABILITY COMPENSATION.

(a) IN GENERAL.—Subchapter III of chapter 5 is amended by adding at the end the following new section:

''§ 546. Advisory Committee on Disability Compensation

''(a) ESTABLISHMENT.—(1) There is in the Department the Advisory Committee on Disability Compensation (in this section referred to as the 'Committee').

''(2) The Committee shall consist of not more than 18 members appointed by the Secretary from among individuals who—

''(A) have experience with the provision of disability compensation by the Department; or

''(B) are leading medical or scientific experts in relevant fields.

''(3)(A) Except as provided in subparagraph (B), the Secretary shall determine the terms of service and pay and allowances of the members of the Committee.

''(B) A term of service may not exceed four years and shall be staggered to ensure that the dates for the termination of the members' terms are not all the same.

''(C) The Secretary may reappoint any member for one or more additional terms of service.

''(4) The Secretary shall select a Chair from among the members of the Committee.

''(b) RESPONSIBILITIES OF COMMITTEE.—(1) The Secretary shall, on a regular basis, consult with and seek the advice of the Committee with respect to the maintenance and periodic readjustment of the schedule for rating disabilities under section 1155 of this title.

''(2)(A) In providing advice to the Secretary under this subsection, the Committee shall—

''(i) assemble and review relevant information relating to the needs of veterans with disabilities;

''(ii) provide information relating to the nature and character of disabilities arising from service in the Armed Forces;

''(iii) provide an on-going assessment of the effectiveness of the schedule for rating disabilities; and

''(iv) provide on-going advice on the most appropriate means of responding to the needs of veterans relating to disability compensation in the future.

''(B) In carrying out its duties under subparagraph (A), the Committee shall take into special account the needs of veterans who have served in a theater of combat operations.

''(c) RESOURCES.—The Secretary shall ensure that appropriate personnel, funding, and other resources are provided to the Committee to carry out its responsibilities.

''(d) BIENNIAL REPORTS TO THE SECRETARY.—(1) Not later than October 31, 2010, and not less frequently than every two years thereafter, the Committee shall submit to the Secretary a report on the programs and activities of the Department that relate to the payment of disability compensation. Each such report shall include—

''(A) an assessment of the needs of veterans with respect to disability compensation; and

''(B) such recommendations (including recommendations for administrative or legislative action) as the Committee considers appropriate.

''(2) The Committee may submit to the Secretary such other reports and recommendations as the Committee considers appropriate.

''(e) BIENNIAL REPORTS TO CONGRESS.—(1) Not later than 90 days after the receipt of a report required under subsection (d)(1), the Secretary shall transmit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a copy of such report, together with such comments and recommendations concerning such report as the Secretary considers appropriate.

''(2) The Secretary shall submit with each report required under paragraph (1) a summary of all reports and recommendations of the Committee submitted to the Secretary under subsection (d)(2) since the previous report transmitted by the Secretary under paragraph (1) of this subsection.

''(f) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—(1) Except as provided in paragraph (2), the provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the activities of the Committee under this section.

''(2) Section 14 of such Act shall not apply to the Committee.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end of the items relating to subchapter III the following new item:

''546. Advisory Committee on Disability Compensation.''.

Subtitle B—Assistance and Processing Matters

SEC. 221. PILOT PROGRAMS ON EXPEDITED TREATMENT OF FULLY DEVELOPED CLAIMS AND PROVISION OF CHECKLISTS TO INDIVIDUALS SUBMITTING CLAIMS.

(a) PILOT PROGRAM ON EXPEDITED TREATMENT OF FULLY DEVELOPED CLAIMS.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall carry out a pilot program to assess the feasibility and advisability of providing expeditious treatment of fully developed compensation or pension claims to ensure that such claims are adjudicated not later than 90 days after the date on which such claim is submitted as fully developed.

(2) DURATION OF PILOT PROGRAM.—The pilot program under this subsection shall be carried out during the one-year period beginning on the date that is 60 days after the date of the enactment of this Act.

(3) PROGRAM LOCATIONS.—The pilot program under this subsection shall be carried out at 10 regional offices of the Department of Veterans Affairs selected by the Secretary for purposes of such pilot program.

(4) FULLY DEVELOPED CLAIM DEFINED.—For purposes of this subsection, the term ''fully developed claim'' means a claim for a benefit under a law administered by the Secretary—

(A) for which the claimant—

(i) received assistance from a veterans service officer, a State or country veterans service officer, an agent, or an attorney; or

(ii) submits along with the claim an appropriate indication that the claimant does not intend to submit any additional information or evidence in support of the claim and does not require additional assistance with respect to the claim; and

(B) for which the claimant—

(i) submits a certification in writing that is signed and dated by the claimant stating that, as of such date, no additional information or evidence is available or needs to be submitted in order for the claim to be adjudicated; and

(ii) for which the claimant's representative, if any, submits a certification in writing that is signed and dated by the representative stating that, as of such date, no additional information or evidence is available or needs to be submitted in order for the claim to be adjudicated.

(b) PILOT PROGRAM ON PROVISION OF CHECKLISTS TO INDIVIDUALS SUBMITTING CLAIMS.—

(1) IN GENERAL.—The Secretary shall carry out a pilot program to assess the feasibility and advisability of providing to a claimant for whom the Secretary is required under section 5103(a) of title 38, United States Code, to provide notice of required information and evidence to such claimant and such claimant's representative, if any, a checklist that includes information or evidence required to be submitted by the claimant to substantiate the claim.

(2) DURATION OF PILOT PROGRAM.—The pilot program under this subsection shall be carried out—

(A) for original claims filed after the date of the enactment of this Act, during the one-year period beginning on the date that is 60 days after the date of the enactment of this Act; and

(B) for claims to reopen and for claims for increased ratings that were filed after the date of the enactment of this Act, during the three-year period beginning on the date that is 60 days after the date of the enactment of this Act.

(3) PROGRAM LOCATIONS.—The pilot program under this subsection shall be carried out at four regional offices of the Department selected by the Secretary for purposes of such pilot program.

(4) CONSTRUCTION.—A checklist provided under the pilot program under this subsection—

(A) shall be construed to be an addendum to a notice provided under section 5103(a) of title 38, United Sates Code; and

(B) shall not be considered as part of such notice for purposes of reversal or remand of a decision of the Secretary.

(c) REPORTS.—

(1) FIRST INITIAL REPORT.—Not later than 335 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the pilot program under subsection (a) and the pilot program under subsection (b) with respect to claims described in subsection (b)(2)(A).

(2) SECOND INTERIM REPORT.—Not later than 1,065 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the pilot program under subsection (b) with respect to claims described in subsection (b)(2)(B).

(3) ELEMENTS OF INTERIM REPORTS.—The reports required by paragraphs (1) and (2) shall include the following:

(A) Data concerning the number and type of claims covered by the respective pilot program.

(B) The findings of the Secretary with respect to the respective pilot program.

(C) The recommendations of the Secretary on the feasibility and advisability of continuing or expanding the respective pilot program and any necessary modifications to such pilot program for continuation or expansion.

(D) Such other information as the Secretary considers appropriate.

(4) FINAL REPORT.—Not later than 180 days after the completion of each pilot program carried out under this section, the Secretary shall submit to Congress a final report on the feasibility and advisability of continuing or expanding the respective pilot program.

SEC. 222. OFFICE OF SURVIVORS ASSISTANCE.

(a) IN GENERAL.—Chapter 3 is amended by adding at the end the following new section:

''§ 321. Office of Survivors Assistance

''(a) ESTABLISHMENT.—The Secretary shall establish in the Department an Office of Survivors Assistance (in this section referred to as the 'Office') to serve as a resource regarding all benefits and services furnished by the Department—

''(1) to survivors and dependents of deceased veterans; and

''(2) to survivors and dependents of deceased members of the Armed Forces.

''(b) ADVISORY DUTIES.—The Office shall serve as a primary advisor to the Secretary on all matters related to the policies, programs, legislative issues, and other initiatives affecting the survivors and dependents described in subsection (a).

''(c) GUIDANCE FROM STAKEHOLDERS.—In establishing the Office, the Secretary shall seek guidance from interested stakeholders.

''(d) RESOURCES.—The Secretary shall ensure that appropriate personnel, funding, and other resources are provided to the Office to carry out its responsibilities.

''(e) INCLUSION OF INFORMATION ON OFFICE IN ANNUAL REPORT ON DEPARTMENT ACTIVITIES.—The Secretary shall include in each annual Performance and Accountability report submitted by the Secretary to Congress a description of the activities of the Office during the fiscal year covered by such report.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''321. Office of Survivors Assistance.''.

SEC. 223. COMPTROLLER GENERAL REPORT ON ADEQUACY OF DEPENDENCY AND INDEMNITY COMPENSATION TO MAINTAIN SURVIVORS OF VETERANS WHO DIE FROM SERVICE-CONNECTED DISABILITIES.

(a) REPORT REQUIRED.—Not later than 10 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Veterans' Affairs and Appropriations of the Senate and the Committees on Veterans' Affairs and Appropriations of the House of Representatives a report on the adequacy of dependency and indemnity compensation payable under chapter 13 of title 38, United States Code, to surviving spouses and dependents of veterans who die as a result of a service-connected disability in replacing the deceased veteran's income.

(b) ELEMENTS.—The report required by subsection (a) shall include—

(1) a description of the current system for the payment of dependency and indemnity compensation to surviving spouses and dependents described in subsection (a), including a statement of the rates of such compensation so payable;

(2) an assessment of the adequacy of such payments in replacing the deceased veteran's income; and

(3) such recommendations as the Comptroller General considers appropriate in order to improve or enhance the effects of such payments in replacing the deceased veteran's income.

SEC. 224. INDEPENDENT ASSESSMENT OF QUALITY ASSURANCE PROGRAM.

(a) IN GENERAL.—Section 7731 is amended by adding at the end the following new subsection:

''(c)(1) The Secretary shall enter into a contract with an independent third-party entity to conduct, during the three-year period beginning on the date of the enactment of the Veterans' Benefits Improvement Act of 2008, an assessment of the quality assurance program carried out under subsection (a).

''(2) The assessment conducted under paragraph (1) shall evaluate the following:

''(A) The quality and accuracy of the work of employees of the Veterans Benefits Administration, using a statistically valid sample of such employees and a statistically valid sample of such work.

''(B) The performance of each regional office of the Veterans Benefits Administration.

''(C) The accuracy of the disability ratings assigned under the schedule for rating disabilities under section 1155 of this title.

''(D) The consistency of disability ratings among regional offices of the Veterans Benefits Administration, based on a sample of specific disabilities.

''(E) The performance of employees and managers of the Veterans Benefits Administration.

''(3) The Secretary shall develop a mechanism for the automated gathering and producing of data that can be used to monitor and assess trends relating to the items described in paragraph (2).

''(4)(A) Beginning on the date that is six months after the date of the enactment of the Veterans' Benefits Improvement Act of 2008, the Secretary shall—

''(i) for each claim for disability compensation under laws administered by the Secretary submitted to the Secretary on or after such date, retain, monitor, and store in an accessible format the data described in subparagraph (B); and

''(ii) develop a demographic baseline for the data retained, monitored, and stored under subparagraph (A).

''(B) The data described in this subparagraph includes the following:

''(i) For each claim for disability compensation under laws administered by the Secretary submitted by a claimant—

''(I) the State in which the claimant resided when the claim was submitted;

''(II) the decision of the Secretary with respect to the claim and each issue claimed; and

''(III) the regional office and individual employee of the Department responsible for rating the claim.

''(ii) The State in which the claimant currently resides.

''(iii) Such other data as the Secretary determines is appropriate for monitoring the accuracy and consistency of decisions with respect to such claims.

''(5) Nothing in this subsection shall be construed to require the Secretary to replace the quality assurance program under subsection (a) that was in effect on the day before the date of the enactment of this subsection.''.

(b) REPORT TO CONGRESS.—Not later than the end of the three-year period beginning on the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report containing the results and findings of the independent third-party entity described in section 7731(c)(1) of title 38, United States Code, as added by subsection (a), with respect to the assessment conducted under such section 7731(c)(1).

SEC. 225. CERTIFICATION AND TRAINING OF EMPLOYEES OF THE VETERANS BENEFITS ADMINISTRATION RESPONSIBLE FOR PROCESSING CLAIMS.

(a) EMPLOYEE CERTIFICATION REQUIRED.—

(1) IN GENERAL.—Subchapter II of chapter 77 is amended by inserting after section 7732 the following new section:

''§ 7732A. Employee certification

''(a) DEVELOPMENT OF CERTIFICATION EXAMINATION.—(1) The Secretary shall provide for an examination of appropriate employees and managers of the Veterans Benefits Administration who are responsible for processing claims for compensation and pension benefits under the laws administered by the Secretary.

''(2) In developing the examination required by paragraph (1), the Secretary shall—

''(A) consult with appropriate individuals or entities, including examination development experts, interested stakeholders, and employee representatives; and

''(B) consider the data gathered and produced under section 7731(c)(3) of this title.

''(b) EMPLOYEE AND MANAGER REQUIREMENT.—The Secretary shall require appropriate employees and managers of the Veterans Benefits Administration who are responsible for processing claims for compensation and pension benefits under the laws administered by the Secretary to take the examination provided under subsection (a).''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter 77 is amended by inserting after the item relating to section 7732 the following new item:

''7732A. Employee certification.''.

(3) DEADLINES FOR IMPLEMENTATION.—The Secretary of Veterans Affairs shall—

(A) develop an updated certification examination required under section 7732A of title 38, United States Code, as added by subsection (a), not later than one year after the date of the enactment of this Act; and

(B) begin administering such certification examination required under such section not later than 90 days after the date on which the development of such certification examination is complete.

(b) EVALUATION OF TRAINING.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall—

(1) evaluate the training programs administered for employees of the Veterans Benefits Administration of the Department of Veterans Affairs; and

(2) submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the findings of the Comptroller General with respect to the evaluation described in paragraph (1).

SEC. 226. STUDY OF PERFORMANCE MEASURES FOR CLAIMS ADJUDICATIONS OF THE VETERANS BENEFITS ADMINISTRATION.

(a) STUDY OF WORK CREDIT SYSTEM AND WORK MANAGEMENT SYSTEM REQUIRED.—The Secretary of Veterans Affairs shall conduct a study on the effectiveness of the current employee work credit system and work management system of the Veterans Benefits Administration of the Department of Veterans Affairs, which is used—

(1) to measure and manage the work production of employees of the Veterans Benefits Administration who handle claims for compensation and pension benefits; and

(2) to evaluate more effective means of improving performance.

(b) CONTENTS OF STUDY.—In carrying out the study under subsection (a), the Secretary shall consider—

(1) measures to improve the accountability, quality, and accuracy for processing claims for compensation and pension benefits under laws administered by the Secretary that are adjudicated by the Veterans Benefits Administration;

(2) accountability for claims adjudication outcomes;

(3) the quality of claims adjudicated;

(4) a simplified process to adjudicate claims;

(5) the maximum use of information technology applications;

(6) rules-based applications and tools for processing and adjudicating claims efficiently and effectively;

(7) methods of reducing the time required to obtain information from outside sources; and

(8) the elements needed to implement—

(A) performance standards and accountability measures, intended to ensure that—

(i) claims for benefits under the laws administered by the Secretary are processed in an objective, accurate, consistent, and efficient manner; and

(ii) final decisions with respect to such claims are consistent and issued within the target identified in the most recent annual Performance and Accountability report submitted by the Secretary to Congress for the most recent fiscal year;

(B) guidelines and procedures for the identification and prompt processing of such claims that are ready to rate upon submittal;

(C) guidelines and procedures for the identification and prompt processing of such claims submitted by severely injured and very severely injured veterans, as determined by the Secretary; and

(D) requirements for assessments of claims processing at each regional office for the purpose of producing lessons learned and best practices.

(c) REPORT TO CONGRESS.—Not later than October 31, 2009, the Secretary shall submit to Congress a report on—

(1) the study conducted under subsection (a); and

(2) the components required to implement the updated system for evaluating employees of the Veterans Benefits Administration required under subsection (d).

(d) EVALUATION OF CERTAIN VETERANS BENEFITS ADMINISTRATION EMPLOYEES RESPONSIBLE FOR PROCESSING CLAIMS FOR COMPENSATION AND PENSION BENEFITS.—Not later than

210 days after the date on which the Secretary submits to Congress the report required under subsection (c), the Secretary shall establish an updated system for evaluating the performance and accountability of employees of the Veterans Benefits Administration who are responsible for processing claims for compensation or pension benefits. Such system shall be based on the findings of the study conducted by the Secretary under subsection (a).

SEC. 227. REVIEW AND ENHANCEMENT OF USE OF INFORMATION TECHNOLOGY IN VETERANS BENEFITS ADMINISTRATION.

(a) REVIEW AND COMPREHENSIVE PLAN.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall—

(1) conduct a review of the use of information technology in the Veterans Benefits Administration with respect to the processing of claims for compensation and pension benefits; and

(2) develop a comprehensive plan for the use of such technology in processing such claims so as to reduce subjectivity, avoidable remands, and regional office variances in disability ratings for specific disabilities.

(b) INFORMATION TECHNOLOGY.—The plan developed under subsection (a)(2) shall include the following:

(1) The use of rules-based processing or information technology systems utilizing automated decision support software at all levels of processing such claims.

(2) The enhancement of the use of information technology for all aspects of the claims process.

(3) Development of a technological platform that—

(A) allows for the use of information that members of the Armed Forces, veterans, and dependents have submitted electronically, including uploaded military records, medical evidence, and other appropriate documentation; and

(B) to the extent practicable—

(i) provides the capability to such members, veterans, and dependents to view applications for benefits submitted online; and

(ii) complies with the provisions of subchapter III of chapter 35 of title 44, United States Code, section 552a of title 5, United States Code, and other relevant security policies and guidelines.

(4) The use of electronic examination templates in conjunction with the schedule for rating disabilities under section 1155 of title 38, United States Code.

(5) Such changes as may be required to the electronic health record system of the Department of Veterans Affairs and the Department of Defense to ensure that Veterans Benefits Administration claims examiners can access the available electronic medical information of the Department of Veterans Affairs and the Department of Defense.

(6) The provision of bi-directional access to medical records and service records between the Department of Veterans Affairs and the Department of Defense.

(7) The availability, on a secure Internet website of the Department of Veterans Affairs, of a portal that can be used by a claimant to check on the status of any claim submitted by that claimant and that provides information, if applicable, on—

(A) whether a decision has been reached with respect to such a claim and notice of the decision; or

(B) if no such decision has been reached, notice of—

(i) whether the application submitted by the claimant is complete;

(ii) whether the Secretary requires additional information or evidence to substantiate the claim;

(iii) the estimated date on which a decision with respect to the claim is expected to be made; and

(iv) the stage at which the claim is being processed as of the date on which such status is checked.

(c) REVIEW OF BEST PRACTICES AND LESSONS LEARNED.—In carrying out this section, the Secretary shall review—

(1) best practices and lessons learned within the Department of Veterans Affairs; and

(2) the use of the technology known as ''VistA'' by other Government entities and private sector organizations who employ information technology and automated decision support software.

(d) REDUCTION OF CLAIMS PROCESSING TIME.—In carrying out this section, the Secretary shall ensure that a plan is developed that, not later than three years after implementation, includes information technology to the extent possible to reduce the processing time for each compensation and pension claim processed by the Veterans Benefits Administration. The performance for claims processing under this plan shall be adjusted for changes to the numbers of claims filed in a given period, the complexity of those claims, and any changes to the basic claims processing rules which occur during the assessment period.

(e) CONSULTATION.—In carrying out this section, the Secretary of Veterans Affairs shall consult with information technology designers at the Veterans Benefits Administration, the Veterans Health Administration, VistA managers, the Secretary of Defense, appropriate officials of other Government agencies, appropriate individuals in the private and public sectors, veterans service organizations, and other relevant service organizations.

(f) REPORT TO CONGRESS.—Not later than April 1, 2010, the Secretary shall submit to Congress a report on the review and comprehensive plan required under this section.

SEC. 228. STUDY AND REPORT ON IMPROVING ACCESS TO MEDICAL ADVICE.

(a) STUDY.—The Secretary of Veterans Affairs shall conduct a study—

(1) to assess the feasibility and advisability of various mechanisms to improve communication between the Veterans Benefits Administration and the Veterans Health Administration to provide Veterans Benefits Administration employees with access to medical advice from the Veterans Health Administration when needed by such employees to carry out their duties; and

(2) to evaluate whether additional medical professionals are necessary to provide the access described in paragraph (1).

(b) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the study conducted under subsection (a).

TITLE III—LABOR AND EDUCATION MATTERS

Subtitle A—Labor and Employment Matters

SEC. 311. REFORM OF USERRA COMPLAINT PROCESS.

(a) NOTIFICATION OF RIGHTS WITH RESPECT TO COMPLAINTS.—Subsection (c) of section 4322 is amended to read as follows:

''(c)(1) Not later than five days after the Secretary receives a complaint submitted by a person under subsection (a), the Secretary shall notify such person in writing of his or her rights with respect to such complaint under this section and section 4323 or 4324, as the case may be.

''(2) The Secretary shall, upon request, provide technical assistance to a potential claimant with respect to a complaint under this subsection, and when appropriate, to such claimant's employer.''.

(b) NOTIFICATION OF RESULTS OF INVESTIGATION IN WRITING.—Subsection (e) of such section is amended by inserting ''in writing'' after ''submitted the complaint''.

(c) EXPEDITION OF ATTEMPTS TO INVESTIGATE AND RESOLVE COMPLAINTS.—Section 4322 is further amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection (f):

''(f) Any action required by subsections (d) and (e) with respect to a complaint submitted by a person to the Secretary under subsection (a) shall be completed by the Secretary not later than 90 days after receipt of such complaint.''.

(d) EXPEDITION OF REFERRALS.—

(1) EXPEDITION OF REFERRALS TO ATTORNEY GENERAL.—Section 4323(a)(1) is amended by inserting ''Not later than 60 days after the Secretary receives such a request with respect to a complaint, the Secretary shall refer the complaint to the Attorney General.'' after ''to the Attorney General.''.

(2) EXPEDITION OF REFERRALS TO SPECIAL COUNSEL.—Section 4324(a)(1) is amended by striking ''The Secretary shall refer'' and inserting ''Not later than 60 days after the date the Secretary receives such a request, the Secretary shall refer''.

(e) NOTIFICATION OF REPRESENTATION.—

(1) NOTIFICATION BY ATTORNEY GENERAL.—Section 4323(a) is further amended—

(A) by redesignating paragraph (2) as paragraph (3); and

(B) by inserting after paragraph (1) the following new paragraph (2):

''(2) Not later than 60 days after the date the Attorney General receives a referral under paragraph (1), the Attorney General shall—

''(A) make a decision whether to appear on behalf of, and act as attorney for, the person on whose behalf the complaint is submitted; and

''(B) notify such person in writing of such decision.''.

(2) NOTIFICATION BY SPECIAL COUNSEL.—Subparagraph (B) of section 4324(a)(2) is amended to read as follows:

''(B) Not later than 60 days after the date the Special Counsel receives a referral under paragraph (1), the Special Counsel shall—

''(i) make a decision whether to represent a person before the Merit Systems Protection Board under subparagraph (A); and

''(ii) notify such person in writing of such decision.''.

(f) DEADLINES, STATUTES OF LIMITATIONS, AND RELATED MATTERS.—

(1) IN GENERAL.—Subchapter III of chapter 43 is amended by adding at the end the following new section:

''§ 4327. Noncompliance of Federal officials with deadlines; inapplicability of statutes of limitations

''(a) EFFECT OF NONCOMPLIANCE OF FEDERAL OFFICIALS WITH DEADLINES.—(1) The inability of the Secretary, the Attorney General, or the Special Counsel to comply with a deadline applicable to such official under section 4322, 4323, or 4324 of this title—

''(A) shall not affect the authority of the Attorney General or the Special Counsel to represent and file an action or submit a complaint on behalf of a person under section 4323 or 4324 of this title;

''(B) shall not affect the right of a person—

''(i) to commence an action under section 4323 of this title;

''(ii) to submit a complaint under section 4324 of this title; or

''(iii) to obtain any type of assistance or relief authorized by this chapter;

''(C) shall not deprive a Federal court, the Merit Systems Protection Board, or a State

court of jurisdiction over an action or complaint filed by the Attorney General, the Special Counsel, or a person under section 4323 or 4324 of this title; and

''(D) shall not constitute a defense, including a statute of limitations period, that any employer (including a State, a private employer, or a Federal executive agency) or the Office of Personnel Management may raise in an action filed by the Attorney General, the Special Counsel, or a person under section 4323 or 4324 of this title.

''(2) If the Secretary, the Attorney General, or the Special Counsel is unable to meet a deadline applicable to such official in section 4322(f), 4323(a)(1), 4323(a)(2), 4324(a)(1), or 4324(a)(2)(B) of this title, and the person agrees to an extension of time, the Secretary, the Attorney General, or the Special Counsel, as the case may be, shall complete the required action within the additional period of time agreed to by the person.

''(b) INAPPLICABILITY OF STATUTES OF LIMITATIONS.—If any person seeks to file a complaint or claim with the Secretary, the Merit Systems Protection Board, or a Federal or State court under this chapter alleging a violation of this chapter, there shall be no limit on the period for filing the complaint or claim.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 43 is amended by inserting after the item relating to section 4326 the following new item:

''4327. Noncompliance of Federal officials with deadlines; inapplicability of statutes of limitations.''.

(3) CONFORMING AMENDMENT.—Section 4323 is further amended—

(A) by striking subsection (i); and

(B) by redesignating subsection (j) as subsection (i).

SEC. 312. MODIFICATION AND EXPANSION OF REPORTING REQUIREMENTS WITH RESPECT TO ENFORCEMENT OF USERRA.

(a) DATE OF ANNUAL REPORTS.—Section 4332 is amended by striking ''and no later than February 1, 2005'' and all that follows through the ''such February 1:'' and inserting '', transmit to Congress not later than July 1 each year a report on matters for the fiscal year ending in the year before the year in which such report is transmitted as follows:''.

(b) MODIFICATION OF ANNUAL REPORTS BY SECRETARY.—Such section is further amended—

(1) by striking ''The Secretary shall'' and inserting ''(a) ANNUAL REPORT BY SECRETARY.—The Secretary shall'';

(2) in paragraph (3), by inserting before the period at the end the following: ''and the number of actions initiated by the Office of Special Counsel before the Merit Systems Protection Board pursuant to section 4324 during such fiscal year'';

(3) by redesignating paragraphs (6) and (7) as paragraphs (9) and (10), respectively;

(4) by inserting after paragraph (5) the following new paragraph (8):

''(8) With respect to the cases reported on pursuant to paragraphs (1), (2), (3), (4), and (5) the number of such cases that involve persons with different occupations or persons seeking different occupations, as designated by the Standard Occupational Classification System.''.

(5) by redesignating paragraph (5) as paragraph (7);

(6) by inserting after paragraph (4) the following new paragraphs (5) and (6):

''(5) The number of cases reviewed by the Secretary and the Secretary of Defense through the National Committee for Employer Support of the Guard and Reserve of the Department of Defense that involve the same person.

''(6) With respect to the cases reported on pursuant to paragraphs (1), (2), (3), (4), and (5)—

''(A) the number of such cases that involve a disability-related issue; and

''(B) the number of such cases that involve a person who has a service-connected disability.''; and

(7) in paragraph (7), as redesignated by paragraph (5) of this subsection, by striking ''or (4)'' and inserting ''(4), or (5)''.

(c) ADDITIONAL REPORTS.—Such section is further amended by adding at the end the following new subsection:

''(b) QUARTERLY REPORTS.—

''(1) QUARTERLY REPORT BY SECRETARY.—Not later than 30 days after the end of each fiscal quarter, the Secretary shall submit to Congress, the Secretary of Defense, the Attorney General, and the Special Counsel a report setting forth, for the previous full quarter, the following:

''(A) The number of cases for which the Secretary did not meet the requirements of section 4322(f) of this title.

''(B) The number of cases for which the Secretary received a request for a referral under paragraph (1) of section 4323(a) of this title but did not make such referral within the time period required by such paragraph.

''(2) QUARTERLY REPORT BY ATTORNEY GENERAL.—Not later than 30 days after the end of each fiscal quarter, the Attorney General shall submit to Congress, the Secretary, the Secretary of Defense, and the Special Counsel a report setting forth, for the previous full quarter, the number of cases for which the Attorney General received a referral under paragraph (1) of section 4323(a) of this title but did not meet the requirements of paragraph (2) of section 4323(a) of this title for such referral.

''(3) QUARTERLY REPORT BY SPECIAL COUNSEL.—Not later than 30 days after the end of each fiscal quarter, the Special Counsel shall submit to Congress, the Secretary, the Secretary of Defense, and the Attorney General a report setting forth, for the previous full quarter, the number of cases for which the Special Counsel received a referral under paragraph (1) of section 4324(a) of this title but did not meet the requirements of paragraph (2)(B) of section 4324(a) of this title for such referral.''.

(d) UNIFORM CATEGORIZATION OF DATA.—Such section is further amended by adding at the end the following new subsection:

''(c) UNIFORM CATEGORIZATION OF DATA.—The Secretary shall coordinate with the Secretary of Defense, the Attorney General, and the Special Counsel to ensure that—

''(1) the information in the reports required by this section is categorized in a uniform way; and

''(2) the Secretary, the Secretary of Defense, the Attorney General, and the Special Counsel each have electronic access to the case files reviewed under this chapter by the Secretary, the Secretary of Defense, the Attorney General, and the Special Counsel with due regard for the provisions of section 552a of title 5.''.

(e) COMPTROLLER GENERAL REPORT.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that contains the following:

(1) An assessment of the reliability of the data contained in the reports submitted under subsection (b) of section 4332 of title 38, United States Code (as amended by subsection (c) of this section), as of the date of such report.

(2) An assessment of the timeliness of the reports submitted under subsection (b) of section 4332 of title 38, United States Code (as so amended), as of such date.

(3) The extent to which the Secretary of Labor is meeting the timeliness requirements of subsections (c)(1) and (f) of section 4322 of title 38, United States Code (as amended by section 311 of this Act), and section 4323(a)(1) of title 38, United States Code (as so amended), as of the date of such report.

(4) The extent to which the Attorney General is meeting the timeliness requirements of section 4323(a)(2) of title 38, United States Code (as amended by section 311 of this Act), as of the date of such report.

(5) The extent to which the Special Counsel is meeting the timeliness requirements of section 4324(a)(2)(B) of title 38, United States Code (as amended by section 311 of this Act), as of the date of such report.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to each report required under section 4332 of title 38, United States Code (as amended by this section), after the date of the enactment of this Act.

SEC. 313. TRAINING FOR EXECUTIVE BRANCH HUMAN RESOURCES PERSONNEL ON EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES.

(a) TRAINING REQUIRED.—Subchapter IV of chapter 43 is amended by adding at the end the following new section:

''§ 4335. Training for Federal executive agency human resources personnel on employment and reemployment rights and limitations

''(a) TRAINING REQUIRED.—The head of each Federal executive agency shall provide training for the human resources personnel of such agency on the following:

''(1) The rights, benefits, and obligations of members of the uniformed services under this chapter.

''(2) The application and administration of the requirements of this chapter by such agency with respect to such members.

''(b) CONSULTATION.—The training provided under subsection (a) shall be developed and provided in consultation with the Director of the Office of Personnel Management.

''(c) FREQUENCY.—The training under subsection (a) shall be provided with such frequency as the Director of the Office of Personnel Management shall specify in order to ensure that the human resources personnel of Federal executive agencies are kept fully and currently informed of the matters covered by the training.

''(d) HUMAN RESOURCES PERSONNEL DEFINED.—In this section, the term 'human resources personnel', in the case of a Federal executive agency, means any personnel of the agency who are authorized to recommend, take, or approve any personnel action that is subject to the requirements of this chapter with respect to employees of the agency.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 43 is amended by adding at the end the following new item:

''4335. Training for Federal executive agency human resources personnel on employment and reemployment rights and limitations.''.

SEC. 314. REPORT ON THE EMPLOYMENT NEEDS OF NATIVE AMERICAN VETERANS LIVING ON TRIBAL LANDS.

(a) REPORT.—Not later than December 1, 2009, the Secretary of Labor shall, in consultation with the Secretary of Veterans Affairs and the Secretary of the Interior, submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report assessing the employment needs of Native American (American Indian, Alaska Native, Native Hawaiian, and Pacific Islander)

veterans living on tribal lands, including Indian reservations, Alaska Native villages, and Hawaiian Home Lands. The report shall include—

(1) a review of current and prior government-to-government relationships between tribal organizations and the Veterans' Employment and Training Service of the Department of Labor; and

(2) recommendations for improving employment and job training opportunities for Native American veterans on tribal land, especially through the utilization of resources for veterans.

(b) TRIBAL ORGANIZATION DEFINED.—In this section, the term ''tribal organization'' has the meaning given such term in section 3765(4) of title 38, United States Code.

SEC. 315. EQUITY POWERS.

Section 4323(e) of title 38, United States Code, is amended by striking ''may use'' and inserting ''shall use, in any case in which the court determines it is appropriate,''.

SEC. 316. WAIVER OF RESIDENCY REQUIREMENT FOR DIRECTORS FOR VETERANS' EMPLOYMENT AND TRAINING.

Section 4103(a)(2) is amended—

(1) by inserting ''(A)'' after ''(2)''; and

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

''(B) The Secretary may waive the requirement in subparagraph (A) with respect to a Director for Veterans' Employment and Training if the Secretary determines that the waiver is in the public interest. Any such waiver shall be made on a case-by-case basis.''.

SEC. 317. MODIFICATION OF SPECIAL UNEMPLOYMENT STUDY TO COVER VETERANS OF POST 9/11 GLOBAL OPERATIONS.

(a) MODIFICATION OF STUDY.—Subsection (a)(1) of section 4110A is amended—

(1) in the matter before subparagraph (A), by striking ''a study every two years'' and inserting ''an annual study''; and

(2) by striking subparagraphs (A) through (E) and inserting the following new subparagraphs:

''(A) Veterans who were called to active duty while members of the National Guard or a Reserve Component.

''(B) Veterans who served in combat or in a war zone in the Post 9/11 Global Operations theaters.

''(C) Veterans who served on active duty during the Post 9/11 Global Operations period who did not serve in the Post 9/11 Global Operations theaters.

''(D) Veterans of the Vietnam era who served in the Vietnam theater of operations during the Vietnam era.

''(E) Veterans who served on active duty during the Vietnam era who did not serve in the Vietnam theater of operations.

''(F) Veterans discharged or released from active duty within four years of the applicable study.

''(G) Special disabled veterans.''.

(b) DEFINITIONS.—Such section is further amended by adding at the end the following new subsection:

''(c) In this section:

''(1) The term 'Post 9/11 Global Operations period' means the period of the Persian Gulf War beginning on September 11, 2001, and ending on the date thereafter prescribed by Presidential proclamation or law.

''(2) The term 'Post 9/11 Global Operations theaters' means Afghanistan, Iraq, or any other theater in which the Global War on Terrorism Expeditionary Medal is awarded for service.''.

Subtitle B—Education Matters

SEC. 321. MODIFICATION OF PERIOD OF ELIGIBILITY FOR SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE OF CERTAIN SPOUSES OF INDIVIDUALS WITH SERVICE-CONNECTED DISABILITIES TOTAL AND PERMANENT IN NATURE.

Section 3512(b)(1) is amended—

(1) in subparagraph (A), by striking ''subparagraph (B) or (C)'' and inserting ''subparagraph (B), (C), or (D)''; and

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

''(D) Notwithstanding subparagraph (A), an eligible person referred to in that subparagraph who is made eligible under section 3501(a)(1)(D)(i) of this title by reason of a service-connected disability that was determined to be a total disability permanent in nature not later than three years after discharge from service may be afforded educational assistance under this chapter during the 20-year period beginning on the date the disability was so determined to be a total disability permanent in nature, but only if the eligible person remains the spouse of the disabled person throughout the period.''.

SEC. 322. REPEAL OF REQUIREMENT FOR REPORT TO THE SECRETARY OF VETERANS AFFAIRS ON PRIOR TRAINING.

Section 3676(c)(4) is amended by striking ''and the Secretary''.

SEC. 323. MODIFICATION OF WAITING PERIOD BEFORE AFFIRMATION OF ENROLLMENT IN A CORRESPONDENCE COURSE.

Section 3686(b) is amended by striking ''ten'' and inserting ''five''.

SEC. 324. CHANGE OF PROGRAMS OF EDUCATION AT THE SAME EDUCATIONAL INSTITUTION.

Section 3691(d) is amended—

(1) by redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D), respectively;

(2) by inserting ''(1)'' after ''(d)'';

(3) in subparagraph (C) of paragraph (1), as redesignated by paragraphs (1) and (2) of this section, by striking ''or'' at the end;

(4) in subparagraph (D) of paragraph (1), as so redesignated, by striking the period at the end and inserting ''; or''; and

(5) by adding at the end the following:

''(E) the change from the program to another program is at the same educational institution and such educational institution determines that the new program is suitable to the aptitudes, interests, and abilities of the veteran or eligible person and certifies to the Secretary the enrollment of the veteran or eligible person in the new program.

''(2) A veteran or eligible person undergoing a change from one program of education to another program of education as described in paragraph (1)(E) shall not be required to apply to the Secretary for approval of such change.''.

SEC. 325. REPEAL OF CERTIFICATION REQUIREMENT WITH RESPECT TO APPLICATIONS FOR APPROVAL OF SELF-EMPLOYMENT ON-JOB TRAINING.

Section 3677(b) is amended by adding at the end the following new paragraph:

''(3) The requirement for certification under paragraph (1) shall not apply to training described in section 3452(e)(2) of this title.''.

SEC. 326. COORDINATION OF APPROVAL ACTIVITIES IN THE ADMINISTRATION OF EDUCATION BENEFITS.

(a) COORDINATION.—

(1) IN GENERAL.—Section 3673 is amended—

(A) by redesignating subsection (b) as subsection (c); and

(B) by inserting after subsection (a) the following new subsection (b):

''(b) COORDINATION OF ACTIVITIES.—The Secretary shall take appropriate actions to ensure the coordination of approval activities performed by State approving agencies under this chapter and chapters 34 and 35 of this title and approval activities performed by the Department of Labor, the Department of Education, and other entities in order to reduce overlap and improve efficiency in the performance of such activities.''.

(2) CONFORMING AND CLERICAL AMENDMENTS.—(A) The heading of such section is amended to read as follows:

''§ 3673. Approval activities: cooperation and coordination of activities''.

(B) The table of sections at the beginning of chapter 36 is amended by striking the item relating to section 3673 and inserting the following new item:

''3673. Approval activities: cooperation and coordination of activities.''.

(3) STYLISTIC AMENDMENTS.—Such section is further amended—

(A) in subsection (a), by inserting ''COOPERATION IN ACTIVITIES.—'' after ''(a)''; and

(B) in subsection (c), as redesignated by paragraph (1)(A) of this subsection, by inserting ''AVAILABILITY OF INFORMATION MATERIAL.—'' after ''(c)''.

(b) REPORT.—Not later than 240 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report setting forth the following:

(1) The actions taken to establish outcome-oriented performance standards for State approving agencies created or designated under section 3671 of title 38, United States Code, including a description of any plans for, and the status of the implementation of, such standards as part of the evaluations of State approving agencies required by section 3674A of title 38, United States Code.

(2) The actions taken to implement a tracking and reporting system for resources expended for approval and outreach activities by such agencies.

(3) Any recommendations for legislative action that the Secretary considers appropriate to achieve the complete implementation of the standards described in paragraph (1).

Subtitle C—Vocational Rehabilitation Matters

SEC. 331. WAIVER OF 24-MONTH LIMITATION ON PROGRAM OF INDEPENDENT LIVING SERVICES AND ASSISTANCE FOR VETERANS WITH A SEVERE DISABILITY INCURRED IN THE POST-9/11 GLOBAL OPERATIONS PERIOD.

Section 3105(d) is amended—

(1) by striking ''Unless the Secretary'' and all that follows through ''the period of a program'' and inserting ''(1) Except as provided in paragraph (2), the period of a program''; and

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

''(2)(A) The period of a program of independent living services and assistance for a veteran under this chapter may exceed twenty-four months as follows:

''(i) If the Secretary determines that a longer period is necessary and likely to result in a substantial increase in the veteran's level of independence in daily living.

''(ii) If the veteran served on active duty during the Post-9/11 Global Operations period and has a severe disability (as determined by the Secretary for purposes of this clause) incurred or aggravated in such service.

''(B) In this paragraph, the term 'Post-9/11 Global Operations period' means the period

of the Persian Gulf War beginning on September 11, 2001, and ending on the date thereafter prescribed by Presidential proclamation or by law.''.

SEC. 332. INCREASE IN CAP OF NUMBER OF VETERANS PARTICIPATING IN INDEPENDENT LIVING PROGRAM.

Section 3120(e) of title 38, United States Code, is amended by striking ''2500 veterans'' and inserting ''2600 veterans''.

SEC. 333. REPORT ON MEASURES TO ASSIST AND ENCOURAGE VETERANS IN COMPLETING VOCATIONAL REHABILITATION.

(a) STUDY REQUIRED.—The Secretary of Veterans Affairs shall conduct a study on measures to assist and encourage veterans in completing their vocational rehabilitation plans. The study shall include an identification of the following elements, to the extent that such elements do not duplicate studies conducted or reports released by the Secretary during the one-year period beginning on the date of the enactment of this Act:

(1) The various factors that may prevent or preclude veterans from completing their vocational rehabilitation plans through the Department of Veterans Affairs or otherwise achieving the vocational rehabilitation objectives of such plans.

(2) The actions to be taken by the Secretary to assist and encourage veterans in overcoming the factors identified in paragraph (1) and in otherwise completing their vocational rehabilitation plans or achieving the vocational rehabilitation objectives of such plans.

(b) MATTERS TO BE EXAMINED.—In conducting the study required by subsection (a), the Secretary shall examine the following:

(1) Measures utilized by public and private vocational rehabilitation service providers for individuals with disabilities in the United States, and in other countries, that promote successful outcomes by the program participants.

(2) Any studies or survey data available to the Secretary that relates to the matters covered by the study.

(3) The extent to which disability compensation may be used as an incentive to encourage veterans to participate in and complete a vocational rehabilitation plan.

(4) The report of the Veterans' Disability Benefits Commission established pursuant to section 1501 of the National Defense Authorization Act of 2004 (38 U.S.C. 1101 note).

(5) The report of the President's Commission on Care for America's Returning Wounded Warriors.

(6) Any other matters that the Secretary considers appropriate for purposes of the study.

(c) CONSIDERATIONS.—In conducting the study required by subsection (a), the Secretary shall consider—

(1) the extent to which bonus payments or other incentives may be used to encourage veterans to complete their vocational rehabilitation plans or otherwise achieve the vocational rehabilitation objectives of such plans; and

(2) such other matters as the Secretary considers appropriate.

(d) CONSULTATION.—In conducting the study required by subsection (a), the Secretary—

(1) shall consult with such veterans and military service organizations, and with such other public and private organizations and individuals, as the Secretary considers appropriate; and

(2) may employ consultants.

(e) REPORT.—Not later than 270 days after the commencement of the study required by subsection (a), the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the study. The report shall include the following:

(1) The findings of the Secretary under the study.

(2) Any recommendations that the Secretary considers appropriate for actions to be taken by the Secretary in light of the study, including a proposal for such legislative or administrative action as the Secretary considers appropriate to implement the recommendations.

SEC. 334. LONGITUDINAL STUDY OF DEPARTMENT OF VETERANS AFFAIRS VOCATIONAL REHABILITATION PROGRAMS.

(a) STUDY REQUIRED.—Chapter 31 is amended by adding at the end the following new section:

''§ 3122. Longitudinal study of vocational rehabilitation programs

''(a) STUDY REQUIRED.—(1) Subject to the availability of appropriated funds, the Secretary shall conduct a longitudinal study of a statistically valid sample of each of the groups of individuals described in paragraph (2). The Secretary shall study each such group over a period of at least 20 years.

''(2) The groups of individuals described in this paragraph are the following:

''(A) Individuals who begin participating in a vocational rehabilitation program under this chapter during fiscal year 2010.

''(B) Individuals who begin participating in such a program during fiscal year 2012.

''(C) Individuals who begin participating in such a program during fiscal year 2014.

''(b) ANNUAL REPORTS.—By not later than July 1 of each year covered by the study required under subsection (a), the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the study during the preceding year.

''(c) CONTENTS OF REPORT.—The Secretary shall include in the report required under subsection (b) any data the Secretary determines is necessary to determine the long-term outcomes of the individuals participating in the vocational rehabilitation programs under this chapter. The Secretary may add data elements from time to time as necessary. In addition, each such report shall contain the following information:

''(1) The number of individuals participating in vocational rehabilitation programs under this chapter who suspended participation in such a program during the year covered by the report.

''(2) The average number of months such individuals served on active duty.

''(3) The distribution of disability ratings of such individuals.

''(4) The types of other benefits administered by the Secretary received by such individuals.

''(5) The types of social security benefits received by such individuals.

''(6) Any unemployment benefits received by such individuals.

''(7) The average number of months such individuals were employed during the year covered by the report.

''(8) The average annual starting and ending salaries of such individuals who were employed during the year covered by the report.

''(9) The number of such individuals enrolled in an institution of higher learning, as that term is defined in section 3452(f) of this title.

''(10) The average number of academic credit hours, degrees, and certificates obtained by such individuals during the year covered by the report.

''(11) The average number of visits such individuals made to Department medical facilities during the year covered by the report.

''(12) The average number of visits such individuals made to non-Department medical facilities during the year covered by the report.

''(13) The average annual income of such individuals.

''(14) The average total household income of such individuals for the year covered by the report.

''(15) The percentage of such individuals who own their principal residences.

''(16) The average number of dependents of each such veteran.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''3122. Longitudinal study of vocational rehabilitation programs.''.

TITLE IV—INSURANCE MATTERS

SEC. 401. REPORT ON INCLUSION OF SEVERE AND ACUTE POST-TRAUMATIC STRESS DISORDER AMONG CONDITIONS COVERED BY TRAUMATIC INJURY PROTECTION COVERAGE UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall, in consultation with the Secretary of Defense, submit to the appropriate committees of Congress a report setting forth the assessment of the Secretary of Veterans Affairs as to the feasability and advisability of including severe and acute post-traumatic stress disorder (PTSD) among the conditions covered by traumatic injury protection coverage under Servicemembers' Group Life Insurance under section 1980A of title 38, United States Code.

(b) CONSIDERATIONS.—In preparing the assessment required by subsection (a), the Secretary of Veterans Affairs shall consider the following:

(1) The advisability of providing traumatic injury protection coverage under Servicemembers' Group Life Insurance under section 1980A of title 38, United States Code, for post-traumatic stress disorder incurred by a member of the Armed Forces as a direct result of military service in a combat zone that renders the member unable to carry out the daily activities of living after the member is discharged or released from military service.

(2) The unique circumstances of military service, and the unique experiences of members of the Armed Forces who are deployed to a combat zone.

(3) Any financial strain incurred by family members of members of the Armed Forces who have severe and acute post-traumatic stress disorder.

(4) The recovery time, and any particular difficulty of the recovery process, for recovery from severe and acute post-traumatic stress disorder.

(5) Such other matters as the Secretary considers appropriate.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services and the Committee on Veterans' Affairs of the Senate; and

(2) the Committee on Armed Services and the Committee on Veterans' Affairs of the House of Representatives.

SEC. 402. TREATMENT OF STILLBORN CHILDREN AS INSURABLE DEPENDENTS UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE.

(a) TREATMENT.—Section 1965(10) is amended by adding at the end the following new subparagraph:

''(C) The member's stillborn child.''.

(b) CONFORMING AMENDMENT.—Section 101(4)(A) is amended by striking ''section

1965(10)(B)'' in the matter preceding clause (i) and inserting ''subparagraph (B) or (C) of section 1965(10)''.

SEC. 403. OTHER ENHANCEMENTS OF SERVICEMEMBERS' GROUP LIFE INSURANCE COVERAGE.

(a) EXPANSION OF SERVICEMEMBERS' GROUP LIFE INSURANCE TO INCLUDE CERTAIN MEMBERS OF INDIVIDUAL READY RESERVE.—

(1) IN GENERAL.—Section 1967(a)(1)(C) is amended by striking ''section 1965(5)(B) of this title'' and inserting ''subparagraph (B) or (C) of section 1965(5) of this title''.

(2) CONFORMING AMENDMENTS.—

(A) Section 1967(a)(5)(C) is amended by striking ''section 1965(5)(B) of this title'' and inserting ''subparagraph (B) or (C) of section 1965(5) of this title''; and

(B) Section 1969(g)(1)(B) is amended by striking ''section 1965(5)(B) of this title'' and inserting ''subparagraph (B) or (C) of section 1965(5) of this title''.

(b) REDUCTION IN PERIOD OF DEPENDENTS' COVERAGE AFTER MEMBER SEPARATES.—Section 1968(a)(5)(B)(ii) is amended by striking ''120 days after''.

(c) AUTHORITY TO SET PREMIUMS FOR READY RESERVISTS' SPOUSES.—Section 1969(g)(1)(B) is amended by striking ''(which shall be the same for all such members)''.

(d) FORFEITURE OF VETERANS' GROUP LIFE INSURANCE.—Section 1973 is amended by striking ''under this subchapter'' and inserting ''and Veterans' Group Life Insurance under this subchapter''.

(e) EFFECTIVE AND APPLICABILITY DATES.—

(1) The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

(2) The amendment made by subsection (b) shall apply with respect to Servicemembers' Group Life Insurance coverage for an insurable dependent of a member, as defined in section 1965(10) of title 38, United States Code (as amended by section 402 of this Act), that begins on or after the date of the enactment of this Act.

(3) The amendment made by subsection (c) shall take effect as if enacted on June 5, 2001, immediately after the enactment of the Veterans' Survivor Benefits Improvements Act of 2001 (Public Law 107–14; 115 Stat. 25).

(4) The amendment made by subsection (d) shall apply with respect to any act of mutiny, treason, spying, or desertion committed on or after the date of the enactment of this Act for which a person is found guilty, or with respect to refusal because of conscientious objections to perform service in, or to wear the uniform of, the Armed Forces on or after the date of the enactment of this Act.

SEC. 404. ADMINISTRATIVE COSTS OF SERVICE DISABLED VETERANS' INSURANCE.

Section 1922(a) is amended by striking ''directly from such fund'' and inserting ''directly from such fund; and (5) administrative costs to the Government for the costs of the program of insurance under this section shall be paid from premiums credited to the fund under paragraph (4), and payments for claims against the fund under paragraph (4) for amounts in excess of amounts credited to such fund under that paragraph (after such administrative costs have been paid) shall be paid from appropriations to the fund''.

TITLE V—HOUSING MATTERS

SEC. 501. TEMPORARY INCREASE IN MAXIMUM LOAN GUARANTY AMOUNT FOR CERTAIN HOUSING LOANS GUARANTEED BY SECRETARY OF VETERANS AFFAIRS.

Notwithstanding subparagraph (C) of section 3703(a)(1) of title 38, United States Code, for purposes of any loan described in subparagraph (A)(i)(IV) of such section that is originated during the period beginning on the date of the enactment of this Act and ending on December 31, 2011, the term ''maximum guaranty amount'' shall mean an amount equal to 25 percent of the higher of—

(1) the limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) for the calendar year in which the loan is originated for a single-family residence; or

(2) 125 percent of the area median price for a single-family residence, but in no case to exceed 175 percent of the limitation determined under such section 305(a)(2) for the calendar year in which the loan is originated for a single-family residence.

SEC. 502. REPORT ON IMPACT OF MORTGAGE FORECLOSURES ON VETERANS.

(a) REPORT REQUIRED.—Not later than December 31, 2009, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the effects of mortgage foreclosures on veterans.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A general assessment of the income of veterans who have recently separated from the Armed Forces.

(2) An assessment of the effects of any lag or delay in the adjudication by the Secretary of claims of veterans for disability compensation on the capacity of veterans to maintain adequate or suitable housing.

(3) A description of the extent to which the provisions of the Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.) protect veterans from mortgage foreclosure, and an assessment of the adequacy of such protections.

(4) A description and assessment of the adequacy of the home loan guaranty programs of the Department of Veterans Affairs, including the authorities of such programs and the assistance provided individuals in the utilization of such programs, in preventing foreclosure for veterans recently separated from the Armed Forces, and for members of the Armed Forces, who have home loans guaranteed by the Secretary.

SEC. 503. REQUIREMENT FOR REGULAR UPDATES TO HANDBOOK FOR DESIGN FURNISHED TO VETERANS ELIGIBLE FOR SPECIALLY ADAPTED HOUSING ASSISTANCE BY SECRETARY OF VETERANS AFFAIRS.

Section 2103 is amended—

(1) by striking ''The Secretary'' and inserting ''(a) PLANS AND SPECIFICATIONS.—The Secretary''; and

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

''(b) HANDBOOK FOR DESIGN.—The Secretary shall make available to veterans eligible for assistance under this chapter, without cost to the veterans, a handbook containing appropriate designs for specially adapted housing. The Secretary shall update such handbook at least once every six years to take into account any new or unique disabilities, including vision impairments, impairments specific to the upper limbs, and burn injuries.''.

SEC. 504. ENHANCEMENT OF REFINANCING OF HOME LOANS BY VETERANS.

(a) INCLUSION OF REFINANCING LOANS AMONG LOANS SUBJECT TO GUARANTY MAXIMUM.—Section 3703(a)(1)(A)(i)(IV) is amended by inserting ''(5),'' after ''(3),''.

(b) INCREASE IN MAXIMUM PERCENTAGE OF LOAN-TO-VALUE OF REFINANCING LOANS SUBJECT TO GUARANTY.—Section 3710(b)(8) is amended by striking ''90 percent'' and inserting ''100 percent''.

SEC. 505. EXTENSION OF CERTAIN VETERANS HOME LOAN GUARANTY PROGRAMS.

(a) EXTENSION OF DEMONSTRATION PROJECT ON ADJUSTABLE RATE MORTGAGES.—Section 3707(a) of title 38, United States Code, is amended by striking ''2008'' and inserting ''2012''.

(b) EXTENSION OF DEMONSTRATION PROJECT ON HYBRID ADJUSTABLE RATE MORTGAGES.—Section 3707A(a) of such title is amended by striking ''2008'' and inserting ''2012''.

TITLE VI—COURT MATTERS

SEC. 601. TEMPORARY INCREASE IN NUMBER OF AUTHORIZED JUDGES OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.

Section 7253 is amended by adding at the end the following new subsection:

''(i) ADDITIONAL TEMPORARY EXPANSION OF COURT.—(1) Subject to paragraph (2), effective as of December 31, 2009, the authorized number of judges of the Court specified in subsection (a) is increased by two.

''(2) Effective as of January 1, 2013, an appointment may not be made to the Court if the appointment would result in there being more judges of the Court than the authorized number of judges of the Court specified in subsection (a).''.

SEC. 602. PROTECTION OF PRIVACY AND SECURITY CONCERNS IN COURT RECORDS.

Section 7268 is amended by adding at the end the following new subsection:

''(c)(1) The Court shall prescribe rules, in accordance with section 7264(a) of this title, to protect privacy and security concerns relating to all filing of documents and the public availability under this subsection of documents retained by the Court or filed electronically with the Court.

''(2) The rules prescribed under paragraph (1) shall be consistent to the extent practicable with rules addressing privacy and security issues throughout the Federal courts.

''(3) The rules prescribed under paragraph (1) shall take into consideration best practices in Federal and State courts to protect private information or otherwise maintain necessary information security.''.

SEC. 603. RECALL OF RETIRED JUDGES OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.

(a) REPEAL OF LIMIT ON SERVICE OF RECALLED RETIRED JUDGES WHO VOLUNTARILY SERVE MORE THAN 90 DAYS.—Section 7257(b)(2) is amended by striking ''or for more than a total of 180 days (or the equivalent) during any calendar year''.

(b) NEW JUDGES RECALLED AFTER RETIREMENT RECEIVE PAY OF CURRENT JUDGES ONLY DURING PERIOD OF RECALL.—

(1) IN GENERAL.—Section 7296(c) is amended by striking paragraph (1) and inserting the following new paragraph:

''(1)(A) A judge who is appointed on or after the date of the enactment of the Veterans' Benefits Improvement Act of 2008 and who retires under subsection (b) and elects under subsection (d) to receive retired pay under this subsection shall (except as provided in paragraph (2)) receive retired pay as follows:

''(i) In the case of a judge who is a recall-eligible retired judge under section 7257 of this title, the retired pay of the judge shall (subject to section 7257(d)(2) of this title) be the rate of pay applicable to that judge at the time of retirement, as adjusted from time to time under subsection (f)(3).

''(ii) In the case of a judge other than a recall-eligible retired judge, the retired pay of the judge shall be the rate of pay applicable to that judge at the time of retirement.

''(B) A judge who retired before the date of the enactment of the Veterans' Benefits Improvement Act of 2008 and elected under subsection (d) to receive retired pay under this subsection, or a judge who retires under subsection (b) and elects under subsection (d) to receive retired pay under this subsection,

shall (except as provided in paragraph (2)) receive retired pay as follows:

''(i) In the case of a judge who is a recall-eligible retired judge under section 7257 of this title or who was a recall-eligible retired judge under that section and was removed from recall status under subsection (b)(4) of that section by reason of disability, the retired pay of the judge shall be the pay of a judge of the court.

''(ii) In the case of a judge who at the time of retirement did not provide notice under section 7257 of this title of availability for service in a recalled status, the retired pay of the judge shall be the rate of pay applicable to that judge at the time of retirement.

''(iii) In the case of a judge who was a recall-eligible retired judge under section 7257 of this title and was removed from recall status under subsection (b)(3) of that section, the retired pay of the judge shall be the pay of the judge at the time of the removal from recall status.''.

(2) COST-OF-LIVING ADJUSTMENT FOR RETIRED PAY OF NEW JUDGES WHO ARE RECALL-ELIGIBLE.—Section 7296(f)(3)(A) is amended by striking ''paragraph (2) of subsection (c)'' and inserting ''paragraph (1)(A)(i) or (2) of subsection (c)''.

(3) PAY DURING PERIOD OF RECALL.—Subsection (d) of section 7257 is amended to read as follows:

''(d)(1) The pay of a recall-eligible retired judge to whom section 7296(c)(1)(B) of this title applies is the pay specified in that section.

''(2) A judge who is recalled under this section who retired under chapter 83 or 84 of title 5 or to whom section 7296(c)(1)(A) of this title applies shall be paid, during the period for which the judge serves in recall status, pay at the rate of pay in effect under section 7253(e) of this title for a judge performing active service, less the amount of the judge's annuity under the applicable provisions of chapter 83 or 84 of title 5 or the judge's annuity under section 7296(c)(1)(A) of this title, whichever is applicable.''.

(4) NOTICE.—The last sentence of section 7257(a)(1) is amended to read as follows: ''Such a notice provided by a retired judge to whom section 7296(c)(1)(B) of this title applies is irrevocable.''.

(c) LIMITATION ON INVOLUNTARY RECALLS.—Section 7257(b)(3) is amended by adding at the end the following new sentence: ''This paragraph shall not apply to a judge to whom section 7296(c)(1)(A) or 7296(c)(1)(B) of this title applies and who has, in the aggregate, served at least five years of recalled service on the Court under this section.''.

SEC. 604. ANNUAL REPORTS ON WORKLOAD OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.

(a) IN GENERAL.—Subchapter III of chapter 72 is amended by adding at the end the following new section:

''§ 7288. Annual report

''(a) IN GENERAL.—The chief judge of the Court shall submit to the appropriate committees of Congress each year a report summarizing the workload of the Court for the fiscal year ending during the preceding year.

''(b) ELEMENTS.—Each report under subsection (a) shall include, with respect to the fiscal year covered by such report, the following information:

''(1) The number of appeals filed with the Court.

''(2) The number of petitions filed with the Court.

''(3) The number of applications filed with the Court under section 2412 of title 28.

''(4) The total number of dispositions by each of the following:

''(A) The Court as a whole.

''(B) The Clerk of the Court.

''(C) A single judge of the Court.

''(D) A multi-judge panel of the Court.

''(E) The full Court.

''(5) The number of each type of disposition by the Court, including settlement, affirmation, remand, vacation, dismissal, reversal, grant, and denial.

''(6) The median time from filing an appeal to disposition by each of the following:

''(A) The Court as a whole.

''(B) The Clerk of the Court.

''(C) A single judge of the Court.

''(D) Multiple judges of the Court (including a multi-judge panel of the Court or the full Court).

''(7) The median time from filing a petition to disposition by the Court.

''(8) The median time from filing an application under section 2412 of title 28 to disposition by the Court.

''(9) The median time from the completion of briefing requirements by the parties to disposition by the Court.

''(10) The number of oral arguments before the Court.

''(11) The number of cases appealed to the United States Court of Appeals for the Federal Circuit.

''(12) The number and status of appeals and petitions pending with the Court and of applications described in paragraph (3) as of the end of such fiscal year.

''(13) The number of cases pending with the Court more than 18 months as of the end of such fiscal year.

''(14) A summary of any service performed for the Court by a recalled retired judge of the Court.

''(15) An assessment of the workload of each judge of the Court, including consideration of the following:

''(A) The time required of each judge for disposition of each type of case.

''(B) The number of cases reviewed by the Court.

''(C) The average workload of other Federal judges.

''(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term 'appropriate committees of Congress' means—

''(1) the Committee on Veterans' Affairs of the Senate; and

''(2) the Committee on Veterans' Affairs of the House of Representatives.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 72 is amended by inserting after the item related to section 7287 the following new item:

''7288. Annual report.''.

SEC. 605. ADDITIONAL DISCRETION IN IMPOSITION OF PRACTICE AND REGISTRATION FEES.

Section 7285(a) is amended—

(1) in the first sentence, by inserting ''reasonable'' after ''impose a'';

(2) in the second sentence, by striking '', except that such amount may not exceed $30 per year''; and

(3) in the third sentence, by inserting ''reasonable'' after ''impose a''.

TITLE VII—ASSISTANCE TO UNITED STATES PARALYMPIC INTEGRATED ADAPTIVE SPORTS PROGRAM

SEC. 701. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) In 1998, Congress enacted the Olympic and Amateur Sports Act Amendments of 1998 (33 U.S.C. 101 note), which amended chapter 2205 of title 36, United States Code, and included a statement that the purpose of the Act was ''to encourage and provide assistance to amateur athletic programs and competition for amateur athletes with disabilities, including, where feasible, the expansion of opportunities for meaningful participation by such amateur athletes in programs of athletic competition for able-bodied amateur athletes''.

(2) The United States Olympic Committee manages and administers the Paralympic Program for physically disabled athletes.

(3) The Department of Veterans Affairs provides health care to veterans and administers recreational activities for patients including the Golden Age Games, the National Veterans Wheelchair Games, and the Winter Sports Clinic.

(4) In 2005, the United States Olympic Committee entered into a memorandum of understanding with the Secretary of Veterans Affairs to increase interest in and access to Paralympic sports programs for veterans with physical disabilities by coordinating the activities of the United States Olympic Committee with the Department of Veterans Affairs.

(5) The Paralympic Program has a significant positive effect on the quality of life of disabled veterans and disabled members of the Armed Forces who participate in the program, including helping to improve the mobility, vitality, and physical, psychological, and social well-being of such participants and reducing the incidence of secondary medical conditions in those participants.

(6) Because of Operation Iraqi Freedom and Operation Enduring Freedom, the number of disabled veterans and disabled members of the Armed Forces has increased substantially and it is therefore desirable to supplement the rehabilitation and recreation programs of the Department of Veterans Affairs through sports for disabled veterans and members of the Armed Forces.

(b) PURPOSE.—The purposes of this title are as follows:

(1) To promote the lifelong health of disabled veterans and disabled members of the Armed Forces through regular participation in physical activity and sports.

(2) To enhance the recreation activities provided by the Department of Veterans Affairs by promoting disabled sports from the local level through elite levels and by creating partnerships among organizations specializing in supporting, training, and promoting programs for disabled veterans.

(3) To provide training and support to national and local organizations to provide Paralympic sports training to disabled veterans and disabled members of the Armed Forces in their own communities.

(4) To provide support to the United States Paralympics, Inc., to increase the participation of disabled veterans and disabled members of the Armed Forces in sports.

SEC. 702. DEPARTMENT OF VETERANS AFFAIRS PROVISION OF ASSISTANCE TO UNITED STATES PARALYMPICS, INC.

(a) PROVISION OF ASSISTANCE AUTHORIZED.—Subchapter II of chapter 5 is amended by inserting after section 521 the following new section:

''§ 521A. Assistance for United States Paralympics, Inc.

''(a) AUTHORIZATION TO PROVIDE ASSISTANCE.—The Secretary may award grants to the United States Paralympics, Inc., to plan, develop, manage, and implement an integrated adaptive sports program for disabled veterans and disabled members of the Armed Forces.

''(b) OVERSIGHT BY SECRETARY.—As a condition of receiving a grant under this section, the United States Paralympics, Inc., shall permit the Secretary to conduct such oversight of the use of grant funds as the Secretary determines is appropriate. The United States Paralympics, Inc., shall be responsible for the use of grant funds provided under this section.

''(c) APPLICATION REQUIREMENT.—(1) Before the Secretary may award a grant to the

United States Paralympics, Inc., under this section, the United States Paralympics, Inc., shall submit to the Secretary an application that describes the activities to be carried out with the grant, including information on specific measurable goals and objectives to be achieved using grant funds.

''(2) The application shall include—

''(A) a detailed description of all partnerships referred to in paragraph (3) at the national and local levels that will be participating in such activities and the amount of grant funds that the United States Paralympics, Inc., proposes to make available for each of such partnerships; and

''(B) for any fiscal year for which a grant is sought, the amount of private donations received by the United States Paralympics, Inc., expected to be expended to support operations during that fiscal year.

''(3) Partnerships referred to in this paragraph are agreements between the United States Paralympics, Inc., and organizations with significant experience in the training and support of disabled athletes and the promotion of disabled sports at the local and national levels. Such organizations may include Disabled Sports USA, Blaze Sports, Paralyzed Veterans of America, and Disabled American Veterans. The agreements shall detail the scope of activities and funding to be provided by the United States Paralympics, Inc., to the partner.

''(d) USE OF FUNDS.—(1) The United States Paralympics, Inc., with the assistance and cooperation of the Secretary and the heads of other appropriate Federal and State departments and agencies and partnerships referred to in subsection (c)(3), shall use a grant under this section to reimburse grantees with which the United States Paralympics, Inc., has entered into a partnership under subsection (c) for the direct costs of recruiting, supporting, equipping, encouraging, scheduling, facilitating, supervising, and implementing the participation of disabled veterans and disabled members of the Armed Forces in the activities described in paragraph (3) by supporting a program described in paragraph (2).

''(2) A program described in this paragraph is a sports program that—

''(A) promotes basic physical activity, games, recreation, training, and competition;

''(B) is approved by the Secretary; and

''(C)(i) provides services and activities described in paragraph (3) for disabled veterans and disabled members of the Armed Forces; and

''(ii) may also provide services and activities described in paragraph (3) for individuals with disabilities who are not veterans or members of the Armed Forces, or both; except that funds made available to carry out this section may not be used to support those individuals with disabilities who are not veterans or members of the Armed Forces.

''(3) Activities described in this paragraph are—

''(A) instruction, participation, and competition in Paralympic sports;

''(B) training and technical assistance to program administrators, coaches, recreational therapists, instructors, Department employees, and other appropriate individuals; and

''(C) coordination, Paralympic classification of athletes, athlete assessment, sport-specific training techniques, program development (including programs at the local level), sports equipment, supplies, program evaluation, and other activities related to the implementation and operation of the program.

''(4) A grant made under this section may include, at the discretion of the Secretary, an amount for the administrative expenses of the United States Paralympics, Inc., but not to exceed five percent of the amount of the grant.

''(5) Funds made available by the United States Paralympics, Inc., to a grantee under subsection (c) may include an amount for administrative expenses, but not to exceed ten percent of the amount of such funds.

''(e) OUTREACH REQUIREMENT.—As a condition of receiving a grant under this section, the United States Paralympics, Inc., shall agree to conduct a joint outreach campaign with the Secretary of Veterans Affairs to inform all eligible veterans and separating members of the Armed Forces with physical disabilities about the existence of the integrated adaptive sports program, as appropriate, and shall provide for, facilitate, and encourage participation of such veterans and separating members of the Armed Forces in programs under this section to the extent possible.

''(f) COORDINATION.—The Secretary shall ensure access to and use of appropriate Department sports, recreation, and fitness facilities by disabled veterans and disabled members of the Armed Forces participating in the integrated adaptive sports program to the maximum extent possible. The Secretary shall ensure that such access does not adversely affect any other assistance provided to veterans.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $8,000,000 for each of fiscal years 2010 through 2013 to carry out this section. Amounts appropriated pursuant to this subsection shall remain available without fiscal year limitation.

''(h) SEPARATE ACCOUNTING.—The Department shall have a separate line item in budget proposals of the Department for funds to be appropriated to carry out this section. Funds appropriated to carry out this section shall not be commingled with any other funds appropriated to the Department.

''(i) LIMITATION ON USE OF FUNDS.—Except as provided in paragraphs (4) and (5) of subsection (d), funds appropriated to carry out this section may not be used to support or provide services to individuals who are not disabled veterans or disabled members of the Armed Forces.

''(j) ANNUAL REPORT TO SECRETARY.—(1) As a condition of receiving a grant under this section, the United States Paralympics, Inc., shall agree that by not later than 60 days after the last day of a fiscal year for which a grant is provided under this section, the United States Paralympics, Inc., shall submit to the Secretary a report setting forth in detail the use of the grant funds during that fiscal year, including the number of veterans who participated in the integrated adaptive sports program, including any programs carried out through a partnership under subsection (c)(3), and the administrative expenses of the integrated adaptive sports program.

''(2) A report under this subsection may be audited by the Secretary.

''(3) For any fiscal year after fiscal year 2010, the eligibility of the United States Paralympics, Inc., to receive a grant under this section shall be contingent upon the submission of the report under paragraph (1) for the preceding fiscal year.

''(k) ANNUAL REPORT TO CONGRESS.—For any fiscal year during which the Secretary provides assistance under this section, the Secretary shall submit to Congress a report on the use of funds provided under this section.

''(l) TERMINATION.—The Secretary may only provide assistance under this section during fiscal years 2010 through 2013.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 521 the following new item:

''521A. Assistance for United States Paralympics, Inc.''.

(c) DEADLINE FOR MEMORANDUM OF UNDERSTANDING.—The Secretary of Veterans Affairs may not award a grant under section 521A of title 38, United States Code, as added by subsection (a), until the United States Paralympics, Inc., and the Secretary have entered into a memorandum of understanding or cooperative agreement regarding implementation of the integrated adaptive sports program under that section. To the extent feasible, such memorandum or agreement shall be concluded not later than 240 days after the date of the enactment of this Act.

SEC. 703. DEPARTMENT OF VETERANS AFFAIRS OFFICE OF NATIONAL VETERANS SPORTS PROGRAMS AND SPECIAL EVENTS.

(a) ESTABLISHMENT OF OFFICE OF NATIONAL VETERANS SPORTS PROGRAMS AND SPECIAL EVENTS.—Chapter 3, as amended by section 222, is amended by adding at the end the following new section:

''§ 322. Office of National Veterans Sports Programs and Special Events

''(a) ESTABLISHMENT.—There is in the Department an Office of National Veterans Sports Programs and Special Events. There is at the head of the Office a Director, who shall report to an appropriate official of the Veterans Benefits Administration, as determined by the Secretary, or to the Deputy Secretary or Secretary.

''(b) RESPONSIBILITIES OF DIRECTOR.—Subject to the direction of the Secretary, the Director—

''(1) shall establish and carry out qualifying programs and events;

''(2) may provide for sponsorship by the Department of qualifying programs and events;

''(3) may provide for, facilitate, and encourage participation by disabled veterans in qualifying programs and events;

''(4) shall, to the extent feasible, cooperate with the United States Paralympics, Inc., and its partners to promote the participation of disabled veterans and disabled members of the Armed Forces in sporting events sponsored by the United States Paralympics, Inc., and its partners;

''(5) shall seek sponsorships and donations from the private sector to defray costs of carrying out the responsibilities of the Director to the maximum extent feasible; and

''(6) may carry out such other responsibilities as the Secretary determines are appropriate.

''(c) QUALIFYING PROGRAM OR EVENT.—For purposes of this section, a qualifying program or event is a sports program or other event in which disabled veterans and disabled members of the Armed Forces participate and that is approved by the Secretary as being consistent with the goals and missions of the Department.

''(d) MONTHLY ASSISTANCE ALLOWANCE.—(1) Subject to the availability of appropriations for such purpose, the Secretary may provide a monthly assistance allowance to a veteran with a disability invited by the United States Paralympics, Inc., to compete for a slot on, or selected for, the Paralympic Team for any month in which the veteran is training or competing in any event sanctioned by the United States Paralympics, Inc., or who is residing at a United States Paralympics, Inc., training center.

''(2) The amount of the monthly assistance payable to a veteran under paragraph (1) shall be equal to the monthly amount of subsistence allowance that would be payable to the veteran under chapter 31 of this title if the veteran were eligible for and entitled to rehabilitation under such chapter.

''(3) In providing assistance under this subsection, the Secretary shall give priority to veterans with service-connected disabilities.

''(4) There is authorized to be appropriated to carry out this subsection $2,000,000 for each of fiscal years 2010 through 2013.

''(e) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as a limitation on disabled sports and special events supported by the Department as of the date of the enactment of this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''322. Office of National Veterans Sports Programs and Special Events.''.

(c) ASSISTANCE AT SPORTING EVENTS.—The Secretary of Veterans Affairs shall direct the Under Secretary for Health of the Department of Veterans Affairs—

(1) to make available, to the extent determined appropriate by the Secretary, recreational therapists, physical therapists, and other medical staff to facilitate participation of veterans in sporting events conducted under the auspices of the United States Paralympics, Inc.; and

(2) to allow such personnel to provide support to the programs of the United States Paralympics, Inc., without requiring the use of personal leave.

SEC. 704. COMPTROLLER GENERAL REPORT.

Not later than the last day of fiscal year 2012, the Comptroller General shall submit to Congress a report on the assistance provided to the United States Paralympics, Inc., under section 521A of title 38, United States Code, as added by section 702, and the activities of the Office of National Veterans Sports Programs and Special Events under section 322 of such title, as added by section 703. Such report shall include a description of how the United States Paralympics, Inc., used grants provided by the Department of Veterans Affairs, the number of disabled veterans who benefitted from such grants, and how such veterans benefitted.

TITLE VIII—OTHER MATTERS

SEC. 801. AUTHORITY FOR SUSPENSION OR TERMINATION OF CLAIMS OF THE UNITED STATES AGAINST INDIVIDUALS WHO DIED WHILE SERVING ON ACTIVE DUTY IN THE ARMED FORCES.

(a) AUTHORITY.—Section 3711(f) of title 31, United States Code, is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

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

''(3) The Secretary of Veterans Affairs may suspend or terminate an action by the Secretary under subsection (a) to collect a claim against the estate of a person who died while serving on active duty as a member of the Army, Navy, Air Force, Marine Corps, or Coast Guard during a period when the Coast Guard is operating as a service in the Navy if the Secretary determines that, under the circumstances applicable with respect to the deceased person, it is appropriate to do so.''.

(b) EQUITABLE REFUND OF AMOUNTS COLLECTED.—The Secretary of Veterans Affairs may refund to the estate of such person any amount collected by the Secretary (whether before, on, or after the date of the enactment of this Act) from a person who died while serving on active duty as a member of the Armed Forces if the Secretary determines that, under the circumstances applicable with respect to the deceased person, it is appropriate to do so.

SEC. 802. THREE-YEAR EXTENSION OF AUTHORITY TO CARRY OUT INCOME VERIFICATION.

Section 5317(g) is amended by striking ''September 30, 2008'' and inserting ''September 30, 2011''.

SEC. 803. MAINTENANCE, MANAGEMENT, AND AVAILABILITY FOR RESEARCH OF ASSETS OF AIR FORCE HEALTH STUDY.

(a) PURPOSE.—The purpose of this section is to ensure that the assets transferred to the Medical Follow-Up Agency from the Air Force Health Study are maintained, managed, and made available as a resource for future research for the benefit of veterans and their families, and for other humanitarian purposes.

(b) ASSETS FROM AIR FORCE HEALTH STUDY.—For purposes of this section, the assets transferred to the Medical Follow-Up Agency from the Air Force Health Study are the assets of the Air Force Health Study transferred to the Medical Follow-Up Agency under section 714 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2290), including electronic data files and biological specimens on all participants in the study (including control subjects).

(c) MAINTENANCE AND MANAGEMENT OF TRANSFERRED ASSETS.—The Medical Follow-Up Agency shall maintain and manage the assets transferred to the Agency from the Air Force Health Study.

(d) ADDITIONAL NEAR-TERM RESEARCH.—

(1) IN GENERAL.—The Medical Follow-Up Agency may, during the period beginning on October 1, 2008, and ending on September 30, 2012, conduct such additional research on the assets transferred to the Agency from the Air Force Health Study as the Agency considers appropriate toward the goal of understanding the determinants of health, and promoting wellness, in veterans.

(2) RESEARCH.—In carrying out research authorized by this subsection, the Medical Follow-Up Agency may, utilizing amounts available under subsection (f)(1)(B), make grants for such pilot studies for or in connection with such research as the Agency considers appropriate.

(e) ADDITIONAL MEDIUM-TERM RESEARCH.—

(1) REPORT.—Not later than March 31, 2012, the Medical Follow-Up Agency shall submit to Congress a report assessing the feasability and advisability of conducting additional research on the assets transferred to the Agency from the Air Force Health Study after September 30, 2012.

(2) DISPOSITION OF ASSETS.—If the report required by paragraph (1) includes an assessment that the research described in that paragraph would be feasible and advisable, the Agency shall, utilizing amounts available under subsection (f)(2), make any disposition of the assets transferred to the Agency from the Air Force Health Study as the Agency considers appropriate in preparation for such research.

(f) FUNDING.—

(1) IN GENERAL.—From amounts available for each of fiscal years 2009 through 2012 for the Department of Veterans Affairs for Medical and Prosthetic Research, amounts shall be available as follows:

(A) $1,200,000 shall be available in each such fiscal year for maintenance, management, and operation (including maintenance of biological specimens) of the assets transferred to the Medical Follow-Up Agency from the Air Force Health Study.

(B) $250,000 shall be available in each such fiscal year for the conduct of additional research authorized by subsection (d), including the funding of pilot studies authorized by paragraph (2) of that subsection.

(2) MEDIUM-TERM RESEARCH.—From amounts available for fiscal year 2012 for the Department of Veterans Affairs for Medical and Prosthetic Research, $200,000 shall be available for the preparation of the report required by subsection (e)(1) and for the disposition, if any, of assets authorized by subsection (e)(2).

SEC. 804. NATIONAL ACADEMIES STUDY ON RISK OF DEVELOPING MULTIPLE SCLEROSIS AS A RESULT OF CERTAIN SERVICE IN THE PERSIAN GULF WAR AND POST 9/11 GLOBAL OPERATIONS THEATERS.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall enter into a contract with the Institute of Medicine of the National Academies to conduct a comprehensive epidemiological study for purposes of identifying any increased risk of developing multiple sclerosis as a result of service in the Armed Forces during the Persian Gulf War in the Southwest Asia theater of operations or in the Post 9/11 Global Operations theaters.

(b) ELEMENTS.—In conducting the study required under subsection (a), the Institute of Medicine shall do the following:

(1) Determine whether service in the Armed Forces during the Persian Gulf War in the Southwest Asia theater of operations, or in the Post 9/11 Global Operations theaters, increased the risk of developing multiple sclerosis.

(2) Identify the incidence and prevalence of diagnosed neurological diseases, including multiple sclerosis, Parkinson's disease, and brain cancers, as well as central nervous system abnormalities that are difficult to precisely diagnose, in each group as follows:

(A) Members of the Armed Forces who served during the Persian Gulf War in the Southwest Asia theater of operations.

(B) Members of the Armed Forces who served in the Post 9/11 Global Operations theaters.

(C) A non-deployed comparison group for those who served in the Persian Gulf War in the Southwest Asia theater of operations and the Post 9/11 Global Operations theaters.

(3) Compare the incidence and prevalence of the named diagnosed neurological diseases and undiagnosed central nervous system abnormalities among veterans who served during the Persian Gulf War in the Southwest Asia theater of operations, or in the Post 9/11 Global Operations theaters, in various locations during such periods, as determined by the Institute of Medicine.

(4) Collect information on risk factors, such as pesticide and other toxic exposures, to which veterans were exposed while serving during the Persian Gulf War in the Southwest Asia theater of operations or the Post 9/11 Global Operations theaters, or thereafter.

(c) REPORTS.—

(1) INTERIM REPORT.—The contract required by subsection (a) shall require the Institute of Medicine to submit to the Secretary, and to appropriate committees of Congress, interim progress reports on the study required under subsection (a). Such reports shall not be required to include a description of interim results on the work under the study.

(2) FINAL REPORT.—The contract shall require the Institute of Medicine to submit to the Secretary, and to appropriate committees of Congress, a final report on the study by not later than December 31, 2012. The final report shall include such recommendations for legislative or administrative action as the Institute considers appropriate in light of the results of the study.

(d) FUNDING.—The Secretary shall provide the Institute of Medicine with such funds as are necessary to ensure the timely completion of the study required under subsection (a).

(e) DEFINITIONS.—In this section:

(1) The term ''appropriate committees of Congress'' means—

(A) the Committee on Veterans' Affairs of the Senate; and

(B) the Committee on Veterans' Affairs of the House of Representatives.

(2) The term ''Persian Gulf War'' has the meaning given that term in section 101(33) of title 38, United States Code.

(3) The term ''Post 9/11 Global Operations theaters'' means Afghanistan, Iraq, or any other theater in which the Global War on Terrorism Expeditionary Medal is awarded for service.

SEC. 805. TERMINATION OR SUSPENSION OF CONTRACTS FOR CELLULAR TELEPHONE SERVICE FOR CERTAIN SERVICEMEMBERS.

(a) IN GENERAL.—Title III of the Servicemembers Civil Relief Act (50 U.S.C. App. 531 et seq.) is amended by inserting after section 305 the following new section:

''SEC. 305A. TERMINATION OR SUSPENSION OF CONTRACTS FOR CELLULAR TELEPHONE SERVICE.

''(a) IN GENERAL.—A servicemember who receives orders to deploy outside of the continental United States for not less than 90 days or for a permanent change of duty station within the United States may request the termination or suspension of any contract for cellular telephone service entered into by the servicemember before the date of the commencement of such deployment or permanent change if the servicemember's ability to satisfy the contract or to utilize the service will be materially affected by such deployment or permanent change. The request shall include a copy of the servicemember's military orders.

''(b) RELIEF.—Upon receiving the request of a servicemember under subsection (a), the cellular telephone service contractor concerned shall—

''(1) grant the requested relief without imposition of an early termination fee for termination of the contract or a reactivation fee for suspension of the contract; or

''(2) in the case that such servicemember is deployed outside the continental United States as described in subsection (a), permit the servicemember to suspend the contract at no charge until the end of the deployment without requiring, whether as a condition of suspension or otherwise, that the contract be extended.

''(c) CELLULAR TELEPHONE SERVICE DEFINED.—In this section, the term 'cellular telephone service' has the meaning given the term 'commercial mobile service' in section 332(d) of the Communications Act of 1934 (47 U.S.C. 332(d)).''.

(b) CLERICAL AMENDMENT.—The table of contents for that Act is amended by inserting after the item relating to section 305 the following new item:

''Sec. 305A. Termination or suspension of contracts for cellular telephone service.''.

SEC. 806. CONTRACTING GOALS AND PREFERENCES FOR VETERAN-OWNED SMALL BUSINESS CONCERNS.

Section 8127 is amended—

(1) by redesignating subsections (j) and (k) as subsections (k) and (l), respectively; and

(2) by inserting after subsection (i) the following new subsection (j):

''(j) APPLICABILITY OF REQUIREMENTS TO CONTRACTS.—(1) If after December 31, 2008, the Secretary enters into a contract, memorandum of understanding, agreement, or other arrangement with any governmental entity to acquire goods or services, the Secretary shall include in such contract, memorandum, agreement, or other arrangement a requirement that the entity will comply, to the maximum extent feasible, with the provisions of this section in acquiring such goods or services.

''(2) Nothing in this subsection shall be construed to supersede or otherwise affect the authorities provided under the Small Business Act (15 U.S.C. 631 et seq.).''.

SEC. 807. PENALTIES FOR VIOLATION OF INTEREST RATE LIMITATION UNDER SERVICEMEMBERS CIVIL RELIEF ACT.

Section 207 of the Servicemembers Civil Relief Act (50 U.S.C. App. 527) is amended by adding at the end the following new subsections:

''(e) PENALTY.—Whoever knowingly violates subsection (a) shall be fined as provided in title 18, United States Code, imprisoned for not more than one year, or both.

''(f) PRESERVATION OF OTHER REMEDIES.—The penalties provided under subsection (e) are in addition to and do not preclude any other remedy available under law to a person claiming relief under this section, including any award for consequential or punitive damages.''.

SEC. 808. FIVE-YEAR EXTENSION OF SUNSET PROVISION FOR ADVISORY COMMITTEE ON MINORITY VETERANS.

Subsection (e) of section 544 is amended by striking ''December 31, 2009'' and inserting ''December 31, 2014''.

SEC. 809. AUTHORITY OF SECRETARY OF VETERANS AFFAIRS TO ADVERTISE TO PROMOTE AWARENESS OF BENEFITS UNDER LAWS ADMINISTERED BY THE SECRETARY.

(a) AUTHORITY TO ADVERTISE.—Subchapter II of chapter 5 is amended by adding at the end the following new section:

''§ 532. Authority to advertise in national media

''The Secretary may purchase advertising in national media outlets for the purpose of promoting awareness of benefits under laws administered by the Secretary, including promoting awareness of assistance provided by the Secretary, including assistance for programs to assist homeless veterans, to promote veteran-owned small businesses, and to provide opportunities for employment in the Department of Veterans Affairs and for education, training, compensation, pension, vocational rehabilitation, and healthcare benefits, and mental healthcare (including the prevention of suicide among veterans).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 531 the following:

''532. Authority to advertise in national media.''.

SEC. 810. MEMORIAL HEADSTONES AND MARKERS FOR DECEASED REMARRIED SURVIVING SPOUSES OF VETERANS.

(a) IN GENERAL.—Section 2306(b)(4)(B) is amended by striking ''an unremarried surviving spouse whose subsequent remarriage was terminated by death or divorce'' and inserting ''a surviving spouse who had a subsequent remarriage''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to deaths occurring on or after the date of the enactment of this Act.

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

The Chair recognizes the gentleman from California.

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

Madam Speaker, obviously we rise in strong support of S. 3023, as amended, the Veterans' Benefits Improvement Act of 2008. Just by the listing of the title of the bill, you see how wide ranging this legislation is.

We have, Madam Speaker, 24 million veterans in this country, over 2.5 million of which receive disability compensation benefits from the Department of Veterans Affairs. Upon filing a claim for disability compensation at the VA, our veterans and their dependents face increased waiting times, along with an increasingly adversarial claims processing system.

From 2002 up until 2007, the backlog of disability claims rose from 250,000 to nearly 650,000 claims pending. That is an insult to the veterans who have served this Nation. During the same period, the VA consistently missed its performance targets on nearly all compensation and pension claims processing fronts.

These problems are not new. General Omar Bradley, who was a Director of the Veterans Administration after World War II, in the mid-50s said in a comprehensive report that ''the dominant problems are the carryover from past decades of a backward-looking pension philosophy and our failure to adjust the existing veterans programs to fundamental changes in our society.''

This quote is pretty striking, because the same thing could be said of the claims processing system 50 years later.

After nearly 2 years of oversight hearings, informed by numerous reports examining these issues, the committee, led by our colleague JOHN HALL of New York, who chairs the Disability Assistance and Memorial Affairs Subcommittee, set out to transform this broken and outdated system. He introduced and our House subsequently passed the Veterans Disability Benefits Claims Modernization Act of 2008, H.R. 5892, which would comprehensively modernize VA's claim processing system. This legislation is the cornerstone of this Senate bill, S. 3023.

Mr. HALL's efforts included contributions from our colleagues from the committee. JOE DONNELLY of Indiana introduced the Immediate Benefits for Wounded Warriors Act of 2007, H.R. 4219; Congressman SPACE of Ohio introduced the Veterans Disability Fairness Act, H.R. 5709; and Congressman HARE of Illinois ensured that mental health was an issue that was captured in language throughout the bill. All of these Members, Madam Speaker, are new Members of our Congress, and they have taken a vigorous and active role in their work, as illustrated in this bill.

Congressman GUTIERREZ from Illinois and Congresswoman CORRINE BROWN from Florida introduced H.R. 674, which alerted us not to let the Advisory Committee on Minority Veterans sunset. And Congresswoman CAROL SHEA-PORTER, another new Member from New Hampshire, has led the charge to spare families from VA debt collection.

So this bill will arm the VA with a lasting blueprint to transform its

claims processing system using integrated and modern information technology platforms and an updated rating schedule, with tools to improve the accountability, timeliness and quality of adjudicated claims. It will establish an Office of Survivors Assistance, and at last allow survivors to step into the shoes of deceased veterans to pursue pending claims and appeals.

Madam Speaker, we will finally tackle the central issues that have led to an unmanageable claims backlog, delays in processing, avoidable errors, inconsistencies in ratings and lack of accountability in a system that amounts to a ''system of injustice'' for our veterans.

This bill will help modernize the VA claims processing system and assist it in becoming a 21st century, world-class entity that reflects the selfless and priceless sacrifices of those it serves, our veterans, their families and survivors.

□ 2015

I would point out a pilot program that we will start on disability claims that takes as a model—and it may be surprising to say this, Madam Speaker—the IRS, our Internal Revenue Service, which for many years was very dysfunctional, but now, if you file your claim for a tax refund, you will get a check in 3 weeks because they send out the check on receipt of your tax return, but it's subject to audit.

So why not take that same process if your claim is documented fully and if you have help from a Certified Veteran Service Officer? There are thousands around the country. We will send out the check upon receipt, subject to audit. I think that's the way to clean up the backlog and to say to our veterans, yes, we understand your needs, and we are going to meet them.

In addition, Madam Speaker, I was contacted by veterans who are concerned that the VA does not have enough slots for veterans to participate in its so-called Independent Living Program. That program allows injured veterans to obtain meaningful employment, and it allows them to live independently while they heal from their wounds. So we have introduced a bill to allow 100 Independent Living Program slots to be available. I'm proud that this language was included in legislation that will ensure that the services needed by our veterans are available when they're required.

Madam Speaker, when we passed the so-called 21st century GI Bill some months ago, that was a great improvement in the educational benefits for our younger veterans, especially for those returning from Iraq and Afghanistan. Starting the next school year, they'll be able to draw on those new benefits, but we are trying to model that GI Bill on the GI Bill of 1944, which had so much influence on making America's middle class.

Part of that bill of 1944 had a home loan guaranty program. I'm here because of that program. My dad was able, after he came back from the war, to buy a house in New York for $2,000. We were finally members of the middle class.

We didn't include that part in that GI Bill, but we include it here. We are going to raise the values for veterans' loans. We are going to raise the value at which a refinance can take place. We are going to reduce the fees and the equity requirements, and will make the VA home loan program, again, relevant to veterans today, especially to those who are experiencing a crisis right now. They will be able to go to the VA and get a good deal on refinancing their home loans, a deal they couldn't have gotten before this passed. So I think this will be, again, a great benefit for thousands of our veterans around the country.

We also have a provision in this bill by Representative Ciro Rodriguez, who is a distinguished member of our committee, to update housing construction and design guidelines furnished to contractors. He will talk about that in a few minutes.

Again, I want to make special mention of the cooperation of my ranking member, Mr. BUYER of Indiana. What we did in working together was to provide legislation, that I'm sure he will talk about, to give VA assistance to the Paralympics program, which has been so successful in assisting veterans and servicemembers in their rehabilitation efforts. That language is in here. Through this program, we give a sense of self-worth and a sense of confidence to veterans who are severely injured.

Mr. BUYER has a special interest in that. In fact, if we're not in session next week, I think he's going to visit part of that program that's being carried out in California. He's going to my district. He doesn't realize what kind of welcome we have ready for him, but we'll leave that to his imagination. It's going to strengthen our commitment to caring for the servicemembers by helping them heal from the wounds of war so they can be active members and have the confidence to do that.

We also have language similar to that introduced by Congressman PATRICK MURPHY of Pennsylvania that will extend Servicemembers Civil Relief Act protections to enable servicemembers with deployment orders to more easily terminate or to suspend cell phone contracts without fee or penalty. It sounds like a little thing, but it's big in the lives of young people who have to face deployment. We're trying to tackle not only the big things but also these little irritants that affect our active duty and our veterans.

Congressman BOOZMAN from Arkansas worked on legislation that closes the loophole in the Service-Disabled Veteran-Owned Small Business Program. We clarify our intent by extending disabled veterans' small business contracting provisions to the maximum extent possible to cover agents purchasing goods and services on behalf of the VA.

On the Subcommittee on Economic Opportunity, Chairwoman STEPHANIE HERSETH SANDLIN and her ranking member, Mr. BOOZMAN, introduced a bill, which is also included in this legislation, to authorize the VA's Secretary to advertise in national media outlets to make sure that veterans are informed of their benefits.

So you see, Madam Speaker, we have some very big things and some smaller things, but again, in working together, our committee was able to significantly affect the quality of life for our 25 million veterans in this country.

I would reserve the balance of my time.

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

I rise in support of S. 3023, as amended, the Veterans' Benefits Improvement Act of 2008. The manager's amendment before us is a compilation of the bipartisan provisions of 11 bills from both the House and the Senate Committees on Veterans' Affairs.

I would like to thank Chairman FILNER, Chairman AKAKA and Ranking Member Richard Burr for their cooperative efforts in bringing this bill forward to serve our Nation's veterans.

I would also like to acknowledge the hard work of both the House and the Senate staff. Our Subcommittee on Economic Opportunity is chaired by STEPHANIE HERSETH SANDLIN and by Dr. JOHN BOOZMAN as ranking member. Both of them together have a proven track record of working in a bipartisan manner to ensure that veterans who are leaving active duty have meaningful career opportunities and the skills needed to pursue those opportunities.

Our Subcommittee on Disability Assistance and Memorial Affairs has also demonstrated its dedication to working on behalf of our Nation's veterans. I want to thank Chairman HALL and Ranking Member LAMBORN for their hard work and bipartisanship in their efforts.

Madam Speaker, S. 3023 incorporates over 60 veterans' provisions that have passed either the House or the Senate, and that's what had to be negotiated here between the two bodies. Clearly, time doesn't permit me to expand on every one of these provisions, but I'd like to highlight just a few.

I am pleased that the Department of Labor will be required to collect data on the employment needs of Native Americans. The Department of Veterans Affairs will begin a 20-year longitudinal study of veterans who participate in the VA's Vocational Rehabilitation Program. This measure would also increase the time to 20 years that spouses of deceased or 100 percent service-connected disabled veterans have to use their education benefits.

There are provisions that extend the temporary increases in VA-conforming loan limits in the stimulus act of 2011 and that reduce equity requirements for VA-guaranteed refinancing loans. As well, there are provisions that

renew the adjustable and hybrid adjustable loan programs for another 4 years.

This bill expands the servicemember protections under the Servicemembers Civil Relief Act in several ways. It also clarifies the VA's authority to purchase advertising as part of outreach efforts.

Madam Speaker, for me, one of the most exciting parts of the bill would authorize a new program at the VA to promote the increased participation by disabled veterans in adaptive sports. That is what the chairman was referring to. The bill would direct the VA to expand its cooperative sports activities with the United States Paralympics, and it would authorize $8 million to be used for grants to support an integrated adaptive sports program managed by the United States Paralympics and by partners such as the Disabled Sports USA, Blaze Sport, the National Parks Recreation Association, the Paralyzed Veterans of America, and the Disabled American Veterans.

I want to thank Chairman FILNER for his mutual interest in the disabled sports and for his efforts to ensure this bill was included.

Chairman FILNER, your leadership here, not only for the United States Olympic Committee's being out in Chula Vista, is extremely important in making this a reality. So I appreciate your support, not only of our Olympic Committee but also for the fact that this has become a reality. So, because of your leadership and for the fact that we were able to take our mutual interests and to bring them together to serve a greater need, I applaud your leadership.

The United States Paralympic Team that competed in Beijing included 13 disabled veterans, several of whom were wounded in the war on terror. Now, a few years back, I visited Chula Vista. This was years back when the United States Olympic Committee had a very large board, and we had individuals who were really positioning to profitize off of the Olympic ideal, and it was very disturbing to me. We had a series of ethical blunders that occurred at the Olympic Committee. It was the Olympic Committee's darkest hour.

I came back to Congress. I met with Cliff Stearns at the time, who was on the Energy and Commerce Committee. He helped set a course for the reorganization of the United States Olympic Committee at a time when also then Senator MCCAIN took action in the Senate and when the Olympic Committee also then created its own task force. The Olympic Committee had reorganized itself. We went into the past Olympics. Everyone was pulling on the rope in the same direction. It was very exciting. I took that relationship that had developed with the United States Olympic Committee and brought them to the VA to develop these sports programs.

The whole intent of not only this legislation but of what Chairman FILNER is embracing is to use sports as a platform of healing, and I think that is extremely important. What we have done here is: As for these 13 disabled veterans who just returned from the Paralympic Games in Beijing, this group of wounded warriors produced four gold medals, three silver medals and three bronze medals. So I'm pretty excited about these spectacular Americans.

It's the wave of the future when disabled veterans who are competing with artificial limbs or with spinal cord dysfunctions will be commonplace. The program we are implementing here today will be the seed for the VA and for its partners to nurture and grow.

So I want to thank Chairman FILNER for his leadership on this. This is so meaningful. I look forward next week to coming out to your district, Chairman FILNER, and to going out to Chula Vista, out to the U.S. Olympic Training Center with the Secretary of the VA. Hopefully, you'll have an opportunity to be there. I'm pretty excited about these sports programs.

In Senate 3023, we will also enhance and improve veterans' benefits and the system that administers them. Such revisions include measures to increase the accuracy and the timeliness of benefit claims decisions and to enhance the VA's use of information technology. It will also look at VA disability compensation to ensure due consideration is afforded to veterans for their loss of earnings and their quality of life.

This is something that Senator BURR and I had introduced in a measure in response to not only the recommendations of the Disability Commission but also in response to the recommendations of the Presidential task force of Senator DOLE and former Secretary Shalala.

The bill would also improve benefits for the survivors of deceased veterans. For instance, it would allow the substitution upon the death of a claimant for the purpose of acquiring benefits. That was Mr. LAMBORN's provision.

The bill would also release survivors of deceased claimants of the frustration of the time-consuming process of starting the entire claims process from square one.

The bill would also create a VA Office of Survivors Assistance to ensure surviving dependents have access to benefits and to services and that such programs are responsive to the needs of survivors.

With that, Madam Speaker, I would like to reserve the balance of my time.

Mr. FILNER. Madam Speaker, when Mr. HALL from New York arrived as a new Member last year and got thrown into looking at the VA disability claims system, he resolved that this had to be fixed. Two-years' worth of work is reflected in this bill. A big chunk of the bill comes from Mr. HALL.

We are so proud of the work you've been able to do, and we look forward to its helping millions and millions of veterans. Thank you. I would recognize Mr. HALL for as much time as he may consume.

□ 2030

Mr. HALL of New York. Madam Speaker, I thank Chairman FILNER and Ranking Member BUYER, and I would also like to thank Senator AKAKA and Ranking Member Senator BURR from the Senate Veterans' Committee, and tell Mr. BUYER, I wish he could have been there when I was paddling kayaks with about 20 veterans from the Montrose VA Hospital on the Hudson River about 2 weeks ago. Some of them have lost their legs or lost the use of their legs. Some of them were whole of body, but suffering PTSD or other mental or psychological issues.

Mr. BUYER. How did you do against them?

Mr. HALL of New York. I did fine, and they did great. You can imagine in a kayak where it is arms and upper body, they can go where they want to go very fast; faster than I can. It is incredibly therapeutic. It wasn't not Olympic competition, but it is a perfect example of what you were talking about in terms of the therapeutic value of that program.

I am honored to be here with my distinguished colleagues in the House supporting Senate bill S. 3023, the Veterans' Benefits Improvement Act of 2008. And I am especially grateful that it contains all of the provisions from our Veterans' Disability Benefits Claims Modernization Act which I and other members of the subcommittee, including the ranking member, Congressman LAMBORN, worked incredibly hard on in the Veterans' Affairs Subcommittee on Disability Assistance and Memorial Affairs.

The bill really grew from the testimony of VSOs, individual veterans, employees of the VA, various stakeholders on these issues who came for a year to hearings and round tables and brought us their ideas. I would like to thank all of them for their contribution.

At the end of July I was told that the backlog of claims had reached 838,000 which is a shameful situation for our country which has so much technological and medical capability and capacity, to not be able to keep up with the combination of returning Iraq and Afghanistan veterans at the same time there is the maturing of our Vietnam veterans. And we still have vets from other conflicts who are coming in for care at the same time.

The backlog was predicted to reach a million cases by next year if we didn't do this, and so I am happy we are moving forward and not letting that happen. This Congress has done, in a week in which we had the financial disaster dropped in our lap, and I was afraid that this might all get put on the back burner, I am pleased that the staff worked as hard as they did, both House and Senate staff, full committee and subcommittee staff, and I think it is the right thing to do, not to make our

veterans wait for another 6 months because we are going to a new Congress and we have to resubmit the whole thing.

Today's VA claims processing system is labor-intensive and paper based. It relies on an archaic rating schedule and outdated medical concepts, practices that have been allowed to continue for too long unchecked and unaddressed. Too many opportunities for change have been missed, too many reports after reports have been shelved to collect dust.

This bill will comprehensively repair the VA disability benefits' system so that veterans and their survivors can receive accurate and timely assistance. The VA schedule by which veterans are rated for their disabilities needs to adhere to more modern medical practices and disability concepts, and should consider such factors as quality of life and earnings capacity.

VA management issues need to be addressed and inefficiencies corrected to enhance quality and performance. S. 3023 outlines procedures so veterans can expedite their claims when they have included all of the available evidence. It also codifies the VA's ability to render temporary ratings for undisputed, disabling severe injuries or illnesses.

Furthermore, the information technology enhancements in the bill require the VA to institute electronic systems and computer softwares that are commonplace in other aspects of our society. And I compliment Ranking Member LAMBORN for his consistent advocacy of that portion in particular of this bill.

Veterans should benefit from the modern technological age that we live in, and an environmentally friendly, paperless process that can award claims in real-time, allow two offices that specialize in different aspects of the medical claims to be looking at the information at the same time.

Applying for VA benefits should be as easy as online banking, and that is what we are aiming to make it.

This bill also calls upon the VA to create a survivors' office. Although the VA's motto is ''to care for widows and orphans,'' it has never lived up to that visionary idealism of President Lincoln. That omission is rectified in this bill, especially important while so many military members are giving their lives in service to this country and leaving behind their beloved families.

In another measure to support survivors, the bill allows for the survivor to become the claimant when the veteran dies so that the pending claim can be adjudicated. It is a travesty that so many veterans die worried that they will be unable to provide for their families. Widows and dependent children are left aggrieved and abandoned by the country their spouses faithfully served just at the time when they are concerned about so many other adjustments being made in their lives and that their grief is still being processed at the same time.

A properly operating benefits system could prevent the ills that might befall a veteran. We must fight against suicide, divorce, bankruptcy, stigma, poverty and homelessness among our Nation's disabled veterans by providing to them the quality of life needs, providing them with parity among their peers, and elimination of stress they encounter in an adversarial and confusing claims processing system.

I envision S. 3023 as putting the VA on a 21st century track to lead the way to decisions that are made quickly and correctly. We must treat our Nation's veterans and their families with the dignity and respect that they deserve while restoring their faith in us. We must end the turmoil, alienation and injustice that they feel when they file a claim for their earned VA benefits by acting now.

I urge all Members to support this bill. I thank both Ranking Member BUYER and Chairman FILNER.

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

I would like to thank Chairman HALL and also Mr. LAMBORN. I had asked the staff to go through this bill that we are looking at today, and I wanted to put authorship on all of the provisions so I get to see who are the authors of all of the provisions. So I want to thank Mr. LAMBORN and Mr. HALL for their good work on the bill. Mr. LAMBORN has a lot of authorship on a lot of different provisions.

But I see a lot of names in here. There is also STEPHANIE HERSETH SANDLIN and Dr. BOOZMAN. These are two individuals who had a lot of years working together, and they define bipartisanship on the committee, Madam Speaker. They have a great work product.

Madam Speaker, at this time I yield to the gentleman from Arkansas (Mr. BOOZMAN).

Mr. BOOZMAN. Madam Speaker, as ranking member of the Veterans' Affairs Subcommittee on Economic Opportunity, I am delighted with the product of our negotiations with the Senate Veterans' Affairs Committee. This is an excellent bill, and I think we can declare a victory for America's veterans.

I want to especially thank Chairman FILNER and Ranking Member BUYER. This truly is an excellent product, and I appreciate your leadership in bringing it all together.

I would also like to acknowledge the excellent bipartisan manner in which Chairwoman HERSETH SANDLIN has led the Subcommittee on Economic Opportunity. She has done a tremendous job, and I congratulate her for a successful 110th Congress, and look forward to reversing roles with her again next year.

S. 3023 has a wide range of improvements for employment, education, vocational rehabilitation, housing programs, and servicemembers' rights. This bill improves protections for our servicemembers under the Servicemembers Civil Relief Act, and we require training for Federal human resource officials to increase the number of veterans in our Federal workforce.

We will finally study the employment needs of Native Americans and increase the court's discretion when ruling on veteran's employment cases. Along with our disabled veterans, we owe so much to the spouses and children of those who lose their life while on active duty or become 100 percent disabled in service. Therefore, we extend the time to use their chapter 35 education benefits to 20 years.

Those who need vocational rehabilitation will find it easier to qualify for independent living. We will also require the VA to conduct a 20-year study on 3-year groups of veterans who use voc. rehab benefits to determine the effectiveness of those benefits.

The recent stimulus bill increased conforming loan limits for VA guaranteed loans, and we will extend those temporary limits through 2011. Under the temporary increased limits, VA may be able to guarantee up to nearly $730,000, depending on the location of the home.

We are also renewing the VA's authority to guarantee adjustable and hybrid adjustable rate loans. These types of loans are ideal for some veterans, and I am pleased we were able to renew VA's authority.

Disabled veterans will see increased opportunities in sports through an imaginative integrated adaptive sports program operated by VA, U.S. Paralympics, Inc., and partners such as Disabled Sports U.S.A., National Parks and Recreation Association, Blaze Sports, the DAV and Paralyzed Veterans of America. The program will support disabled athletes from the grassroots level through elite competition such as the recently completed Paralympic Games in Beijing.

Finally, there was some confusion at the VA regarding their authority to use funds for mass TV and radio advertising to promote veterans' benefits. S. 3023 makes it clear that VA will now have the authority to conduct advertising campaigns using modern media methods to reach more veterans.

Again, Madam Speaker, this is a great bill. I want to again thank our chairman, Mr. FILNER, and our ranking member, Mr. BUYER, and also Chairwoman HERSETH SANDLIN for their great work in bringing this forward.

Mr. BUYER. I would like to thank the gentleman for his leadership, and I reserve the balance of my time.

Mr. FILNER. Madam Speaker, I yield to the gentleman from Texas (Mr. RODRIGUEZ), another great member of our committee, for such time as he may consume.

Mr. RODRIGUEZ. Madam Speaker, I thank the gentleman for this opportunity regarding the Veterans' Benefits Improvement Act.

This bill improves the treatment and service provided by the Department of

Veterans Affairs to veterans with post-traumatic stress disorders and substance abuse disorders, and many other provisions.

This is a great opportunity for us to deal with the issue of post-traumatic stress and be able to get the research that is needed, and also provide the services that are needed for our veterans coming in from Afghanistan and Iraq.

We know that our Vietnam veterans suffered tremendously from this, and we were negligent in not providing the services at that time. But I know that they worked hard and lobbied us, making sure that we are there for the soldier that is coming back from Afghanistan and Iraq, and also providing the services for those Vietnam veterans and those veterans from previous wars that are suffering tremendous heartaches and problems from this particular illness.

We know that this illness has created difficulties in terms of substance abuse. We know that a lot of them try to self-medicate in dealing with issues, and this will give us a better opportunity to do the necessary clinical work that will give us the insight that will help us to deal with those situations and help these soldiers as well as these veterans and their families.

Let me also take this opportunity, this bill also is a bill that incorporates H.R. 5664, a bill that I introduced to correct a bureaucratic oversight in the way that the Veterans Administration advises contractors constructing or renovating houses for disabled veterans. My bill seeks to ensure that the veterans whose homes were updated under this program benefit from all of the modern technology and construction practices that can be provided.

Today, veterans, particularly those from Iraq and Afghanistan, are sustaining injuries that in the past conflicts would have resulted in their death. The variety of these injuries require a fresh look at the way that the VA provides guidance to vets in using special adaptive housing grants. The primary guidance that the VA provides contractors who modify homes under this grant program is VA Pamphlet 26–13 titled ''Handbook For Design: Specially Adaptive Housing.'' This guide was last updated in 1978. This bill requires an update to that guide at least every 6 years.

I would like to thank once again Chairman HALL and Chairman FILNER and Ranking Member BUYER for their leadership and their work.

Mr. FILNER. Madam Speaker, I recognize another new member of our committee, but again a very aggressive, active member, the gentleman from Indiana (Mr. DONNELLY), for 4 minutes.

Mr. DONNELLY. Madam Speaker, today I rise in strong support of S. 3023, the Veterans' Benefits Improvement Act, as amended.

This legislation represents months of work by my colleagues on the House Veterans' Affairs Committee.

The SPEAKER pro tempore. If the gentleman would suspend, the Chair advises the gentleman from California has 30 seconds remaining.

Mr. BUYER. The gentleman may proceed. If he needs time, I will be more than happy to yield it.

The SPEAKER pro tempore. The gentleman from Indiana has 8½ minutes remaining.

The gentleman may proceed.

□ 2045

Mr. DONNELLY. I want to thank the ranking member of the committee, my friend from my home State of Indiana. Our districts actually touch up upon each other, and I'll try to be brief and not use too much of his time.

One key provision in this bill, as amended, would ensure that severely injured veterans released from active duty are able to receive disability benefits immediately for injuries that can be promptly rated while they wait to be assigned a rating for other injuries that are not immediately ratable.

The bill before us would codify temporary ratings for severely injured veterans who have paid a high price on behalf of our country. The passage of this legislation will make temporary ratings a right of our wounded warriors, instead of just an option to be employed by the Veterans Administration.

I want to take a moment to thank my good friend, the chairman of the Disability Assistance and Memorial Affairs Subcommittee, Mr. HALL, for his work on this legislation. I want to thank Chairman FILNER and I want to thank Ranking Member BUYER for their assistance and leadership on this issue as well.

We have much work to do to continue to improve the way our disability claims process works for injured veterans. However, S. 3203 represents real change that will directly translate to improved service for those Americans who have fought and sacrificed on behalf of our Nation.

I urge all my colleagues to vote for this bill. I want to thank again the ranking member for his graciousness.

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

I would like to extend compliments to the Speaker pro tem, the gentlelady from Ohio, for her attentiveness during this. As a former member of the Veterans' Affairs Committee yourself, and as a former chairwoman of one of the committees on Comp and Pen and Memorial Affairs, I appreciate your leadership here tonight.

I also would like to note that two members of the staff on the Republican side are not with us here tonight who gave tremendous contributions to both bills that we've had here tonight, on health and in benefits; that being the former Staff Director, Jim Lariviere and Jeff Phillips. Both of these individuals have been called to active duty, and both were promoted to Brigadier General. So Brigadier General Jim Lariviere tonight with the United States Marine Corps is on duty, and Brigadier General Jeff Phillips is also on duty with the United States Army. We recognize their contribution to these bills tonight, and wish them Godspeed and safety to themselves and their families.

With that, I want to express my appreciation to Chairman FILNER and the leadership of your team and that of your staff, and to include my staff for their hard work and the cooperation with that of the United States Senate.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today to speak on S. 3023, Veterans' Benefits Improvement Act of 2008. This bill is so important to our men and women who have served, are currently serving, or will serve one day.

As President John F. Kennedy once said, ''As we express our gratitude, we must never forget that the highest appreciation is not to utter words, but to live by them.'' Every day on this Floor, we praise the efforts of the soldiers who defend our way of life and our safety. If it is not time that we live by President Kennedy's words, and not just pay them lip service, when will it be?

Veterans face some of the greatest hardships that any of us can ever imagine. When they return from service, a large number of them can't acclimate back in to their life in an easy manner. This number goes up when you look at the members of the service who have seen action in one of the theatres that we have fought wars in. As of September 24, 2008, we have lost 4,125 men and women. As you all know, death is not the only sacrifice that these brave Americans make. Over 10 times that number of soldiers killed, 10 times that amount have been wounded. When they do return, they expect that the benefits they were promised are there to help them transition.

This bill provides a few things that will help the period of transition run smoothly. First off it says that veterans who need disability assistance can get it with ease. As anyone who has ever filled out a government form, they know that they were not designed with simplicity in mind. These forms often take trained professionals and a large amount of time to understand how and where to file this paperwork.

The current way to file is just as confusing as how you file other governmental forms. If this bill passes the Secretary of Veterans Affairs would be required to publish regulations relating to how people in need would request disability assistance. This bill would require clear and concise words as well as input from the public on what they think. The best way to prevent confusion is to get interested stakeholders to be brought into the process.

Second, this bill will standardize the process's time limits. No time limits on how long a person has to file claims exist today. This means that if the agency decides they want to deny a claim based on time, there is no mechanism to appeal. The 60 day deadline allows disabled veterans who are denied to fight back and get the coverage.

Our soldiers, and the patriotism that they inspire in Americans, need to be protected. This bill will help the veterans of the past, and the solders of the future, worry about their safety and not worry about what they will do when

they get home. We need to help these heroes out anyway we can.

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

GENERAL LEAVE

Mr. FILNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on S. 3023, as amended.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the Senate bill, S. 3023, as amended.

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

A motion to reconsider was laid on the table.

MEDAL OF HONOR SPECIAL PENSION INCREASE

Mr. FILNER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6980) to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to increase the amount of the Medal of Honor special pension provided under that title by up to $1,000.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6980

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

SECTION 1. AUTHORITY OF SECRETARY OF VETERANS AFFAIRS TO INCREASE MEDAL OF HONOR SPECIAL PENSION.

(a) AUTHORITY TO INCREASE RATE OF SPECIAL PENSION.—Subsection (a) of section 1562 of title 38, United States Code, is amended—

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

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

''(2)(A) Subject to the availability of appropriations for this purpose in advance in an appropriations Act, the Secretary may increase the rate of the special pension otherwise in effect under paragraph (1) by not more than $1,000.

''(B) The Secretary may not increase the rate of a special pension under subparagraph (A) after the Secretary has expended all the funds specifically provided for such purpose in an appropriations Act.

''(C) The authority under subparagraph (A) expires on September 30, 2013.''.

(b) CONFORMING AMENDMENT.—Subsection (f)(1) of such section is amended by striking ''this section'' and inserting ''subsection (a)(1)''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from South Carolina (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. Madam Speaker, since this bill was brought to us by the distinguished gentleman from South Carolina (Mr. BROWN), I would like to have him explain the bill and make sure everybody knows how important it is. We thank him for bringing us this legislation.

Mr. FILNER. Madam Speaker, I rise today to offer my support of H.R. 6980, a bill to authorize the Secretary of Veterans Affairs to increase the amount of the Medal of Honor special pension provided under that title by up to $1,000.

It is with great satisfaction that I stand before you today, to further honor our military heroes who have already received our Nation's highest recognition and praise—those who have been awarded the Medal of Honor. With this bill, we honor those heroes with our financial support, because they were willing to defend our country with their lives.

The Medal of Honor is the nation's highest award for bravery and military valor that can be bestowed upon any servicemember in the military. It is presented by the President of the United States in the name of Congress.

The Medal of Honor was established by a joint resolution of Congress in 1862 and was first presented during the Civil War. It is bestowed on a member of the United States armed forces who distinguishes himself ". . . conspicuously by gallantry and intrepidity at the risk of his life above and beyond the call of duty while engaged in an action against an enemy of the United States . . ." Because of its nature, awards of the medal are frequently made posthumously.

The Medal of Honor confers special privileges on those who receive it, both by tradition and by law. By tradition, all other soldiers, sailors, marines, and airmen—even higher-ranking officers up to the President of the United States—who are not also recipients of the Medal of Honor, must salute the recipient.

By law each recipient of the Medal may have their name placed on the Medal of Honor Roll. Each person whose name appears on the Medal of Honor Roll is certified by the United States Department of Veterans Affairs as being entitled to receive a special pension.

The current rate of that pension is just over $1,100 monthly . . . less than $14,000 annually. I believe, and I think every other American will back me in this, that we have to do better in honoring our heroes.

H.R. 6980 will increase the rate of the special pension for recipients of the Medal of Honor by up to $1,000. I believe that we should do more . . . but I recognize that this is the best we can do now!

Madam Speaker, yesterday we passed a bill for a one time payment to Filipino Veterans of World War II that I don't believe went far enough. Today, we'll pass this bill in support of our Nation's highest decorated heroes . . . and sadly . . . it too won't go far enough.

As we, as a Congress and as a Nation, focus on our veterans, particularly our newest veterans from OEF and OIF, we must also remember and never forget our heroes of previous wars. We owe to them all a debt of gratitude, and certainly to those who earned our Nation's highest honor every financial benefit we can bestow.

Today, by passing H.R. 6980, we once again recognize our military heroes, this time with financial support, and we tell them that we will never forget their bravery.

Madam Speaker, I urge the support of all my colleagues.

I reserve the balance of my time.

Mr. BROWN of South Carolina. Madam Speaker, I rise in support of H.R. 6980, a bill to authorize the Secretary of Veterans Affairs to increase the amount of the Medal of Honor special pension provided under that title by up to $1,000.

I especially want to thank Chairman FILNER and Ranking Member BUYER for working with me on this legislation, and to thank Chairman MICHAUD for joining me in introducing the original version of this legislation, H.R. 1137.

Madam Speaker, the Medal of Honor is the highest military decoration awarded by the United States of America. It is awarded ''for conspicuous gallantry and intrepidity at the risk of life, above and beyond the call of duty, in actual combat against an armed enemy force.''

Since its initial presentation in 1863 to Private Jacob Parrott, 3,448 Americans have been awarded the Medal of Honor. Today's legislation is important, but I want to spend most of my time talking about the heroes who have received this honor.

Today there are 100 living recipients of the Medal of Honor. The average age of a living recipient is 74 years of age, and 47 percent of recipients earned their medals more than 50 years ago while serving in World War II and in Korea. The oldest living recipient, John W. Finn, is 99 years old. He received his medal for manning a 50-caliber gun in an exposed position, while wounded, during much of the attack on Pearl Harbor. In addition to Mr. Finn, 34 other recipients are veterans from World War II.

Sixty living recipients of the Medal of Honor earned their medals while serving in Vietnam, including a good friend of mine from my congressional district, General James Livingston. Another recipient of the Medal of Honor, Frank Curry, also lives in my district and is a veteran of World War II. The Congressional Medal of Honor Museum, located on the hangar deck of the USS *Yorktown* in Charleston, South Carolina, serves as both a memorial to the heroic acts of the Medal of Honor recipients and a way to educate the public on their extraordinary service to their country.

The most recent Medal of Honor was awarded posthumously on June 5, 2008, to Private First Class Ross A. McGinnis, a member of the U.S. Army recognized for his service in Iraq. On December 4, 2006, Mr. McGinnis' platoon was on patrol when an insurgent threw a grenade into his HUMVEE. Although Private McGinnis could have escaped, he threw himself on top of the grenade, pinning it between himself and the radio mount and saving his fellow soldiers in the HUMVEE. Private McGinnis is the fourth Medal of Honor recipient from Operations Iraqi Freedom and Enduring Freedom. Navy SEAL Master-at-Arms Michael A. Monsoor and Lieutenant Michael P. Murphy, as well as Marine Corporal

Jason L. Dunham, were all posthumous recipients of the Medal of Honor for their incredible bravery in service to our country and their fellow men in Iraq and Afghanistan.

In recognition of their exceptional service, Medal of Honor recipients are entitled to a special pension, as first authorized by Congress in 1916. Currently, the 100 living recipients received an inflation-adjusted $1,000 per month. H.R. 6980 will increase the base payment to $2,000 per month, subject to appropriations. This benefit will act as the smallest token of appreciation to people who have shown the greatest possible devotion to their fellow soldiers and to their country.

Madam Speaker, this legislation would not have come to the floor today without the support of my good friends, Chairman FILNER, Ranking Member BUYER and Chairman MICHAUD.

I urge all of my colleagues to support this legislation.

I yield back the balance of my time.

GENERAL LEAVE

Mr. FILNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 6980.

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

There was no objection.

Mr. FILNER. I urge my colleagues to unanimously support this very important legislation, H.R. 6980.

Mr. BUYER. Madam Speaker, I rise in support of H.R. 6980, a bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to increase the amount of the Medal of Honor special pension provided under that title by up to $1,000.

The Medal of Honor is the Nation's highest award for military valor. It is presented by the President in the name of Congress, and is often called the Congressional Medal of Honor. Since its first presentation in 1863, over 3,467 Medals of Honor have been awarded to a total of 3,448 individuals (there have been 19 double recipients).

Under current law, a veteran who has been awarded a Medal of Honor is eligible for a monthly pension ($1,129 as of December 1, 2007). Eligibility for the pension is based solely on receipt of the Medal of Honor, and the recipient of the Medal of Honor must elect to receive the special pension. Receipt of this pension does not reduce any other benefits under U.S. law, and a veteran who has received more than one Medal of Honor is limited to receiving only one Medal of Honor pension benefit.

The legislation before us would increase the rate of this special pension by not more than $1,000, subject to appropriations. In an informal estimate provided to my office, the total cost of this bill would be $6 million over 5 years. The authority provided to the Secretary to expend the funds provided for this purposes would expire on September 30, 2013. After expending any funds appropriated for this purpose, the Secretary would not be authorized to further increase the rate of the special monthly pension.

Madam Speaker, over the years, it has been the honor of the Committee on Veterans' Affairs to name facilities after a number of Medal of Honor recipients, many of whom have passed on, but 100 still remain with us and walk as humble heroes among a grateful people. We can never thank these heroes enough for all they have given to protect our freedom and security. The special pension increase seems like a small amount compared to the price these warriors have paid.

Madam Speaker, I urge my colleagues to support the bill.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 6980.

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

A motion to reconsider was laid on the table.

PERMISSION TO CONSIDER AS ADOPTED MOTIONS TO SUSPEND THE RULES

Ms. SUTTON. Madam Speaker, I ask unanimous consent that the motions to suspend the rules relating to the following measures be considered as adopted in the form considered by the House on Monday, September 22, 2008, or Tuesday, September 23, 2008, as applicable:

H.R. 160, H.R. 2933, H.R. 4828, H.R. 6323, H.R. 2994, and H.R. 1532.

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

There was no objection.

The SPEAKER pro tempore. Without objection, respective motions to reconsider are laid on the table.

There was no objection.

GRAMM-LEACH-BLILEY

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

Ms. KAPTUR. Mr. Speaker, I would like to place in the RECORD remarks that I made in 1999 regarding a measure called the Gramm-Leach-Bliley bill that passed in this Congress on a vote of 362–57. At the time we said it would cause the mess we're facing today on Wall Street and indeed it has.

I will place also in the RECORD the votes of those who were present voting ''yes'' and voting ''no.''

This is an extraordinarily important vote that essentially unharnessed Wall Street to do whatever it wanted, mixing banking, commerce, real estate, insurance in a way America had not done for over half a century.

Some of what I said at that time was, ''I would say to the people listening tonight, are you tired of calling banks and getting lost in the automated phone system, never locating a breathing human being? This bill will make it worse.

''Are you fed up with rising ATM fees and service fees that now average over $200 a year per account holder? This bill will make it worse.

''Are you tired of mega-financial conglomerates and mergers that have made your community a branch economy of financial centers located far away whose officers you never know who never come to your community? This bill will make it worse.''

I would urge my colleagues to take a look at the remarks that were made over a decade ago and think about what we are facing today. I commend all of my colleagues who voted ''no'' in those days. They deserve a badge of honor.

Ms. KAPTUR. Madam Speaker, I rise in opposition to the rule and in opposition, strong opposition, to the bill. This bill is pro megabank and it is against consumers.

And I would say to the people listening tonight, Are you tired of calling banks and getting lost in the automated phone system, never locating a breathing human being? This bill will make it worse.

Are you fed up with rising ATM fees and service fees that now average over $200 a year per account holder? This bill will make it worse.

Are you skeptical about banks that used to be dedicated to safety and soundness and savings but are now switching to pushing stocks and insurance and debt? This bill will make it worse.

Are you tired of the megafinancial conglomerates and mergers that have made your community a branch economy of financial centers located far away, whose officers you never know, who never come to your community? This bill will make it worse.

Punitive reporting requirements in this bill are aimed at disabling community groups that are the only groups in this country that hold these institutions accountable for the depositors' money. It is going to make them a target of Federal reporting requirements. So why do community groups oppose this bill, like the Lutheran Office for Governmental Affairs, the Fair Housing Alliance, the National Low-Income Housing Coalition, the Coalition of Community Development Financial Institutions, Consumers Union, the Volunteers of America? Sounds like the folks that live in my neighborhood, my colleagues.

I would say this is one of the worst conceived bills ever to come before this body, simply because it does not pay attention to the majority of the American people who have, on average, less than $2,000 in any financial institution in this country. To anyone listening tonight I say, Put your money in the credit unions. They are owned by you and they will take care of you. Vote against this bill.

Mr. DINGELL. 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 vote was taken by electronic device, and there were—yeas 362, nays 57, not voting 15, as follows:

From Nov. 4, 1999 [Roll No. 570]

YEAS—362

Abercrombie	Andrews	Baird
Ackerman	Archer	Baker
Aderholt	Armey	Baldacci
Allen	Bachus	Ballenger

Barcia
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Becerra
Bentsen
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeGette
Delahunt
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Everett
Ewing
Farr
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kasich
Kelly
Kennedy
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McIntosh
McIntyre
McKeon
McNulty
Meehan
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Northup
Nussle
Oberstar
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sandlin
Sawyer
Saxton
Schaffer
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Tiahrt
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—57

Baldwin
Barrett (WI)
Barton
Brady (PA)
Campbell
Capuano
Clay
Condit
Conyers
Costello
Coyne
Davis (IL)
DeFazio
DeLauro
Dingell
Dixon
Edwards
Evans
Fattah
Filner
Frank (MA)
Gejdenson
Gutierrez
Hastings (FL)
Hefley
Hinchey
Inslee
Jackson (IL)
Kaptur
Kildee
Kucinich
Lee
Lewis (GA)
Lipinski
Luther
Markey
McDermott
McKinney
Meek (FL)
Mica
Miller, George
Obey
Phelps
Rivers
Rodriguez
Roybal-Allard
Rush
Sanders
Sanford
Schakowsky
Serrano
Taylor (MS)
Thurman
Tierney
Waters
Waxman
Woolsey

NOT VOTING—15

Bereuter
Dickey
Kanjorski
Larson
Martinez
McInnis
Mollohan
Ney
Norwood
Paul
Radanovich
Scarborough
Shuster
Stark
Taylor (NC)

FINANCIAL BAILOUT

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

Ms. FOXX. Mr. Speaker, it's been a few short days since we first got news of the administration's $700 billion plan to bail out the financial industry.

In large part, the root cause of our current crisis is the mismanagement, failure and political cronyism at government-backed lenders, Freddie Mac and Fannie Mae. Some people are hoping to use Americans' tax dollars to bring about a government-backed solution to a problem that was essentially caused by decades of government incompetence.

An article in Bloomberg entitled How the Democrats Created the Financial Crisis and the transcript from Fox News tonight shed much light on how Republicans warned of the impending problem and the responsibility of Democrats for the problem.

I've heard a lot of talk about bailing out those who made very risky, even reckless decisions. My question is, what about all the American taxpayers who played by the rules? Who's going to bail them out?

□ 2100

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. KAGEN). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

HISPANIC HERITAGE MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. SUTTON) is recognized for 5 minutes.

Ms. SUTTON. Mr. Speaker, I am happy to be here on the floor this evening during Hispanic Heritage Month to honor the Hispanic community and pay tribute to the extraordinary contributions that Hispanics have made and continue to make to our great Nation.

There are 45.5 million Hispanics in America whose hard work, strong faith and closely knit families have made America a better and stronger country. That is why, Mr. Speaker, I would like to honor some of the Hispanic leaders in my congressional district who selflessly serve our communities with diligence and passion.

Leaders including Joel Arredondo, president of the Lorain City Council and president of the Coalition of Hispanic Issues in Progress. Joel is an active leader in our community, and as a result, last year the Lorain County Urban League honored him as the Community Leader of the Year.

Pastor Gilbert Silva is the pastor at House of Praise in Lorain, Ohio. Pastor Silva has touched the lives of many people through his thoughtful sermons and one-on-one interaction with his parishioners.

Celestino Rivera, chief of police for the City of Lorain. Chief Rivera serves in his position with professionalism and integrity in his mission to protect and serve our community.

First Sergeant Sam Obechi teaches the Honor Guard at the Southview School Army Junior ROTC. Not only has Sergeant Obechi selflessly served our country, he serves our community and our Nation by teaching young men and women how to prepare for college and the Armed Services.

Victor Leandry, director of El Centro Social Services, which is a regional affiliate for the National Council of La Raza. His commitment to the community is seen through his work in civil rights, social justice, community development, and education.

Nellie Carraballo is a member of Steelworkers Local 1104. I had the honor of serving on a panel with Nellie recently to discuss the so-called U.S.-Colombia Free Trade Agreement. Nellie has helped educate many in my community by sharing the worker's rights violations that she witnessed while she was on a trip to Colombia.

Laura Rios, director of a community grassroots organization in my district called Reclaim Lorain. Laura and her group have energized the community through their local initiatives, such as their campaign encouraging people to vote.

Mr. Speaker, the individuals that I have mentioned are only a few of the very many Hispanic leaders in Ohio and across our country who are fighting to improve our community and our neighborhoods.

The Hispanic community is a vital part of our Nation economically, culturally and politically, and the 110th Democratic Congress has been successful in enacting key initiatives to help revitalize our economy and renew the American Dream for millions of America's Hispanic families.

We increased the minimum wage, benefiting 2.3 million Hispanics over the next several years, the first increase in a decade.

We have twice passed legislation to provide health care coverage for 10 million children in need, including millions of Hispanic children. Now, unfortunately, President Bush vetoed these measures, preventing children from accessing the health care that they need.

But in addition, this Congress has extended unemployment benefits at a time when the Hispanic unemployment rate stands at 8 percent.

Finally, this Congress has passed landmark measures to improve the lives of America's veterans, including the 1.1 million veterans who are Hispanic.

Mr. Speaker, it is imperative that Congress continue to focus on expanding economic opportunities for our Hispanic working families and communities.

I will continue to fight to ensure that Hispanics in my district have a voice in Washington, D.C., and once again, I'm proud to recognize our Hispanic leaders in my district in Ohio and all across our great Nation.

I ask my colleagues to join me in celebrating Hispanic Heritage Month and recognize all of the accomplishments of the Hispanic community.

FINANCIAL ARMAGEDDON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, they tell us that we're going to have financial Armageddon and the answer is to bail it out. You know, the phrase ''bailout'' is an interesting term. Having spent most of my life as a judge and a prosecutor in the criminal justice system, we used that term to bail somebody out of jail. Bail them out of a mess that they have created and somebody else pays the price. Appropriate term I think for the situation we're in now.

We want to bail somebody out of making mistakes, the rest of us are going to have to pay for. And the bailout now we're talking about is bailing out the financial institutions, financial institutions that are incompetent, that made bad judgment calls, mismanagement, bad risk, and maybe a little corruption to boot. But yet those people, those fat cats on Wall Street, New York City, expect America to pick up the pieces, and they pay for the mistakes that these people made. That is not, Mr. Speaker, the American way.

In this country and where I come from, we are all responsible for the decisions we make, and we're held accountable. We cannot expect somebody else to be held accountable for the mistakes we made, and Mr. Speaker, the same ought to apply to Wall Street and New York City.

Now, bailout's been a term we've been using in Congress the whole year. I have this poster over here. Mr. Speaker, it's entitled, ''It's a sad time to be an American taxpayer,'' and here's the reason. This Congress and the government has authorized bailouts already this year for troubled financial institutions and expected somebody else to pay.

First, it was Bear Stearns' bailout. Oh, that was just $28 billion. Right after Bear Stearns came the old Fannie Mae and Freddie Mac bailout, another situation of financial mismanagement, incompetence, maybe corruption. That was only $200 billion. Taxpayers paid. The responsible people did not pay. And then the AIG bailout just a couple of weeks ago. That was $85 billion to bail out that financial giant from making bad decisions, mismanagement, maybe corruption. And today, today, lo and behold we bailed out the automobile industry in the United States to the tune of $25 billion.

But we're not through, Mr. Speaker. Now they tell us, because of a financial crisis on Wall Street, we need to pay $700 billion to fix the system. Now, what does all that mean? That means it's $1 trillion of money belonging to people in the United States to have to pay for all of this mismanagement. What does that mean? Well, if you take every man, woman, child and even illegal in the United States, that means they've got to pay $3,000 apiece for this mess somebody else created.

Mr. Speaker, that ought not to be. That certainly is not the American way. But yet we're expected to do it, and why, Mr. Speaker, I'm not sure. It seems to me that maybe these folks have a little more political clout than the average American citizen.

The district I represent down in southeast Texas, it's about 60, 70 percent blue collar. City councilman from Bay Town, Texas, is a friend of mine. He's named Sammy Mahon. His real job, he runs a wrecker service in southeast Texas. Yes, city councilmen in southeast Texas are wrecker drivers. And he has a hard time making ends meet because of the cost of diesel fuel, which is another issue. But he looks at it kind of the way I think most Americans. He says, Congressman, if I go out of business for whatever reason, I shouldn't expect my neighbor to pay for my business. And he's right, because he's just a little guy.

But these big guys, they expect us to pay for mismanagement. Hold us ransom. Pay this $700 billion in ransom, and it's all because of incompetence and mismanagement.

Responsible Americans have to pay for irresponsible conduct by the others. That ought not to be.

And this didn't happen universally to all banks. Some banks, small banks, community banks, they didn't make these mistakes. They didn't take those risky loans, give loans and money to people who had no business borrowing money in the first place. Why should we bail out those people that took those loans knowing they couldn't pay them back? Why should we bail out the banks who didn't take that risk but passed it on to the rest of us?

They tell us, Mr. Speaker, that we must act now or the sky will fall or we'll have financial Armageddon. I think not. The politics of fear is certainly not the answer.

You know, we have spent more time as a Congress studying steroids in baseball than we have been studying the financial crisis this week. And why is that? Political clout. This ought not to be.

We have a problem. We have a cause. We have to figure out the solution. We don't know the answer to those three, and Mr. Speaker, it's time we get busy and solve this problem but not expect somebody else to pay for the conduct and misconduct of others.

And that's just the way it is.

REVISION TO THE BUDGET AGGREGATES FOR THE PERIOD OF FISCAL YEARS 2009 THROUGH 2013

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. SPRATT) is recognized for 5 minutes.

Mr. SPRATT. Madam Speaker, under section 220 of S. Con. Res. 70, the Concurrent Resolution on the Budget for fiscal year 2009, I hereby submit for printing in the CONGRESSIONAL RECORD a revision to the budget aggregates for the period of fiscal years 2009 through 2013. This is in response to consideration of the bills H.R. 7005, Alternative Minimum Tax Relief Act of 2008, and HR 7006, Disaster Tax Relief Act of 2008. A table is attached.

Under section 323 of S. Con. Res. 70, this adjustment to the budget allocations and aggregates applies while the measure is under consideration. For purposes of the Congressional Budget Act of 1974, as amended, a revised allocation made under section 323 of S. Con. Res. 70 is to be considered as an allocation included in the resolution.

BUDGET AGGREGATES

[On-budget amounts, in millions of dollars]

	Fiscal Year 2008 [1]	Fiscal Year 2009 [1 2]	Fiscal Years 2009–2013
Current Aggregates:			
Budget Authority	2,456,198	2,462,544	n.a.
Outlays	2,437,784	2,497,322	n.a.
Revenues	1,875,401	2,029,653	11,780,263
Change for consideration of the Alternative Minimum Tax Relief Act (H.R. 7005) and the Disaster Tax Relief Act (H.R. 7006):			
Budget Authority	0	0	n.a.

BUDGET AGGREGATES—Continued

[On-budget amounts, in millions of dollars]

	Fiscal Year 2008 [1]	Fiscal Year 2009 [1 2]	Fiscal Years 2009–2013
Outlays	0	0	n.a.
Revenues	0	0	340,570
Revised Aggregates:			
Budget Authority	2,456,198	2,462,544	n.a.
Outlays	2,437,784	2,497,322	n.a.
Revenues	1,875,401	2,029,653	12,120,833

[1] Current aggregates do not include spending covered by section 301(b)(1) (overseas deployments and related activities). The section has not been triggered to date in Appropriations action.

[2] Current aggregates do not include Corps of Engineers emergency spending assumed in the budget resolution, which will not be included in current level due to its emergency designation (section 301(b)(2)).

n.a. = Not applicable because annual appropriations Acts for fiscal years 2010 through 2013 will not be considered until future sessions of Congress.

CONSOLIDATION IN OUR NEWS OUTLETS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. INSLEE) is recognized for 5 minutes.

Mr. INSLEE. Mr. Speaker, the previous speaker alluded to a financial crisis we are now in that has occurred in part because of greed and avarice and incompetence and perhaps fraud, but it's also arisen because of the lack of an honest, tough regulatory system to rein in those abuses that has been most unfortunate during the last several years. It's happened sort of in the dead of the night, and it points out the need for Uncle Sam to provide a regulatory system that really stands up for hardworking Americans.

And I come to talk about one of those things that we need, which is a regulatory system to make sure that Americans have access to multiple sources of information so that we can make studied, reasoned decisions about public policy. And unfortunately, under the Bush administration, which I must say has not done a heck of a job in regulating the financial services industry the last few years, has also not done a heck of a job recently in providing a regulatory structure that would give Americans access to multiple sources of information in our news outlets.

Specifically, what I'm concerned about, I'd like to talk about tonight, is the Federal Communications Commission, under this administration, has attempted to allow greater consolidation in our media outlets which basically reduces the sources and multiple diverse sources of information that Americans receive, and this has happened in the dark of the night. I'd like to address this problem tonight.

Many of my colleagues have advocated against the consolidation of our news outlets because we know having multiple sources of information is healthy for public debate. It's absolutely intrinsic to a functioning democracy, and that's why we were outraged when the FCC voted last December to lift a ban on one company owning a daily newspaper and a broadcast station in the same market, too much consolidation.

□ 2115

FCC Chairman Kevin Martin claimed that the new rules applied only in our Nation's biggest markets. Unfortunately, we found out that that was simply not the case. The new rules contained enormous loopholes that would allow companies to easily obtain permanent waivers that would allow this illicit and unnecessary consolidation in our media markets.

Now this process has also lacked transparency. Americans have not had a fair shake to weigh in on this decision. Prior to the vote, the FCC held six town hall meetings during the course of the year. And even though the FCC gave little notice, thousands of people showed up to express concerns about what the Bush administration was doing here.

The last public hearing the FCC held was in my hometown of Seattle this last November. Along with Senator MARIA CANTWELL, I called on Chairman Martin to give the public at least 4 weeks' notice prior to a town hall meeting. Well, clearly in an effort to reduce public response, they gave us about 4 days' notice. Nonetheless, 1,000 citizens showed up to express a relatively unanimous opinion against any more media consolidation, against the position the FCC was advocating.

However, the FCC Chair did not listen to those people. I know this because it turns out—I thought this was a little embarrassing for the FCC chairman—it turned out he had written an op-ed piece for the New York Times in favor of further possible consolidation and submitted it to the paper even before he got done with the hearings. And then he came out to Seattle and purported to be listening to the Americans. He'd already formed his opinion and had written an op-ed about what he was going to do. It wasn't a very fair process.

This is in part why I had introduced bipartisan legislation prior to the vote calling on the Commission to conduct its ownership proceedings with greater transparency and to deal with the crisis in minority and female ownership of broadcast stations. It's shameful that people of color own just 3 percent and women 5 percent of our Nation's TV stations.

Following the December vote, the Senate introduced and passed a resolution of disapproval in May by a nearly unanimous voice vote. This enjoyed broad bipartisan support. We know where Americans stand on this issue. They do not want to continue the increasing consolidation in the media market.

I've introduced a resolution of disapproval. We have over 50 cosponsors. We're going to run out of time to get this bill passed this year, but I want to congratulate the public whose vigorous opposition to this consolidation has allowed our voices to be heard. There have been no new major media mergers that have taken place in the broadcast industry while we have been fighting this battle.

I want to congratulate people for fighting this effort, and we will continue our efforts into the next Congress.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. DAVIS) is recognized for 5 minutes.

(Mr. DAVIS of Kentucky addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

CRONY CAPITALISM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Mr. Speaker, the American people won an important victory today, and we all should celebrate it. The Democrats finally allowed the moratorium on offshore drilling to expire. They did that because of the pressure brought on them by their constituents and by the 135 Republicans who stayed on this floor every day in August while the Democrats were on vacation, and we spoke on the floor every day before that and since then.

We called to the attention of the American people every day that the Democrats are in charge of the Congress and it was under their charge that gas prices doubled.

So, when someone says to you there's no difference between Democrats and Republicans, you can point to this example of leadership by Republicans and how we brought this to the American people and with this support, changed the position of the Speaker.

Now we have another task before us. It is our task to inform the American public about who is responsible for the U.S. mortgage and credit problem that we are grappling with.

This is not a failure of the markets. But it is a failure of government.

Mr. Speaker, I would like to put in the RECORD an editorial from investors.com entitled ''Crony Capitalism Is Root Cause of Fannie And Freddie Troubles.''

''In the past couple of weeks, as the financial crisis has intensified, a new talking point has emerged from the Democrats in Congress: This is all a 'crisis of capitalism,' in socialist financier George Soros' phrase, and a failure to regulate our market sufficiently.

''This is a crisis of politically driven crony capitalism, to be precise.

''Indeed, Democrats have so effectively mastered crony capitalism as a governing strategy that they've convinced many in the media and the public that they had nothing whatsoever to do with our current financial woes.

''Funny, because over the past 8 years, those who tried to fix Fannie Mae and Freddie Mac—the trigger for today's widespread global financial meltdown—were stymied repeatedly by congressional Democrats.''

And as my colleagues on both sides of the aisle tonight have pointed out, these problems have been brought on under the leaders who were Democrats when Congress was controlled by the Democrats on several occasions.

''Although some key Republicans deserve blame as well, it was a concentrated Democratic effort that made reform of Fannie and Freddie impossible.''

In fact, earlier tonight on FOX News, to their credit, they showed comments being made by Chairman FRANK and Chairman SCHUMER about why Fannie and Freddie were great and didn't need any reform, and going back to 2001 pointed out how President Bush and members of his Cabinet pointed out we were going to have a crisis because of Fannie and Freddie. As my colleague just previously said, we don't have enough regulations of these markets, but I would say we have the wrong kind of regulations, and more and more is going to come out about that and put it where it deserves.

Again, I'm going to quote some more from this article:

''Fannie and Freddie gobbled up the market. Using extraordinary leverage, they eventually controlled 90 percent of the secondary market mortgages. Their total portfolio of loans topped $5.4 trillion—half of all U.S. mortgage lending. This created the problem that we're having today.''

But they also ''became a kind of jobs program for out-of-work Democrats.

''Franklin Raines and Jim Johnson, the CEOs under whom the worst excesses took place in the late 1990s to mid-2000s, were both high-placed Democratic operatives and advisors to Presidential candidate BARACK OBAMA.

''On the surface, this sounds innocent. Someone has to head the highly political Fannie and Freddie, right? But this is why crony capitalism is so dangerous. Those in power at Fannie and Freddie, as the sirens began to wail about some of their more egregious practices, began to bully those who opposed them.

''We now know that many of the Senators who protected Fannie and Freddie, including BARACK OBAMA, HILLARY CLINTON and CHRISTOPHER DODD, have received mind-boggling levels of financial support from them over the years.''

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

Ms. FOXX. Thank you, Mr. Speaker.

''CRONY'' CAPITALISM IS ROOT CAUSE OF FANNIE AND FREDDIE TROUBLES

(By Terry Jones)

In the past couple of weeks, as the financial crisis has intensified, a new talking point has emerged from the Democrats in Congress: This is all a ''crisis of capitalism,'' in socialist financier George Soros' phrase, and a failure to regulate our markets sufficiently.

Well, those critics may be right—it is a crisis of capitalism. A crisis of politically driven crony capitalism, to be precise.

Indeed, Democrats have so effectively mastered crony capitalism as a governing strategy that they've convinced many in the media and the public that they had nothing whatsoever to do with our current financial woes.

Barack Obama has repeatedly blasted ''Bush-McCain'' economic policies as the cause, as if the two were joined at the hip.

Funny, because over the past 8 years, those who tried to fix Fannie Mae (FNM) and Freddie Mac (FRE)—the trigger for today's widespread global financial meltdown—were stymied repeatedly by congressional Democrats.

This wasn't an accident. Though some key Republicans deserve blame as well, it was a concerted Democratic effort that made reform of Fannie and Freddie impossible.

The reason for this is simple: Fannie and Freddie became massive providers both of reliable votes among grateful low-income homeowners, and of massive giving to the Democratic Party by grateful investment bankers, both at the two government-sponsored enterprises and on Wall Street.

The result: A huge taxpayer rescue that at last estimate is approaching $700 billion but may go even higher.

It all started, innocently enough, in 1994 with President Clinton's rewrite of the Carter-era Community Reinvestment Act.

Ostensibly intended to help deserving minority families afford homes—a noble idea—it instead led to a reckless surge in mortgage lending that has pushed our financial system to the brink of chaos.

SUBPRIME'S MENTORS

Fannie and Freddie, the main vehicle for Clinton's multicultural housing policy, drove the explosion of the subprime housing market by buying up literally hundreds of billions of dollars in substandard loans—funding loans that ordinarily wouldn't have been made based on such time-honored notions as putting money down, having sufficient income, and maintaining a payment record indicating creditworthiness.

With all the old rules out the window, Fannie and Freddie gobbled up the market. Using extraordinary leverage, they eventually controlled 90% of the secondary market mortgages. Their total portfolio of loans topped $5.4 trillion—half of all U.S. mortgage lending. They borrowed $1.5 trillion from U.S. capital markets with—wink, wink—an ''implicit'' government guarantee of the debts.

This created the problem we are having today.

As we noted a week ago, subprime lending surged from around $35 billion in 1994 to nearly $1 trillion last year—for total growth of 2,757% as of last year.

No real market grows that fast for that long without being fixed.

And that's just what Fannie and Freddie were—fixed. They became a government-run, privately owned home finance monopoly.

Fannie and Freddie became huge contributors to Congress, spending millions to influence votes. As we've noted here before, the bulk of the money went to Democrats.

DOLLARS TO DEMS

Meanwhile, Fannie and Freddie also became a kind of jobs program for out-of-work Democrats.

Franklin Raines and Jim Johnson, the CEOs under whom the worst excesses took place in the late 1990s to mid-2000s, were both high-placed Democratic operatives and advisers to presidential candidate Barack Obama.

Clinton administration official Jamie Gorelick also got taken care of by the Fannie-Freddie circle. So did top Clinton aide Rahm Emanuel, among others.

On the surface, this sounds innocent. Someone has to head the highly political Fannie and Freddie, right?

But this is why crony capitalism is so dangerous. Those in power at Fannie and Freddie, as the sirens began to wail about some of their more egregious practices, began to bully those who opposed them.

That included journalists, like the Wall Street Journal's Paul Gigot, and GOP congressmen, like Wisconsin Rep. Paul Ryan, whom Fannie and Freddie actively lobbied against in his own district. Rep. Cliff Stearns, R–Fla., who tried to hold hearings on Fannie's and Freddie's questionable accounting practices in 2004, found himself stripped of responsibility for their oversight by House Speaker Dennis Hastert—a Republican.

Where, you ask, were the regulators?

Congress created a weak regulator to oversee Freddie and Fannie—the Office of Federal Housing Enterprise Oversight—which had to go hat in hand each year to Capitol Hill for its budget, unlike other major regulators.

With lax oversight, Fannie and Freddie had a green light to expand their operations at breakneck speed.

Fannie and Freddie had a reliable coterie of supporters in the Senate, especially among Democrats.

''We now know that many of the senators who protected Fannie and Freddie, including Barack Obama, Hillary Clinton and Christopher Dodd, have received mind-boggling levels of financial support from them over the years,'' wrote economist Kevin Hassett on Bloomberg.com this week.

BUYING FRIENDS IN HIGH PLACES

Over the span of his career, Obama ranks No. 2 in campaign donations from Fannie and Freddie, taking over $125,000. Dodd, head of the Senate Banking panel, is tops at $165,000. Clinton, ranked 12th, has collected $75,000.

Meanwhile, Freddie and Fannie opened what were euphemistically called ''Partnership Offices'' in the districts of key members of Congress to channel millions of dollars in funding and patronage to their supporters.

In the space of a little more than a decade, Fannie and Freddie spent close to $150 million on lobbying efforts. So pervasive were their efforts, they seemed unassailable, even during a Republican administration.

Yet, by 2004, the crony capitalism had gone too far. Even OFHEO issued a report essentially criticizing Fannie and Freddie for Enron-style accounting that let them boost profits in order to pay their politically well-connected executives hefty bonuses.

It emerged that Clinton aide Raines, who took Fannie Mae's helm as CEO in 1999, took in nearly $100 million by the time he left in 2005. Others, including former Clinton Justice Department official Gorelick, took $75 million from the Fannie-Freddie piggy bank.

Even so, Fannie and Freddie were forced to restate their earnings by some $3.5 billion, due to the accounting shenanigans.

As we noted, those who tried to halt this frenzy of activity found themselves hit by a political buzz saw.

President Bush, reviled and criticized by Democrats, tried no fewer than 17 times, by White House count, to raise the issue of Fannie-Freddie reform. A bill cleared the Senate Banking panel in 2005, but stalled due to implacable opposition from Democrats and a critical core of GOP abettors. Rep. Barney Frank, who now runs the powerful House Financial Services Committee, helped spearhead that fight.

Now, with the taxpayer tab approaching $1 trillion or more, we're learning the costs of crony capitalism.

In the coming days, an IBD series will look into this phenomenon in greater detail—how we got here, who's responsible, and why nothing was done.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

REAL REFORM, OR NOTHING

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, I have some advice for President Bush and Secretary Paulson, and that is—hold your horses. The Wall Street credit crunch is not the fault of the American taxpayer. In fact, 94 percent of the American people are paying their mortgages on time.

The credit crunch has been created by an unregulated global financial market with some pretty important players. They sure have a lot more money than our family does. This mess extends far beyond Wall Street. The co-conspirators include the central banks in China, Saudi Arabia, South Korea, and Japan. These institutions all around the world who fully understood they were buying pieces of paper held by people who lacked the ability to pay, but they wanted access to our markets to sell their goods, and they bought our debt securities to assure our government wouldn't stand tall for fair trade.

They played a form of financial musical chairs, so to speak, hoping that when the music stopped, they would not be penalized. Well, the music has stopped, and they don't want to pay the penalty. They want a bailout.

The American people for two decades have opposed the NAFTA-type trade deals that these financial houses have supported that have caused so many catastrophic losses of jobs as industries were outsourced, communities devastated, and our national wealth harmed. The American people are not to blame for that. They're frustrated with that.

Rather, it is the stewards in these financial houses, the folks over in this Bush administration, that want to extend NAFTA to Colombia now and the Federal Reserve and Treasury who fail to do their fiduciary duties.

You know, there's a lot of history here.

If we think about where the seeds were planted that caused this mess in the markets, you can go back to 1989 with the passage by this Congress of the Financial Institutions Reform, Recovery and Enforcement Act. I voted ''no'' on that bill because what it did was it placed all of these troubled savings and loans back then that had bad paper right on the books of the American taxpayer. We paid over $250 billion for all of those mistakes, and that bill established a Resolution Trust Corporation which executed a lot of very lucrative deals to dispose of those failed thrifts, including one called in the consolidation, post-RTC, Superior Bank, which, by 2001, after getting all of the tax breaks that it got, ended up getting the largest fine in American history ever imposed by the FDIC: $450 million for its wrongdoing.

That particular Act in 1989 also diminished the role of community savings banks that had been so important in our country. That Act also took the regulatory harness off the Wall Street high-steppers, and they began to get very, very careless.

The RTC savings and loan failures ultimately have cost the American people so much that we're still paying interest on the messes from the 1980s. Now they want to add more.

Then in 1994, Congress passed—and I voted against—the Interstate Banking Act that basically allowed these financial institutions to get even bigger and less community-oriented. Give us no money on our passbook savings and charge us fees just if we have money in checking accounts. They have made billions.

I remember in 1995 when Speaker Newt Gingrich was elected, and he went down to the Banking Committee and took the name off the door. It used to be Banking, Finance and Urban Affairs, and he changed it to Financial Services; and oh, boy, have they been about doing that, putting fees on everything, practically even breathing when you walk in a bank.

So the whole idea of prudent banking was thrown out the window, and the time-honored principles of character, collateral, and collectibility were thrown out.

Then in 1999 the killer bill of all, Gramm-Leach-Bliley, was passed by this Congress, and it gutted the Glass-Steagall Act that had been there since the Great Depression. That Act passed this Congress by a margin of 362–57, and that repeal enabled commercial lenders like Citigroup, the largest U.S. bank by assets, to underwrite and trade instruments such as mortgage-backed securities and collateralized debt obligations in the international market for the first time in American history.

The repeal of that Act is one of the major contributing factors to the subprime mortgage crisis that we face. Nontransparent practices like derivatives crept in, and it was even hard to define what a bank was anymore as loans were then changed to be bonds and then bonds became securitized debt and then securitized debt was sold into the international market. And who in the world even knows where your mortgage lies.

□ 2130

Today, we have, as a Congress, the duty to reform the system, prosecute those responsible, and protect our taxpayers.

Mr. Speaker, might I just say, in closing, America doesn't need $700 billion for Wall Street. We need 500 more lawyers and accountants at the FBI going after these people, not as a symbolic force, but as a real force, to go after and recover the money from all the mansions, Mercedes, boats, stock options, and offshore tax havens that these people have set in place.

This is a problem that this Congress has to solve. Please support my bills, H.R. 6990 and H.R. 1452, to set America on a more prudent and diligent course in our banking and financial system.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

(Mr. MORAN of Kansas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

RECOGNIZING VICKI MIDDLETON FOR HER SERVICE TO THE CONGRESS AND TO THE COUNTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HUNTER) is recognized for 5 minutes.

Mr. HUNTER. Mr. Speaker, I appreciate the time.

And to all of my colleagues, as I wrap up this 28 years, having come in with Ronald Reagan in 1981, I would be remiss if I didn't talk a little bit about this great Virginian who came in in 1981, in August—I think it was about August 27, 1981, walked into my office and took a job as a front desk person, the person who's right there in the front of the battlefield, to be a member of our office staff. Her name was Vicki Middleton, and she was the daughter of a dairy farmer in northern Virginia. And she came in with a can-do attitude, did a wonderful job at the front desk. And then she moved to be a legislative correspondent, and then our senior legislative person, and then, ultimately, my chief of staff.

Mr. Speaker, the ability of this House to operate and this legislative body to operate is strongly reliant on these wonderful, great Americans, these professional staff members who can look through a sea of interests and crosscurrents of people with various stakes in the game and can clearly see the American interest, what's right for this country, and Vicki Middleton is one of those people.

Mr. Speaker, I came in in 1981. I got on the Armed Services Committee. We rebuilt national defense. We came in with a 12.6 percent pay raise for our troops. We came back from those days when 1,000 petty officers a month were leaving the Navy because they couldn't afford to take care of their families on the pay they were making. We rebuilt and replaced lots of those old planes that wouldn't fly, and we fixed those ships that wouldn't steam and we built lots more of them. And we stood up to the Soviet Union and we brought down the Berlin Wall. And we brought a new era of freedom to hundreds of millions of people in this world.

And behind those initial programs and those initiatives by President Ronald Reagan and later President George Herbert Walker Bush and then George W. Bush and the initiatives that we've undertaken with our armed services to bring freedom to others in the world and to protect our own security are those wonderful, great staff people who not only work on the Armed Services Committee, but also work in the Members' offices. And Vicki Middleton is first and foremost, in my mind, among those people.

She is, in my estimation—and I know a few Members will argue with me because they have superb people working for them—I have always called her the best chief of staff on Capitol Hill.

And so, Mr. Speaker, as I leave this job after 28 years, I thought it might be nice to give something to Vicki Middleton to make sure that she understands how much we value her great leadership and her friendship. And so my wife Lynn and I had this painting, which is a signed and numbered lithograph by Olaf Wieghorst, whom you may have heard me talk about on a couple of occasions here on the House floor, who is considered the ''Dean of Western artists'' from my hometown of San Diego, whose paintings, at the end of his life, he was the highest price western painter in the world. And he was a guy who was highly independent, strongly accountable, looked you right in the eye, never had a lick of painting lessons in his life, but had a great eye for movement, for color, and for the people of the West. And he painted this beautiful picture of western horses. And this inscription reads, ''From Lynn and Duncan Hunter, for your 26 years of service to America, to Vicki Middleton, and for a lifetime of friendship, duty, honor and country.''

I reflected today, Mr. Chairman, as I looked at all of our great staff members, that those terms, ''duty, honor and country,'' aren't reserved exclusively for the people who wear the uniform of the United States—although they certainly reflect those values of our uniformed personnel—but they also reflect the values of people like Vicki Middleton, who came from a small town in Virginia, came to Washington, D.C. with independence, with honesty, with integrity, and with a great deal of patriotism for her country, and dedicated 26 years to this institution and to the flag that waves over it.

So, Mr. Speaker, Lynn and I are presenting this picture—in fact, we've already presented it to Vicki once; I think we're going to present it to her about five more times before this session is over—but we're presenting this picture to her in recognition of her service to America.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

OPPOSING FCC MEDIA OWNERSHIP RULES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATERS) is recognized for 5 minutes.

Ms. WATERS. Mr. Speaker, I would like to thank my colleague, Congressman JAY INSLEE, for his work on opposing the FCC's media ownership rules and for arranging time to bring this issue to the House floor this evening.

I was proud to cosponsor his resolution, H.J. Res. 79, a resolution to disapprove of the Federal Communications Commission's media ownership rules.

The FCC has neglected to deal with the crisis in minority ownership. Only 44 of the more than 1,200 TV stations are owned by people of color. The situation is particularly dire for the African American community. The number of African American owners has dropped 60 percent from 2006 to 2007. There are only eight TV stations in this country owned by African Americans.

Unfortunately, the FCC's vote last December to lift the newspaper broadcast cross-ownership rules would take direct aim at minority broadcast owners. According to the FCC, the new rule allows a newspaper to buy a television station in our Nation's largest markets if the outlet is ranked outside the top four.

There are at least two problems with the rule: One, it is not what it appears to be. The new rule contains loopholes that will allow for greater consolidation in potentially every market in this country. Second, nearly half of all minority-owned stations operate in the top 20 markets and all are ranked outside the top four. This would make them a target for acquisition and make it harder for people of color to purchase stations in larger markets. This is unacceptable.

The FCC seems not to care about the state of minority ownership. In fact, the FCC has no idea how many stations are actually owned by people of color because the Commission has failed to keep track of their own data. The only reason I'm able to cite statistics on minority ownership is due to the diligent work of a nonprofit group to conduct an accurate census and do the work the FCC should have conducted itself.

Last year, the FCC conducted several ownership studies prior to its December vote but failed to count 69 percent of minority-owned TV stations and 75 percent of female-owned stations. The failure of the FCC to properly address the crisis in minority ownership is stunning, since the U.S. Third Circuit Court of Appeals in 2004 chastised the FCC for its failure to address the issue of minority ownership the last time it attempted to allow for further media consolidation.

The lack of minority ownership and minority representation has real consequences for our society. It is no wonder many feel the media continues to marginalize people of color, causing our communities great harm.

There has been too much incompetency from independent regulatory agencies during the 8 years of the Bush administration. This lack of accountability has to stop, and I'm so proud of the millions of Americans who have spoken out through the years and have said ''no'' to media consolidation. This is especially true in the 35th Congressional District, where my constituents have fought so hard to block the deal between KTLA and the Los Angeles Times newspaper. On behalf of my constituents, I filed a brief in the continuing litigation to oppose the merger of these two giants that would have the effect of silencing the voices of many of my constituents.

It is going to be because of the many individual voices for free speech and diversity that we are going to continue to hold the FCC accountable for serving the public interest needs of the American people.

I promise I will continue to fight on and to fight for a media system that strengthens our democracy instead of weakening it.

PERSONAL EXPLANATION

Ms. WATERS. Mr. Speaker, I ask unanimous consent to note in the RECORD that I mistakenly voted ''aye'' on Roll Call 632, that was H.R. 2368, the Consolidated Security Disaster Assistance and Continuing Appropriations Act of 2009. I mistakenly voted ''aye'' on H.R. 2368. I did not realize the Defense appropriation and funding for the war in Iraq was included in the continuing appropriation. Had I known, I would have voted ''no.''

The SPEAKER pro tempore. Without objection, the gentlewoman's statement will appear in the RECORD.

There was no objection.

WHAT THE AMERICAN PEOPLE WANT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. TIM MURPHY) is recognized for 5 minutes.

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, while Congress and our Nation is concerned about the crisis in our financial markets, it is important that we keep our ear to what the people of this Nation are saying. They're hearing words about liquidity, about the markets, about margins, there are even concerns about mortgage-backed securities. What they want to hear is the talk about three basic principles to get this Nation's economy back on track.

First and foremost is to protect the people—their nest eggs, their pensions, their homes. It is more important that we look at establishing that as the

base of what we should be working on and not simply talking about Wall Street and protecting millionaires there. It is what people have in their own funds, their own accounts that they want to make sure we're attending to.

Second is the issue of accountability. Most workers, most employers, most executives are good people, honest and decent, God-fearing, ethical people who are trying to do the right thing, whatever their job is. But there are also those who bend the rules, break the rules, ignore the rules, or create their own rules. This is what has gotten our Nation into this mess. And there has to be accountability, strong accountability to investigate and prosecute anyone who bankrupted their firms on Wall Street—or on Main Street—and then expect the taxpayers to pay for it.

Third, it is important that Congress, in the future, review the regulations carefully to close loopholes and to prevent further mismanagement and misconduct.

But there is a fourth principle which we have to make sure that we in Congress take care of, and that is to do something about our economy.

Over the last couple years, many times in this Congress we've debated and discussed issues where we could be boosting our economy. One of those has to do with health care. I have spoken many times about the $400 billion waste in our health care system each year, money that people pay out of their own pockets each month to pay for health care that we're wasting. We're spending money we don't have to try to protect our economy when we can save money on such things. In the health care area, for example, we waste $50 billion a year on health care acquired infections. We could be saving that money to make our hospitals accountable. Unfortunately, Congress has not acted on that.

We could save money by using electronic medical records or electronic prescribing to take care of the waste, fraud and abuse in our health care system, and we have far to go. But another major area where our economy can get going is to stop spending $700 billion a year on energy that we're purchasing oil and gas outside of our Nation.

□ 2145

Much of that, of course, several hundred billion dollars, is to go to OPEC. OPEC buys its lavish palaces, its beautiful hotels, its built islands, and unfortunately they also buy up our debt. We're going to owe them on our national debt for several years because they buy that up. And recognize also what OPEC is doing with that is not only are they owning our economy, they will own it for the future, they are also nations building weapons and threatening our national security and our economic security.

Oddly enough, while Secretary Paulson is asking us for $700 billion to help get Wall Street back on its feet, it's $700 billion a year we spend each year on energy. If we drilled our Outer Continental Shelf, if we went for the Colorado shale oil, if we looked at the North Slope of Alaska, while just drilling the Outer Continental Shelf alone would yield $2.6 trillion in Federal income. But we continue to set that off-limits. That does not include how much we could have in Federal income if we also use a shale oil in Colorado and also the North Slope of Alaska.

We put together a bipartisan bill. Congressman ABERCROMBIE, Congressman PETERSON and several of us worked and drafted a bill which unfortunately this Congress has ignored. It is not enough just to say we will open up by default these areas for oil drilling, because the oil companies know they won't invest in that because they expect Congress to once again pull the rug out from under them.

We have to take definitive action to get our economy back on its feet. So follow these principles. Protect people and their money, have accountability to those who did wrong, and work on reviewing the rules and regulations. But above all, I hope that Congress in these final waning days of this session does not continue to ignore how we could be boosting our economy and change it from the largest bust in our history to the largest boom in our economy. That is what we can do. That is what I still hold out some small ray of hope that our Nation can do.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KAGEN) is recognized for 5 minutes.

(Mr. KAGEN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. HOLT) is recognized for 5 minutes.

(Mr. HOLT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. SMITH) is recognized for 5 minutes.

(Mr. SMITH of New Jersey addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SHERMAN) is recognized for 5 minutes.

(Mr. SHERMAN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

UNITED STATES-INDIA CIVIL NUCLEAR DEAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, this evening I rise to encourage my fellow Members of Congress to support the U.S.-India Civil Nuclear Deal. Recently the 45 nations of the Nuclear Suppliers Group waived the ban on nuclear trade with India. This paved the way for Congress to act swiftly to pass the U.S.-Indian Civil Nuclear Deal into law. This agreement will reduce pressure on energy markets, benefits both nations' economies and strengthens the U.S.-India strategic global partnership.

It will bring positive benefits to both the United States and India. It will permit both countries to engage in shared civil nuclear research and development and commercial trade of technology and fuel while guaranteeing safeguards on all civil nuclear material.

Mr. Speaker, completion of this agreement will represent an important milestone in accelerating commercial and cultural ties between the American people and the people of India. But obstacles remain. We must work with the administration to ensure the agreement comes up for a final vote this year, before Congress adjourns. The United States has a significant strategic partnership with India. This civilian nuclear cooperation agreement is a critical component to building on that successful partnership.

The agreement strengthens energy security for the United States and India. By diversifying the energy markets and creating greater energy supply, the civil nuclear agreement promotes the development of stable and efficient energy markets in India. Expansion of U.S.-India civil nuclear cooperation should, over time, lessen India's dependence on imported hydrocarbons, including those from Iran.

The nuclear agreement will also bolster both nations' economies. For the United States, the agreement opens up a major new market for technology exports and investment that is currently off limits. And it brings India into the global nuclear nonproliferation regime as a fully invested partner. India is committed to preventing proliferation from its civilian nuclear program and protecting against diversion of nuclear materials and technologies.

Finally, the civil nuclear agreement will provide the foundation of a promising U.S.-India alliance that will serve as a defense against terrorism and nuclear proliferation. The U.S. has an important stake in ensuring regional stability in South Asia, even as Pakistan continues to produce and test nuclear weapons without proper safeguards.

With uncertainty in Pakistan and the continuing influence of al Qaeda on the Afghanistan and Pakistan border, it is essential that India remain our strategic ally.

Mr. Speaker, 15 years ago, I formed the Congressional Caucus on India and Indian Americans in order to work for a stronger bilateral relationship between the United States and India. Today the world's two largest democracies have established a remarkable strategic partnership that can only be strengthened by civil nuclear cooperation.

Mr. Speaker, we should all do everything we can to see that the U.S. civil nuclear agreement receives final approval in Washington so that the world can begin to benefit from its implementation and we can embark on a new era of U.S.-India relations.

RECOGNIZING THE HONORABLE BUD CRAMER AND THE HONORABLE TERRY EVERETT ON THEIR RETIREMENT FROM CONGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Alabama (Mr. BONNER) is recognized for 60 minutes as the designee of the minority leader.

GENERAL LEAVE

Mr. BONNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include any extraneous material on the subject of my Special Order.

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

There was no objection.

Mr. BONNER. Mr. Speaker, as the American people are sitting home tonight watching the President of the United States talking about the state of our economy with so many uncertain questions that are out there about so many different issues, this is a time where the House has completed its work that gives us an opportunity to show the American people how, at least in the State of Alabama, Republicans and Democrats have over the years worked together hand in hand with a love of country at heart to try to make our State, our communities and certainly our great country a better place. And tonight I am privileged to lead this special order which will not take the entire hour but will give some of our colleagues an opportunity to recognize the significant contributions of two such Members, two men who didn't come to Congress at the same time, but who came within a term of each other, and who have, with different life backgrounds, made a substantial contribution to the betterment of their district, the State that they grew up in and love, and certainly this wonderful Nation. And I'm referring to two men of different political paths and different political parties, but two men who have universal respect here in the House of Representatives, BUD CRAMER of the Fifth Congressional District of Alabama and TERRY EVERETT of the Second Congressional District.

Earlier this year, Congressman CRAMER surprised his constituents and really people throughout this city and our Nation's capital that he would be leaving Congress after 18 remarkable years of dedicated service to the people of Huntsville and his district, the Fifth Congressional District in north Alabama. And I think it was actually this time last year when Congressman TERRY EVERETT surprised the people in the Second Congressional District that he too was going to be calling it quits after 16 wonderful years of dedicated service to the people of Alabama's Wiregrass community.

Joining me tonight will be some colleagues who know these Members intimately well. And so I will be privileged to recognize them in just a moment and let them say a few words of thanks on behalf of the American people to these two giant legislative leaders and their dedicated service.

I also have some statements for the RECORD, Mr. Speaker, that I would like to enter, because as the night has drawn on and Members have had other obligations, they have not been able to actually be here for some of these comments. But I would like to enter one in particular at this moment from my colleague, Congressman ROBERT ADERHOLT, of Alabama's Fourth Congressional District.

Of TERRY EVERETT, ROBERT ADERHOLT said, ''we value very highly Representative EVERETT's service and his work with our delegation over the course of his distinguished career. John Quincy Adams once said, if your actions inspire others to dream more, learn more, do more and become more, you're a leader. TERRY EVERETT is the type of leader that embodies this quote. His actions have inspired many Alabamians to dream more and to learn more. And I am pleased for his great contribution to our State. As TERRY leaves this institution at the conclusion of this 110th Congress and goes on to other endeavors, we wish him the very best of luck and ask God's blessings on him and his wife, Barbara, for many years to come.''

And ROBERT also serves next door to Congressman CRAMER. And he asked me as well if I would take just a moment to mention the following about his friend and neighbor, Congressman BUD CRAMER. ''Even though Bud and I are members of different political parties, we have cosponsored over 50 bills in this congressional session alone. We've not always agreed on every issue that has come before the House, but I have always respected him and his leadership no matter what the issue has been. Congressman BUD CRAMER has served his district and our State well. And it is my pleasure to have worked alongside him for 12 years. He has been a great partner in working on issues for north Alabama. As Bud leaves this institution, he leaves behind friends on both sides of the aisle. Regardless of the path he chooses, he leaves this institution a better place. And I look forward to watching his successes along the way.''

And also, ROBERT added ''may God bless BUD in all of his endeavors, and we wish him all the best that he looks forward to doing.''

Now I'm very pleased to recognize for a few minutes my distinguished friend from California, the former chairman of the House Armed Services Committee and the current ranking Republican on that committee, Honorable DUNCAN HUNTER, who has known Congressman TERRY EVERETT for every year that TERRY has been in Congress. And I would be honored to yield as much time as my friend, DUNCAN HUNTER, might choose to consume.

Mr. HUNTER. I thank my good friend for yielding. And to both these great sons of Alabama, I want to say, thank you for your wonderful work and your wonderful service to our country.

I was in TERRY's house a couple of summers ago. And we walked out to his woodworking studio where he makes all of these great cabinetry, wood products and molding. In fact he built this beautiful house by himself almost single-handedly using all this machinery that he had in his woodworking place. And as we walked across the floor, I noticed a bunch of red stains. And I said, what is that, TERRY? He said, that is when I cut part of my hand off. And I keep that blood to remind me so I won't do it again. And I immediately decided that I would not become a woodworker. It was too dangerous.

But I am reminded on that trip that TERRY EVERETT was showing me how to make cabinets. And he can make cabinets. And if you go in that house, you can see he made beautiful ones. I said, TERRY, our house burned down in California. We're going to have to rebuild it. He said, well, HUNTER, if you come down here for a week or two, we will make some cabinets.

TERRY, let me tell you, having now experienced the cost of California cabinets, I wish I had come down and worked with you and made those cabinets with you out of some of that good old cypress wood. That would have been great.

And BUD, I want to thank you incidentally for your great support of national defense. I have always been in this Congress kind of a Johnny One Note focused on defense issues since I got here. You always support a strong national defense. That has helped us to do all the things that TERRY and I have worked on over the years to rebuild our defense in such a way that we're able to bring down the Soviet Union and that we were able to free hundreds of millions of people, we were able to bring freedom to the captive nations of Eastern Europe and to keep the United States a shining star in this very difficult, very dangerous world. And your

work to make sure that we kept this country strong is very, very much appreciated.

And I have always thought of you as one of those great voices who could reach across the aisle and come together in a bipartisan way to make this country strong and to do the right thing. And that is so important in this body. In fact the ability to reconcile our differences and find common ground may be the best characteristic of this body.

Now let me tell you about TERRY. TERRY and I have done a lot of political planning. And some people would call it conspiracy. But I just call it political planning. TERRY EVERETT has either shown enormous loyalty to me or terrible judgment. He supported me in every campaign I have run in the House. And I have run for the leadership. I have lost some of them, and I have won some of them. And TERRY would go out and make those vote counts and helped me. Sometimes he would sit and say, HUNTER, I think you're going to be a little bit short here, but we're going to drive on. And we always drove on. And in the end, it's not whether you won all those contests. It's the great friends that you made while you were on the way, while you were competing.

□ 2200

If you think that loyalty and friendship are important components of the American character, then TERRY EVERETT is just full of character. And also he is a character. And if you listen to him, you will see a great sense of humor, an ability to laugh at the world, even when the world has taken some dangerous turns, and go back to work in a quiet way and get things done.

I have also said that TERRY, behind closed doors, is one of our members on the Armed Services Committee and on the Intelligence Committee, so he ties those two committees together; one committee that oversees this $600 billion-plus budget and this enormous fighting force of the Army and the Navy and the Marine Corps and the Air Force, and the other committee which oversees this very important arm called the Intelligence Branch, which gives us the information that we need to keep this country safe and secure. And many times those two entities, the defense community and the intelligence community, have to come together and work together, just like they are working together in Iraq and Afghanistan right now.

Let me tell you, a lot of the coordination that is taking place right now in Iraq and Afghanistan between people that are working in very difficult, inconvenient places and risking a lot, their effectiveness and their coordination to a large degree is a result of the work of the guy sitting right in front of me, Mr. TERRY EVERETT.

So, TERRY, you are a life-long friend, a great, great American, and I have got to tell you, working on the Armed Services Committee with you for so many years has been a real joy. It has been a great thing for this Nation to have you in the traces there pulling that plow, doing that hard work every day. You are going to be tough to replace.

BUD, I know you are going to be tough to replace too. You have done wonderful work.

TERRY, you are one of two guys retiring from political life from the Armed Services Committee. JIMMY SAXTON is the other one, and I gave him his parting gift from the HUNTER family. I have got one for you. I am going to give it to you now, TERRY. I am going to present it to you about five times this week so I can get a lot of mileage out of it.

I want to tell you just a little story about this picture. This picture was painted, this is a signed and numbered lithograph by Olaf Wieghorst, who at the time he passed away in San Diego, California, and he was a great friend, he was the highest-priced Western artist in the world. He was a grand old guy who had been part of the American cavalry in the early 1900s and became a great artist, without ever taking a lesson.

In fact, if you go rent the movie ''El Dorado'' with John Wayne and Robert Mitchum and James Caan, you will see that Olaf Wieghorst is the Swedish gunsmith in the movie. He was in that movie because John Wayne had a number of his pictures, as did Ronald Reagan and Barry Goldwater, and Wayne told him to come down to the movie set one time, and he did that, and they put him in this movie ''El Dorado.''

So I want you to check out ''El Dorado,'' and you will see my old friend Olaf Wieghorst, who painted your picture. And I believe your picture is rolled on the screen during the credits as they sing the opening ballad in this great Western movie. So I want you to go down and look at that.

But one reason I am going you this Olaf Wieghorst picture of the American West is this: The quintessential American Westerner is straight ahead, looked you right in the eye, his word was his bond, loyalty was his trademark, and that is TERRY EVERETT.

So, TERRY, I want you to look at this picture and remember that the Hunter Rancho has lots of rooms in it since we have rebuilt after the fire, and we look forward to you coming up and bringing some of your cabinet making tools. Maybe you can show Mrs. Hunter and I how to make a couple of extras.

But thank you for your great service to this country. That flag over this Capitol waives proudly and waives more securely because you served.

Thank you very much for your service.

And BUD CRAMER, thank you, my great friend, for your service to our country also.

I am going to take this picture back, TERRY, because I am going to present it to you about five more times.

Mr. EVERETT. DUNCAN, before you leave, thank you very for those kind words, and, obviously, thank you for that beautiful picture. You are still welcome to come to my home down outside of Dothan, Alabama, and we will do the cabinet work there. Those cabinet saws are a little bit hard to move around. I am not sure I could get it all the way to San Diego.

I want to thank you for allowing me to be the first chairman of the Strategic Forces Subcommittee. I think it is some of the most interesting work that we do. I am really proud of that committee, of the staff that supports that committee and the other members who are on it. We have all the missile defense, we have all the overhead stuff, satellites, and we have nuclear weapons. So it has been a really interesting committee, and I have you to thank when this committee was first formed that you allowed me to be the first chairman of that committee. So thank you very much.

I would be amiss if I didn't say that you have made great contributions to this country. You have always been straight up for the military. You have never let anybody push over our military and not provide them with what they needed.

I remember being in your office when we were having those tragic explosions on the roadsides that were killing and maiming our troops, and you had somebody from Lawrence Livermore there and you told them to get this problem solved and get it solved right now. If we have to go over there with welders and put this sheeting, steel sheeting on those Humvees, then we would do it. So I appreciate your dedication to the military.

You say you have been a one-note person. That is not true. We both know that. We have had a number of issues, for instance NAFTA, that we fought. We lost, but we fought that I thought very well.

I appreciate the dedication and all the years you have been contributed to this country and to the State of California. Thank you very much.

Mr. HUNTER. Well, TERRY, thank you. You know, we did lose on NAFTA, but we were right.

Mr. TERRY. We were right.

Mr. HUNTER. In your work on the Strategic Subcommittee on Armed Services, what a critical position at a critical time for this country. Because being able to renew our strategic capabilities, these systems age, being able to match what other people are doing in space now. I think when the Chinese knocked that satellite out of space, they initiated and heralded a new era of competition in space. Whether we like it or not we are in this fight, we are in this competition. And being able to maintain that capability that, as you so articulately stated, supports American military movements and operations and the economy of the United States, what a crucial responsibility, and you did a great job at it.

But always with that great—you know, you are an Alabama guy, and Alabama is a wonderful State, but you have all those great qualities that represent the best of the American West.

Mr. TERRY. Thank you very much. And I do love that committee. I love what it has done. We are the leading users of space in the world. We have great assets not only for our military, but for our economy also. The global economy for space is some $220 billion, and growing about 18 percent a year.

I have problems though, and I know one of the things you have championed over the years is getting young people interested in engineering, math, science and things that we need in the space industry. I just point out that China last year graduated 500,000 new engineers. The United States graduated 70,000. So we certainly have to interest young people in this marvelous thing that we call space.

Thank you again for your kind words.

Mr. BONNER. DUNCAN, thank you so much for being with us.

Mr. HUNTER. TERRY, I want to give you this picture, but you have to give it back so I can present it to you on five more occasions.

Mr. BONNER. As this evening continues to unfold, we have heard from so many colleagues from all over the country who are paying homage tonight to Congressman BUD CRAMER and Congressman TERRY EVERETT.

Congressman JOHN TANNER, one of BUD's closest friends and colleague and one of the leaders in the Blue Dog Coalition asked me, because of a last minute conflict, to enter the following statement.

''Mr. Speaker, I am proud to join our colleagues tonight in paying tribute to my friend Congressman BUD CRAMER, who, as you know, will retire later this year after representing Alabama in this body for 18 years. During this time, he has been an important leader in Congress and an excellent public servant for the American people.

''Several years ago, BUD and I, along with a handful of our other Democratic colleagues, formed a small group to fill what we saw as a void within the body at the time, a solution-oriented coalition of moderate Members who could help forge a bipartisan bridge between our colleagues on either side of the partisan aisle. That group was named the Blue Dog Coalition, to which we both still belong.

''I appreciate BUD's leadership on working on bipartisan solutions to the challenges facing our country. A military veteran, grandfather and children's advocate, BUD has dedicated much of his life to his country and helping others.

''Mr. Speaker, BUD CRAMER's dedication and commitment have served our country well, and his presence in this Chamber will be sorely missed.''

That comment and so many others from our colleagues in Alabama, Congressman ARTUR DAVIS, Congressman SPENCER BACHUS, Congressman MIKE ROGERS. I have already mentioned Congressman ADERHOLT could not be here because of a last minute conflict, but asked his statement to be entered into the record.

Friends of TERRY EVERETT and BUD CRAMER, LINCOLN DAVIS of Tennessee, BART GORDON, the distinguished chairman of the Science Committee, GENE TAYLOR, my neighbor along America's Gulf Coast, so many people from both sides of the aisle and all political stripes who are opening up their heart tonight saying thank you for the leadership that these two outstanding gentleman have provided.

Mr. Speaker, without objection, I would like to enter an article on each of these two gentlemen in the CONGRESSIONAL RECORD.

On July 27th, shortly after Congressman CRAMER announced his intentions to resign at the end of this session of Congress, The Huntsville Times, Congressman CRAMER's hometown newspaper, ran a series of articles about the outstanding, dedicated leadership and service that BUD CRAMER has provided.

So without objection, I would like to enter this into the CONGRESSIONAL RECORD.

Likewise, on October 1, 2007, and then a few months later in the Dothan Magazine, the first being the Montgomery Advertiser, the capital city newspaper, there were editorials and articles alike praising TERRY EVERETT for his solid performance as an outstanding leader of Congress and an outstanding leader for Alabama.

Mr. Speaker, I would like to enter both of these as well.

[From the Montgomery Advertiser, Oct. 1, 2007]

EVERETT HAS BEEN SOLID PERFORMER

Residents of Alabama's Second Congressional District—which includes all of Autauga and Elmore counties and a portion of Montgomery County—aren't prone to frequent changes in the representative they send to Washington. A new representative has been elected just twice in 44 years.

Bill Dickinson won the seat in 1964, the year of the fabled ''Goldwater sweep'' that saw five Republicans elected to Congress from Alabama, something that would have been unimaginable only a few years before. He held the seat until 1992, usually with ease, fending off only a handful of significant challenges over the years.

Dickinson retired from Congress that year and the Second District, to the surprise of many observers, turned to Terry Everett over two better-known candidates. Its voters have elected him every two years since and likely would continue doing so for some time to come.

But they won't have the chance. Everett announced last week that he would not seek another term in the House in 2008. At 70, he said he was looking forward to returning to his farm in Rehobeth.

The announcement set off a flurry of speculation and exploration. Chances to run for an open congressional seat are rare, so there surely will be no shortage of candidates next year in a district that covers the Wiregrass area of southeast Alabama, then curls upward to reach into Montgomery County.

There will be ample opportunity to consider those candidacies in next year's campaigns. For now, Everett's tenure in office deserves some reflection by those he has represented since 1992.

Everett, who previously owned a string of small newspapers, was not exactly a household name when he began his bid for the seat. Nor was he—nor did he ever become—a scintillating campaigner. For those looking for a candidate to ignite an audience or light up a room, Everett was never the guy.

Yet Second District voters liked Everett from the start. Something in his low-key, receptive manner and steadfast common-sense conservatism resonated with them. He defeated state Sen. Larry Dixon of Montgomery, long considered a likely successor to Dickinson, in the Republican primary and state Treasurer George Wallace Jr., then a Democrat, in the general election.

He would have opposition in future races, but never any opponent of similar stature.

Everett understood well the concerns of his district, where military and agricultural issues are especially important. He was a consistent supporter of the major military installations in the district, Maxwell-Gunter Air Force Base in Montgomery and Fort Rucker near Ozark. Farmers had a reliable advocate in Washington as well.

A subcommittee Everett chaired uncovered and addressed serious abuses in health care facilities for veterans. He served for years on the House Intelligence Committee and is now the ranking minority member. He observed wryly in an interview with The Associated Press that ''some of the most important work I've done I can't talk about because it was on the Intelligence Committee.''

Everett has served the district and the nation well. It should be noted that he's not leaving office right away. Indeed, he'll be there for more than a year. We are confident that he will continue his steady, conscientious representation during that time before entering an honorable and well-earned retirement from public life.

[From the Huntsville Times, July 27, 2008]

STAUNCH SUPPORT FOR DEFENSE, SPACE A HALLMARK

Over his 18 years in Washington, D.C., U.S. Rep. Bud Cramer says his connection to defense, NASA and the Space Station has been huge.

''In the early years, I had constant battles in defending the Space Station and with protecting NASA,'' Cramer says. ''We won those battles, but it took going member to member asking for votes. It meant building support to preserve the station. One of those victories was won by one vote.''

In defense, early issues with the Redstone Arsenal arose with the base military realignment—or BRAC-rounds. The congressman says he immediately sought to tell the ''Redstone story,'' often by showing its cooperatives with BRAC.

Cramer also says there were a host of other developments, like a weather station with NexRad radar. When the National Weather Service intended to close its Huntsville office, the congressman sought legislation to keep it open. After a decade of uncertainty, Cramer helped secure $3 million in startup money for a full service weather forecast office to be located in the National Space Science and Technology Center building on the University of Alabama campus in Huntsville to serve an 11-county area.

After a four-year battle, the congressman got the National Weather Service to drop its plan to eliminate radar in Huntsville. The radar was kept and Doppler radar was added.

Huntsville Mayor Loretta Spencer says, ''Without question, Congressman Cramer has been a stalwart in assisting the growth of the Army and NASA in Huntsville. By be-

ginning and continuing the National Children's Advocacy Center in Huntsville, Bud continues to bring positive recognition for our city.''

Cramer was elected to Congress in 1990 after serving 10 years as Madison County's district attorney. He was re-elected to Congress eight times and is a strong children's advocate, having founded the National Children's Advocacy Center. In North Alabama, the congressman's support for defense and aerospace industries is well-known. Part of his economic development efforts is the Boeing Company rocket plant.

In the House of Representatives, Cramer is known as a tireless supporter of the Space Station and a leading advocate for spending increases in missile defense, particularly with Huntsville long being a center for research and development for both. Redstone Arsenal is located in the Fifth District, as well as the U.S. Army Aviation and Missile Command and NASA's Marshall Space Flight Center.

In 2002, when Cramer joined officials in breaking ground for the world-class Propulsion Research Laboratory at Marshall Space Flight Center, he commented on it representing fortitude.

''The groundbreaking today represents years of hard work by many people who are dedicated to making sure Marshall continues to be the leading center for propulsion research in the country. Securing funding for this world-class research lab was one of my top priorities, and I was pleased to help lead our Alabama delegation's efforts to make it a reality. With this new facility, Marshall Space Flight Center will be well-positioned to play a significant role in the future of NASA.''

Cramer worked to secure funding for the laboratory, including $10 million for design and research equipment, and another $20 million for construction. The facility's research will aid advanced nuclear technology, alternate- and combined-cycle engines, high-energy plasma engines, beamed-energy sails and antimatter propulsion systems.

Building on the Huntsville area's high-tech growth, the congressman called the area ''a natural place'' for the laboratory and a fundamental move toward maintaining North Alabama's excellence in propulsion.

Two years later, when Cramer helped NASA officials cut the ribbon at the laboratory, he also praised Sen. Richard Shelby for his support for the lab.

''Since our space program's earliest days, North Alabama has been a center of space propulsion expertise,'' he said. ''With this new lab, the world-class propulsion experts right here in North Alabama will be better prepared to tackle the propulsion challenges facing NASA and the new Vision for Space Exploration.''

In June, Cramer continued his support of NASA with the House of Representatives passage of the NASA Authorization for fiscal year 2009. It authorizes $1.2 billion for programs and an additional $1 billion for research and development of space exploration vehicles, including the Orion Crew Exploration Vehicle and the Ares 1 Crew Launch Vehicle, which are being designed to replace the space shuttle.

''I am proud to support NASA and all of its field centers, including North Alabama's Marshall Space Flight Center,'' Cramer said. ''The authorization bill passed by the House today gives NASA the resources it needs to sustain programs and research initiatives that are critical to keeping America at the forefront of space exploration. In North Alabama, our space community is poised to continue its major role in NASA's vision.''

Cramer serves on the House Appropriations Committee and the House Permanent Select Committee on Intelligence. The Appropriations Committee is in charge of spending for all aspects of the federal government, including the U.S. Department of Defense and NASA. Many of the critical jobs performed by these two agencies are based in North Alabama. Cramer was appointed to the House Intelligence Committee in 2002, which oversees defense and national security intelligence issues.

The congressman has been a strong, active supporter of the space program. As one of NASA's top allies in Congress, he fought for Huntsville's NASA Marshall Space Flight Center and programs like the U.S. Space Station. For his outstanding record of support for space exploration, Cramer received the National Space Club's 2002 Von Braun Memorial Award for Space Exploration.

Mr. BONNER. Now, while I know others would like to speak, I think it is appropriate to pause and dedicate the balance of our time to recognizing these two outstanding individuals, outstanding public servants, sons of Alabama.

Interestingly enough, they both serve on the Intelligence Committee. BUD had become a leader in the defense world on the appropriations side. Terry has been a leader in the defense world on the authorization side.

Ironically, but probably not coincidentally, they both came to Congress having served their communities as Sunday school teachers and long-time community advocates.

So for the balance of this time, I would like to yield first to my friend Congressman BUD CRAMER, the dean of our delegation, and then to Congressman EVERETT.

Mr. CRAMER. JOE BONNER, thank you. On behalf of this Alabama delegation, I appreciate your team membership with us. Even when you worked in Sonny Callahan's office, you were part of our delegation there, because, of course, Sonny was our team leader for a while there as well.

As you and maybe the rest of the country doesn't know, there are only seven of us from the State of Alabama. When I came here in the year 1990, I was broken into, introduced to the Alabama team, and understood pretty quickly that regardless of party label, we were one for the State of Alabama, and hopefully for the country as well.

So it has been a pleasure to work with you, and I thank you for you taking the time tonight to allow folks to express these words of kindness for my service here, but particularly for my colleague TERRY EVERETT.

TERRY EVERETT, this gives me the opportunity to say to you that I can think of no one I have enjoyed serving with more than you here, and I have many friends on both sides of the aisle. You and I are bookends in our State, you from the southeastern part of the State, I am from the north-central part of the State.

But your service on the Armed Services Committee, and then eventually on the Intelligence Committee, I joined you there on the Intelligence Committee. The Congress may not know, but I am currently the chairman of a subcommittee on the Intelligence Committee called the Oversight and Investigations Subcommittee, a new subcommittee that was formed two Congresses ago. I was ranking member until this term of Congress, and now I am the chairman. You are the ranking member of that subcommittee. So it is interesting and ironic that Alabama has had kind of service on that committee, that we can't talk much more about, but it has been particularly important to the rest of the country as well.

□ 2215

I will miss you. I will miss Barbara as well—your wife, Barbara—whom I came to know because I got to know you, and we're like family. That speaks well of the entire Alabama delegation.

When we presented our Intel authorization bill on the floor earlier in the year, I was able to get a little more specific as Chairman DUNCAN HUNTER was able to do tonight about your commitment to defending space and to making sure that this country's investment in space is preserved. I hope, in your next life, whatever that might be, that you continue your expertise in that area because you still have a lot to offer to the space intel community and to the defense community as well from your service right here in this remarkable arena.

So I will miss you. I will miss this Alabama delegation. I will still be active with you, and will make sure that we, together, continue to look after the State of Alabama.

I will yield back my time, but thank you, JO BONNER.

Mr. BONNER. Thank you, BUD.

TERRY, would you like to say a few words?

Mr. EVERETT. Yes. Thank you very much, JO.

First of all, thank you for arranging for this to happen.

Two of my favorite people and two of the nicest people I think I know in the House who I've never heard say an unkind word about anybody are JO BONNER and DUNCAN HUNTER. They're absolutely some of the top people who you could have leading this Nation and in this Congress.

As for my friend BUD CRAMER, I appreciate those kind remarks that you've given.

BUD came here one term before I did. I've served with him now for 16 years, and we have an awful lot of things in common. The Alabama delegation, as he referred to it, is a small delegation, but it's large in its dedication to the State and to getting things done. A great deal of that, being able to operate from a small delegation that does a lot of very good things for their State and for the district, is because of BUD CRAMER's ability to reach across the aisle and work with people.

Bud is correct. We have worked together. He is an appropriator and I'm an authorizer. Some of our key issues have been missile defense as well as

space. We've worked together an awful lot to make sure that that's represented well—and it is—up in Huntsville. In my estimation—and I've told BUD this before—in Huntsville, there should be one of our national labs. I mean what they do in Huntsville, Alabama for our missile defense and for our space activities is just outstanding. A great deal of that is because of BUD CRAMER and his work on the Appropriations Committee and on the Intelligence Committee.

He is the chairman of the Oversight and Investigations Subcommittee on Intelligence, and he has done an outstanding job of moving things forward that have to be moved forward in that committee. It is just a real honor for me to be able to be his ranking member on that. I, too, think that it's good that Alabama has two Members who are in leadership positions on that particular committee.

So, BUD, I want to thank you and I'll miss you. I've appreciated your friendship. I've appreciated your loyalty to this country, to the State and to your district, and I hope you stay connected. I know that you're one of the leading experts in a lot of these areas, and I really hope that you will stay connected to space. I certainly intend to stay connected to it.

Thank you very much, JO.

Mr. BONNER. Mr. Speaker, I just want to say thank you for allowing us to have this opportunity on behalf of the 433 other Members of Congress who are not here in person but who tonight, in some form or fashion, have expressed their love, their appreciation and their respect for the dedicated service of BUD CRAMER and of TERRY EVERETT.

In closing, I just want to tell the people who might be listening in Kansas or in Wisconsin or in Florida or in California that this is an example of the best of America, of the best of two men who grew up in different times but in the same State, who came to Congress 2 years apart and who worked their hearts out to make their country a better place.

As the son of an Alabama sharecropper and railroad foreman, TERRY EVERETT knew hard times from the day he was born, never leaving his home area of Dothan and Midland City until he joined the Army following high school. He learned Russian. He served as an intelligence analyst in Europe. After his military service, he came back to his beloved Dothan and worked as a sports reporter. He then covered the police beat for the Dothan Eagle, eventually becoming a newspaper editor and publisher and eventually becoming an owner of several newspapers in southwest Alabama.

TERRY, on behalf of the people in Autauga, Barbour, Bullock, Butler, Coffee, Conecuh, Covington, Crenshaw, Dale, Elmore, Geneva, Henry, Houston, Lowndes, Montgomery, and Pike Counties—635,000 people who have benefited from your 16 years of dedicated service—a heartfelt thanks for what you have done and for what you continue to do.

Certainly, without equal, BUD CRAMER was named just a few years ago by Money Magazine as one of America's best Congressmen. What a tribute and what a true statement at that.

For a remarkable career, the people of Colbert, Jackson, Lauderdale, Limestone, Madison, Lawrence, and Morgan Counties owe a debt of gratitude for your outstanding 18 years of service, BUD.

As the editorial staff of the Huntsville Times said it best, your record has been nothing short of remarkable.

The Times Daily went on to say that he has shown that he can represent the people of his district while always considering the best interest of his Nation.

These are two outstanding men who will leave Congress at the end of this session, but they will leave a lifetime of service.

BUD, especially for you, in the area of child advocacy, you certainly are the national leader in that area.

Mr. ROGERS of Alabama. Madam Speaker, I respectfully request the attention of the House to pay recognition to a dear friend across the aisle. My collegue, Representative BUD CRAMER will retire after eighteen years of service to the people of Alabama's 5th District when this session adjourns.

Congressman CRAMER has been a pleasure to work with during my time in the House, and has contributed a great deal to the Alabama Congressional Delegation. His willingness to discuss issues across party lines speaks to his genuine concern for the well-being of his constituents. Congressman CRAMER has been a strong, advocate for sensible legislation and has used his positions on the House Appropriations and Permanent Select Intelligence Committees to champion fiscally responsible programs.

I would like to thank Congressman CRAMER once more for his dedicated service. I have been honored to work with him over the past 6 years.

Madam Speaker, I respectfully request the attention of the House to pay recognition to a dear friend and exemplary member of this body. My colleague, Representative TERRY EVERETT will retire after 16 years of service to the people of Alabama's 2nd District when this session adjourns.

Congressman EVERETT has been an invaluable resource for the Alabama Congressional Delegation. His experience and insight were a great help to me when I first came to Washington in 2002. As a member of the Agriculture, Armed Services, and Permanent Select Intelligence Committees, he has furthered the interests of the people of Alabama and the security of the United States.

I would like to thank Congressman EVERETT once more for his dedicated service. He is a gentleman with the highest regard for duty and principle, and he will be dearly missed.

Mr. BONNER. Mr. Speaker, I yield back the time to the Chair.

HONORING CONGRESSMAN JIM SAXTON

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from New Jersey (Mr. LOBIONDO) will control the remainder of the hour.

Mr. LOBIONDO. I thank you, Mr. Speaker, very much.

I am here tonight to talk about one of our retiring colleagues from New Jersey, Congressman JIM SAXTON, who after 24 years in Congress is hanging it up this year. Jim has been a colleague and a mentor of mine.

When I was first elected to Congress in 1994, I remember going through orientation. People were asking me what it was like, and it was like trying to get a drink of water from a fire hose. There was so much information that it was difficult to get.

JIM SAXTON said, ''Listen, I have a desk in my office. I want to make my staff available to you, and I want you to get off on the right foot.'' It was the beginning of a great relationship.

He has been a teacher; he has been a mentor; he has been a leader, and he has been an individual who has been focused on generating results. He wasn't so much interested in the rhetoric. JIM was never one to be running to a camera, to be wanting to do that interview and to get his face on TV or anything like that. He was interested in finding out about the problem, in determining what the possible solutions were and then in working for a consensus. He is known for many things within his district and for doing a great job in representing his constituents, but his work on the Armed Services Committee and his leadership on Armed Services is what he is best known for.

To talk about that a little bit, I would like to yield time to Chairman DUNCAN HUNTER, who is probably JIM SAXTON's closest friend in this Congress of the United States, who knows more about JIM SAXTON and who will share some of the stories with you.

Mr. HUNTER. I thank the distinguished gentleman from New Jersey for yielding. Thanks for the privilege of being here.

We just finished talking about TERRY EVERETT, one of the real giants in this House, and now, to talk about JIMMY SAXTON.

You know, there are a lot of ways to describe JIMMY SAXTON. JIMMY SAXTON is the kind of guy you'd like to share a duck blind with because he's such a good guy, and he's just fun to be around, and he's got a great sense of humor.

He talks about the time—and I'll tell the story on myself—that we went deer hunting one day. We were going to go bowhunting for deer. I told JIMMY I'd pick him up at 5:00 in the morning, and I did pick him up at 5:00 in the morning in my old, beat-up suburban that we called the war wagon.

We were driving out toward this farm that I had permission for us to hunt on. We never got anything, but we had a lot of fun out there, watching the sun come up. We were driving out there, and I realized, you know, when you're deer hunting, you want to get into the

woods before daylight, while it's still dark. You want to get up, and you're blind, so you're waiting for the animals to move.

I realized we didn't have a flashlight, and so JIMMY said, ''Well, darn it. I don't have one either.'' So he said, ''I thought you were going to bring one.''

I was supposed to bring it, so we stopped at the first convenience store, the second, the third, the fourth, the fifth. None of them had it. Now, finally, at one store, just as we got next to the farm, JIMMY said, ''I'll bet that one's got it.'' Sure enough, it did. He went in, and he got the flashlight and the batteries.

He came out, and he said, ''HUNTER, I've got the flashlight.'' He said, ''There's only one problem.''

I said, ''What's that?''

He said, ''The sun is coming up right now.''

I said, ''I don't care. We're taking that flashlight into the woods. We paid for it. We're going to use it.''

So JIMMY SAXTON is just a fun guy. He's one of those guys who's kind of like TERRY, who always had his eyes on the national interest. You know, this place, this city and this political system is full of interests, and that's legitimate. Most of the interests come from our own countrymen in our own districts and from people who have positions on things that they feel very strongly about. A lot of them are economic positions. A lot of them are social positions. JIMMY SAXTON is the kind of guy who can always look through all of that and see what he called the American interest or what I call the American interest, which is always to do the right thing and to want to do the right thing. That's what makes this country go.

Now, JIMMY, as I said, is a hunter. He loves to hunt. I'll never forget the time he came out to Wyoming, and we went antelope hunting out there. BARBARA CUBIN, a great representative from Wyoming, had arranged for us to come out there to do some antelope hunting, and we did that.

After that was over, JIMMY went on a trail drive. Now, as a boy from New Jersey, he doesn't get to go on many trail drives, but he went on a trail drive. So I gave him his picture a couple of nights ago—and the gentleman from New Jersey was there, Mr. LOBIONDO—and it's a picture of a bunch of cowboys on their horses, and it's entitled something like ''True Friends.'' I put on the inscription plate of that picture ''A friend for life, JIMMY SAXTON; from Duncan, Lynn—'' she's my wife—''Duncan D.—'' he's my marine son who is now running for Congress—''and Sam.'' He's my youngest son.

That's the way you feel about JIMMY. You work with JIMMY professionally, but you feel about him that he's just a great, close friend. Like TERRY EVERETT, he has helped me down my long career of running for and mostly losing leadership positions, every now and then winning one.

You know, in the end, as you've gone down this competitive trail once again, it's not all the results of these things, because we all win and lose every day whether you're winning issues or losing them or are winning elections or losing them, but it's the people you work with along the way and the people who are your friends. JIMMY SAXTON is as true an American as those first Americans.

You know, I imagine those first Americans who fired those first shots in the Revolutionary War who said now we've done it. We've got the biggest, strongest country in the world coming at us—the British empire—but they decided to take them on for freedom. I can imagine that among those people were lots of people who had the character of JIMMY SAXTON—that of pure principle, of doing what you think is right even though it's going to have adverse consequences and of enjoying this great, wonderful country that God gave us called the United States of America.

So I thank Mr. LOBIONDO for ordering up this time.

□ 2230

TERRY EVERETT sat next to Mr. SAXTON for a long time on the Armed Services Committee. TERRY and JIMMY sat side by side. I was hoping, leaving as the ranking member, that JIMMY would take that position. And now he is retiring. And then I was hoping that TERRY would take that position, and now he is retiring. We are losing two great, great, bright lights, two stars in this very important leadership position because everyone who is on the Armed Services Committee is a leader of sorts.

I am kind of interested in what the gentleman from Alabama (Mr. EVERETT) has to say about Mr. SAXTON.

Mr. EVERETT. There is not a lot I can add about JIMMY, but I would say that I announced my retirement first. If I had known JIMMY was going to retire, I may not have retired and taken a shot at the ranking member.

But I think one of the key things you said, JIMMY SAXTON always put the Nation first. We hear a lot of stuff. We have experts coming from any direction with any opinion on any subject. JIMMY SAXTON had that great ability to just cut through all of the background noise and come to the real pearl that you need to make the kind of legislative decisions that we have to make in the House Armed Services Committee. He was very, very good. I don't know anybody better in Congress who can do that. I have great admiration for JIMMY.

This Congress will miss JIMMY. His steadfast hand on his subcommittee work, of which he has had a couple now. And I, too, thought JIMMY would end up being the next ranking member. He would have been an outstanding person to follow an outstanding former chairman and ranking member, DUNCAN Hunter. And he has a lot of same attributes, looking out for the guys out there in the mud and walking the roads and wearing the gear in the 110, 115 degree heat. JIMMY SAXTON, like DUNCAN Hunter, always looked after the soldiers, sailors, airmen and marines first. That is one reason I have great admiration for you, DUNCAN, and JIMMY. I just say God bless both of you in whatever endeavors you do in the future.

Mr. HUNTER. Well, TERRY, we are probably going to come out to your farm. You have a big house which will hold a lot of folks.

Mr. EVERETT. Well, we have a lot of deer out there and you are both hunters. You are welcome to bring your camera any time.

Mr. HUNTER. TERRY EVERETT said JIMMY SAXTON always cared about the soldiers, and he did, very deeply.

Interestingly, I had a lot of conversations with him about weapons systems. Never in those conversations, and people look at this as a place where lobbyists come in, and they lobby for things and want you to support them because they give contributions or their things are made in your district, I never heard JIMMY SAXTON say, even in total confidence, we need to go for this one because it is politically the thing to do or it is good for my campaign. He would always argue the merits and he was willing to be convinced the other way if there were enough facts on the table.

We all visit the military bases, and we know the major bases and we go to them. When we go into theater in Iraq or Afghanistan, you go to the big bases and you spend a lot of time with the line troops. I was a line troop in the 173rd and our conventional forces.

JIMMY, as chairman of the Terrorism Subcommittee, he oversaw special operations forces. And so he spent a lot of time going to little, out-of-the-way places and meeting with people who weren't highly visible all of the time, but people who work in small teams and work in dangerous and difficult places.

And kind of like the gentleman from Alabama who is one of the few people who served at the same time on the Armed Services Committee and the Intelligence Committee, and that is Mr. EVERETT, and understands the enormous character that is required of our intelligence people, JIMMY SAXTON spent a lot of time with our Green Berets, with our Seals, with our Rangers and special operators, and he made sure that these people had the custom-made things that they need. That didn't always come in the regular procurement accounts. When you are undertaking these difficult missions, they need unusual equipment. JIMMY SAXTON was very meticulous about making sure that they had the right stuff.

That is an important job, and I hope that those who come after JIMMY have the same attention to detail and the same concern for those guys who need extraordinary equipment.

He is going to be missed.

Mr. LOBIONDO, I have watched as we would listen to a debate, and I will

come in and sit next to you, and we will both listen to JIM SAXTON. He will share some of that great wisdom of his about issues, and it is always straight ahead. It is always the best advice he can give, and it is always in the best interests of our country.

Thanks for letting me come out. Since I presented JIM with his picture of, guess what from the west, horses, I am going to retrieve that back from his office and present it to him four or five more times.

Thank you for yielding to me.

Mr. LOBIONDO. I thank you very much.

Picking up what Mr. HUNTER said, shortly after the global war on terror began, I believe it was my first trip into theater, JIMMY SAXTON was codel leader. And for a rather new member of the Armed Services Committee, to understand how this all came over, JIM SAXTON had a passion for understanding where the problems were and getting results.

As Chairman HUNTER indicated, he focused on special forces. I remember we visited with some special forces folks. JIMMY, true to form, listened very intently and found that there was a problem that was occurring with some small items, batteries that troops in the field had a great deal of difficulty with at the time.

I remember JIMMY talking about it and getting a lot of detail and coming back before one of the subcommittee hearings with I believe it was DARPA, and he explained in great detail what the problems were and had people focusing on something that they wouldn't have focused on only because he was there with the troops and had them in mind. Very respectful, very bipartisan, very inclusive, and a real model for how to get things done. And especially on Armed Services where, and I believe everything we do here is important, but Armed Services is not selling wheat to Bulgaria. It is about the lives of the men and women in uniform who are volunteering and serving our Nation, and JIMMY SAXTON always had their best interests at heart.

And when it came to the State of New Jersey, we are not considered a military State, but we have some great military bases. JIMMY SAXTON looked at the three bases. We had Fort Dix, Fort McGuire and Lakehurst Naval Air Station, and he saw the great value in what they were doing. But he saw an even greater value in the quality of work that they could do if they could be combined together in a mega-base.

People sort of smiled and chuckled when they first heard about this. And he came to Mr. HUNTER about it and he convinced DUNCAN it was a good idea. JIMMY, as he always did, very quietly rolled up his sleeves, and when that last BRAC commission came out, we now have a mega-base. It is good for New Jersey, but it is really good for America. It makes sense for America. It makes sense for our men and woman in uniform to integrate these assets into something that is much more powerful as a whole than they were individually.

He was a great assistance to me with the 177th Fighter Wing, which is in my district, the 2nd Congressional District. It is the premier homeland security base in the entire Nation because of its strategic location. When our jets are alerted and they fly combat air patrols over Washington and New York, they are 8 minutes from the time they are alerted to get over our Nation's capital.

We had need for military construction projects to keep this alert facility on a solid footing. JIMMY came along with you, Chairman HUNTER, on one of those trips, and he was the kind of guy who rolled up his sleeves. He was not just interested in his district, but what was best for the country. He did that time and time again.

My regret is I feel I have so much more to learn from him and he was such a great mentor and teacher. I am thinking about contacting Webster's and making sure that when they put the word ''congressman'' in the dictionary, they put JIM SAXTON's picture next to it because as far as I am concern, he epitomizes what we should all be about, focusing on the greater good and focusing on what is best for America and understanding how to get results and not just produce rhetoric.

Chairman HUNTER, I thank you for your years of service, and I thank you for joining me tonight and honoring JIM SAXTON.

GENERAL LEAVE

Mr. LOBIONDO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of my Special Order.

The SPEAKER pro tempore (Mr. PERLMUTTER). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

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

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. SUTTON) to revise and extend their remarks and include extraneous material:)

Ms. SUTTON, for 5 minutes, today.
Mr. SPRATT, for 5 minutes, today.
Mr. INSLEE, for 5 minutes, today.
Ms. WOOLSEY, for 5 minutes, today.
Mr. KAGEN, for 5 minutes, today.
Mr. DEFAZIO, for 5 minutes, today.
Ms. KAPTUR, for 5 minutes, today.
Mr. HOLT, for 5 minutes, today.
Mr. SHERMAN, for 5 minutes, today.

(The following Members (at the request of Ms. FOXX) to revise and extend their remarks and include extraneous material:)

Mr. HUNTER, for 5 minutes, today and September 25.
Mr. SALI, for 5 minutes, September 25.
Ms. FOXX, for 5 minutes, today and September 25.
Mr. POE, for 5 minutes, September 25.
Mr. JONES, for 5 minutes, September 25.
Mr. SMITH of New Jersey, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Ms. WATERS, for 5 minutes, today.
Mr. TIM MURPHY of Pennsylvania, for 5 minutes, today.
Mr. PALLONE, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. FILNER, and to include therein extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $1,974.

SENATE BILLS AND A CONCURRENT RESOLUTION REFERRED

Bills and a Concurrent Resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1255. An act to protect Indian arts and crafts through the improvement of applicable criminal proceedings, and for other purposes; to the Committee on Natural Resources; in addition to the Committee on the Judiciary for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. 1810. An act to amend the Public Health Service Act to increase the provision of scientifically sound information and support services to patients receiving a positive test diagnosis for Down syndrome or other prenatally and postnatally diagnosed conditions; to the Committee on Energy and Commerce.

S. 2816. An act to provide for the appointment of the Chief Human Capital Officer of the Department of Homeland Security by the Secretary of Homeland Security; to the Committee on Homeland Security.

S. 3328. An act to amend the Homeland Security Act of 2002 to provide for a one-year extension of other transaction authority; to the Committee on Homeland Security.

S. Con. Res. 101. Concurrent resolution, honoring the University of Nebraska at Omaha for its 100 years of commitment to higher education; to the Committee on Education and Labor.

ENROLLED BILLS SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 923. An act to provide for the investigation of certain unsolved civil rights crimes, and for other purposes.

H.R. 1199. An act to extend the grant program for drug-endangered children.

H.R. 3068. An act to prohibit the award of contracts to provide guard services under the contract security guard program of the Federal Protective Service to a business concern that is owned, controlled, or operated by an individual who has been convicted of a felony.

H.R. 3986. An act to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts, and for other purposes.

H.R. 5834. An act to amend the North Korean Human Rights Act of 2004 to promote respect for the fundamental human rights of the people of North Korea, and for other purposes.

H.R. 6984. An act to amend title 49, United States Code, to extend authorizations for the airport improvement program, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes.

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

H.R. 6893. An act to amend parts B and E of title IV of the Social Security Act to connect and support relative caregivers, improve outcomes for children in foster care, provide for tribal foster care and adoption access, improve incentives for adoption, and for other purposes.

SENATE ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The Speaker announced her signature to enrolled bills and Joint Resolution of the Senate of the following titles:

S. 171. An act to designate the facility of the United States Postal Service located at 301 Commerce Street in Commerce, Oklahoma, as the ''Mickey Mantle Post Office Building''.

S. 1760. An act to amend the Public Health Service Act with respect to the Healthy Start Initiative.

S. 2135. An act to prohibit the recruitment or use of child soldiers, to designate persons who recruit or use child soldiers as inadmissible aliens, to allow the deportation of persons who recruit or use child soldiers, and for other purposes.

S. 3241. An act to designate the facility of the United States Postal Service located at 1717 Orange Avenue in Fort Pierce, Florida, as the ''CeeCee Ross Lyles Post Office Building''.

S.J. Res. 35. To amend Public Law 108–331 to provide for the construction and related activities in support of the Very Energetic Radiation Imaging Telescope Array System (VERITAS) project in Arizona.

S.J. Res. 45. Expressing the consent and approval of Congress to an interstate compact regarding water resources in the Great Lakes—St. Lawrence River Basin.

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on September 23, 2008, she presented to the President of the United States, for his approval, the following bills.

H.R. 2608. To amend section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide, in fiscal years 2008 through 2010, extensions of supplemental security income for refugees, asylees, and certain other humanitarian immigrants, and to amend the Internal Revenue Code to collect unemployment compensation debts resulting from fraud.

H.R. 5551. To amend title 11, District of Columbia Official Code, to implement the increase provided under the District of Columbia Appropriations Act, 208, in the amount of funds made available for the compensation of attorneys representing indigent defendants in the District of Columbia courts, and for other purposes.

H.R. 5893. To reauthorize the sound recording and film preservation programs of the Library of Congress, and for other purposes.

ADJOURNMENT

Mr. LoBIONDO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 41 minutes p.m.), the House adjourned until tomorrow, Thursday, September 25, 2008, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8579. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Flubendiamide; Pesticide Tolerances [EPA-HQ-OPP-2007-0099; FRL-8360-2] received August 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8580. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Thifensulfuron Methyl; Pesticide Tolerances [EPA-HQ-OPP-2007-0564; FRL-8374-4] received August 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8581. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Tebuconazole; Pesticide Tolerances [EPA-HQ-OPP-2005-0097; FRL-8376-2] received August 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8582. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Tribenuron Methyl; Pesticide Tolerances [EPA-HQ-OPP-2007-0565; FRL-8374-5] received August 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8583. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Bacillus subtilis GB03; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2007-1020; FRL-8378-5] received August 27, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8584. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Fenbuconazole; Pesticide Tolerances [EPA-HQ-OPP-2007-0987; FRL-8376-4] received August 27, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8585. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Dichlobenil; Pesticide Tolerances [EPA-HQ-OPP-2007-0604; FRL-8377-7] received August 27, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8586. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Acetic acid ethenyl ester, polymer with sodium 2-methyl-2-[(1-oxo-2-propen-1-yl) amino -1-propanesulfonate (1:1), hydrolyzed; Tolerance Exemption [EPA-HQ-OPP-2008-0475; FRL-8380-1] received September 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8587. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Bacillus thuringiensis Cry2Ae in Cotton; Temporary Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2007-0573; FRL-8380-1] received September 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8588. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Spiromesifen; Pesticide Tolerances [EPA-HQ-OPP-2008-0262; FRL-8379-8] received September 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8589. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Benfluralin, Carbaryl, Diazinon, Dicrotophos, Fluometuron, Formetanate Hydrochloride, Glyphosate, Metolachlor, Napropamide, Norflurazon, Pyrazon, and Tau-Fluvalinate; Tolerance Actions [EPA-HQ-OPP-2007-1170; FRL-8379-3] received September 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8590. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Australia for defense articles and services (Transmittal No. 08-80), pursuant to 22 U.S.C. 2776(b); to the Committee on Armed Services.

8591. A letter from the Vice Admiral, USN Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance to Germany for defense articles and services (Transmittal No. 08-59), pursuant to 22 U.S.C. 2776(b); to the Committee on Armed Services.

8592. A letter from the Vice Admiral, USN Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance to Italy for defense articles and services (Transmittal No. 08-60), pursuant to 22 U.S.C. 2776(b); to the Committee on Armed Services.

8593. A letter from the Director, Congressional Budget Office, transmitting the Office's study entitled, ''U.S. Policy Regarding Pandemic-Influenza Vaccines''; to the Committee on Energy and Commerce.

8594. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Section 110(a)(1)8-Hour Ozone Maintenance Plan and 2002 Base-Year Inventory for the Schuylkill County Area [EPA-R03-OAR-2008-0189; FRL-8702-1] received August 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8595. A letter from the Director, Regulatory Management Division, Environmental

Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans for Arizona; Maricopa County PM-10 Nonattainment Area; Serious Area Plan for Attainment fo the 24-Hour and Annual PM-10 Standards [EPA-R09-OAR-2006-0571; FRL-8703-3] received August 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8596. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Delegation of National Emission Standards for Hazardous Air Pollutants for Source Categories; State of Arizona, Arizona Department of Environmental Quality, Pima County Department of Environmental Quality [EPA-R09-OAR-2008-0555; FRL-8701-7] received August 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8597. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; State of Utah; Revised Transportation Conformity Consultation Process, and Approval of Related Revisions [EPA-R08-OAR-2008 -0340; FRL-8700-7] received August 27, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8598. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; NOx and SO2 Emissions Limitations for Fifteen Coal-Fired Electric Generating Units [EPA-R03-OAR-2007-1001; FRL-8709-7] received August 27, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8599. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Antelope Valley Air Quality Management District [EPA-R09-OAR-2006-0714, FRL-8701-4] received August 27, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8600. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Operating Permits Program; State of Missouri [EPA-R07-OAR-2008-0614; FRL-8713-8] received September 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8601. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Department's final rule — Approval and Promulgation of Implementation Plans Alabama: Volatile Organic Compounds and Open Burning [EPA-R04-OAR-2008-0593-200818a; FRL-8714-7] received September 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8602. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Florida: Removal of Gasoline Vapor Recovery from Southeast Florida Areas. [EPA-R04-OAR-2007-0836-200739(a); FRL-8714-8] received September 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8603. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Louisiana; Approval of Section 110(a)(1) Maintenance Plan for the 1997 8-Hour Ozone Standard for the New Orleans Ozone Maintenance Area [EPA-R06-OAR-2007-0603; FRL-8713-6] received September 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8604. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Amendments to the Control of Incinerators [[EPA-R03-OAR-2005-MD- 0013]; FRL-8714-5] received September 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8605. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Michigan; PSD Regulations [EPA-R05-OAR-2007-1043; FRL-8714-1] received September 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8606. A letter from the Vice Admiral, USN Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance to the United Arab Emirates for defense articles and services (Transmittal No. 08-26), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

8607. A letter from the Vice Admiral, USN Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance to the United Arab Emirates for defense articles and services (Transmittal No. 08-19), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

8608. A letter from the Vice Admiral, USN Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance to the United Arab Emirates for defense articles and services (Transmittal No. 08-16), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

8609. A letter from the Vice Admiral, USN Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance to the United Arab Emirates for defense articles and services (Transmittal No. 08-66), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

8610. A letter from the Vice Admiral, USN Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance to Israel for defense articles and services (Transmittal No. 08-82), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

8611. A letter from the Vice Admiral, USN Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance to the United Arab Emirates for defense articles and services (Transmittal No. 08-79), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

8612. A letter from the Vice Admiral, USN Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance to Saudia Arabia for defense articles and services (Transmittal No. 08-75), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

8613. A letter from the Vice Admiral, USN Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance to Egypt for defense articles and services (Transmittal No. 08-72), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

8614. A letter from the Vice Admiral, USN Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Navy's Proposed Letter(s) of Offer and Acceptance to India for defense articles and services (Transmittal No. 08-71), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

8615. A letter from the Vice Admiral, USN Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance to Egypt for defense articles and services (Transmittal No. 08-64), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

8616. A letter from the Vice Admiral, USN Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance to Israel for defense articles and services (Transmittal No. 08-62), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

8617. A letter from the Vice Admiral, USN Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance to Jordan for defense articles and services (Transmittal No. 08-97), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

8618. A letter from the Vice Admiral, USN Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Navy's Proposed Letter(s) of Offer and Acceptance to Israel for defense articles and services (Transmittal No. 08-87), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

8619. A letter from the Vice Admiral, USN Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Navy's Proposed Letter(s) of Offer and Acceptance to Finland for defense articles and services (Transmittal No. 08-85), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

8620. A letter from the Vice Admiral, USN Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance to Egypt for defense articles and services (Transmittal No. 08-84), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

8621. A letter from the Vice Admiral, USN Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance to Kuwait for defense articles and services (Transmittal No. 08-36), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

8622. A letter from the Principal Deputy Assistant Attorney General, Review Panel on Prison Rape, Department of Justice, transmitting the Panel's 2007 annual report on prison rape, pursuant to 42 U.S.C. 15603(c), section 4(c)(1)(A); to the Committee on the Judiciary.

8623. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Flight Simulation Training Device Initial and Continuing Qualification and Use [Docket No. FAA-2002-12461; Amendment No. 60-3] (RIN: 2120-AJ12) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8624. A letter from the Program Analyst, Department of Transportation, transmitting

the Department's final rule — Airworthiness Directives; APEX Aircraft Model CAP 10 B Airplanes [Docket No. FAA-2008-0536; Directorate Identifier 2008-CE-030-AD; Amendment 39-15595; AD 2008-13-32] (RIN: 2120-AA64) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8625. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; MD Helicopters, Inc. Model 396A, OH-6A, 369D, 369E, 369F, 369FF, 369H, 369HE, 369HM, and 369HS Helicopters [Docket No. FAA-2008-0287; Directorate Identifier 2006-SW-15-AD; Amendment 39-15615; AD 2008-15-03] (RIN: 2120-AA64) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8626. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron Canada (BHTC) Model 430 Helicopters [Docket No. FAA-2007-0177; Directorate Identifier 2007-SW-19-AD; Amendment 39-15616; AD 2008-15-04] (RIN: 2120-AA64) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8627. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron Canada (BHTC) Model 222, 222B, and 222U Helicopters [Docket No. FAA-2007-0178; Directorate Identifier 2007-SW-20-AD; Amendment 39-15622; AD 2008-16-04] (RIN: 2120-AA64) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8628. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 727 Airplanes [Docket No. FAA-2007-0223; Directorate Identifier 2007-NM-156-AD; Amendment 39-15652; AD 2008-17-14] (RIN: 2120-AA64) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8629. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Series Airplanes Equipped with Certain Northrop Grumman (formerly Litton) Air Data Inertial Reference Units [Docket No. FAA-2008-0046; Directorate Identifier 2007-NM-270-AD; Amendment 39-15650; AD 2008-17-12] (RIN: 2120-AA64) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8630. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 Airplanes and Model ERJ 190 Airplanes [Docket No. FAA-2007-27785; Directorate Identifier 2006-NM-267-AD; Amendment 39-15649; AD 2008-17-11] (RIN: 2120-AA64) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8631. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 707 Airplanes, and Model 720 and 720B Series Airplanes [Docket No. FAA-2008-0523; Directorate Identifier 2008-NM-049-AD; Amendment 39-15648; AD 2008-17-10] (RIN: 2120-AA64) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8632. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747 Airplanes [Docket No. FAA-2008-0148; Directorate Identifier 2007-NM-299-AD; Amendment 39-15655; AD 2008-17-17] (RIN: 2120-AA64) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8633. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-10-10 and DC-10-10F Airplanes, Model DC-10-15 Airplanes, Model DC-10-30 and DC-10-30F (KC-10A and KDC-10) Airplanes, Model DC-10-40 and DC-10-40F Airplanes, Model MD-10-10F and MD-10-30F Airplanes, and Model MD-11 and MD-11F Airplanes [Docket No. FAA-2007-27339; Directorate Identifier 2006-NM-280-AD; Amendment 39-15654; AD 2008-17-16] (RIN: 2120-AA64) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8634. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-600, -700, -800, and -900 Series Airplanes [Docket No. FAA-2008-0621; Directorate Identifier 2008-NM-015-AD; Amendment 39-15653; AD 2008-17-15] (RIN: 2120-AA64) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8635. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited (Jetstream) Model 4101 Airplanes [Docket No. FAA-2008-0622; Directorate Identifier 2008-NM-064-AD; Amendment 39-15642; AD 2008-17-04] (RIN: 2120-AA64) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8636. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-400 Series Airplanes [Docket No. FAA-2008-0864; Directorate Identifier 2008-NM-120-AD; Amendment 39-15644; AD 2008-17-06] (RIN: 2120-AA64) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8637. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — NPDES Voluntary Permit Fee Incentive for Clean Water Act Section 106 Grants; Allotment Formula [EPA-HQ-OW-2006-0765; FRL-8712-7] (RIN: 2040-AE99) received September 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of New Jersey: Committee on Foreign Affairs. H.R. 3202. A bill to amend the Foreign Service Act of 1980 to extend comparability pay adjustments to members of the Foreign Service assigned to posts abroad, and to amend the provision relating to the death gratuity payable to surviving dependents of Foreign Service employees who die as a result of injuries sustained in the performance of duty abroad; with an amendment (Rept. 110–877 Pt. 1). Ordered to be printed.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. S. 3009. An act to designate the Federal Bureau of Investigation building under construction in Omaha, Nebraska, as the ''J. James Exon Federal Bureau of Investigation Building'' (Rept. 110–878). Referred to the House Calendar.

Mr. ARCURI: Committee on Rules. House Resolution 1490. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 110–879). Referred to the House Calendar.

Mr. CARDOZA: Committee on Rules. House Resolution 1491. Resolution providing for consideration of motions to suspend the rules (Rept. 110–880). Referred to the House Calendar.

Mr. PETERSON of Minnesota: Committee on Agriculture. H.R. 6849. A bill to amend the commodity provisions of the Food, Conservation, and Energy Act of 2008 to permit producers to aggregate base acres and reconstitute farms to avoid the prohibition on receiving direct payments, counter-cyclical payments, or average crop revenue election payments when the sum of the base acres of a farm is 10 acres or less, and for other purposes; with an amendment (Rept. 110–881). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1497. A bill to amend the Lacey Act Amendments of 1981 to extend its protections to plants illegally harvested outside of the United States, and for other purposes; with an amendment (Rept. 110–882. Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Oversight and Government Reform discharged from further consideration. H.R. 3202 referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BARTON of Texas (for himself, Mr. SULLIVAN, Mr. CONAWAY, Mr. HALL of Texas, Mr. TERRY, Mr. SESSIONS, Mr. MCCAUL of Texas, Mr. CULBERSON, and Mr. UPTON):

H.R. 7032. A bill to improve interagency coordination and cooperation in the processing of Federal permits for production of domestic oil and gas resources; to the Committee on Natural Resources.

By Mr. SCOTT of Virginia (for himself, Mr. LOBIONDO, and Mr. LATOURETTE):

H.R. 7033. A bill to provide safeguards with respect to the Federal Bureau of Investigation criminal background checks prepared for employment purposes, and for other purposes; to the Committee on the Judiciary.

By Mr. LARSON of Connecticut:

H.R. 7034. A bill to change the date for regularly scheduled general elections for Federal office to both the Saturday and Sunday after the first Friday in November, and for other purposes; to the Committee on House Administration.

By Ms. SHEA-PORTER (for herself, Mr. RAMSTAD, Mr. RUPPERSBERGER, Mr. CROWLEY, and Mr. DAVIS of Alabama):

H.R. 7035. A bill to amend the Internal Revenue Code of 1986 to increase the exclusion for employer-provided dependent care assistance; to the Committee on Ways and Means.

By Mrs. BOYDA of Kansas (for herself, Mr. WEINER, Mr. RODRIGUEZ, Mr. ISRAEL, Mr. CARSON, Mr. RYAN of Ohio, and Ms. SHEA-PORTER):

H.R. 7036. A bill to amend the Internal Revenue Code of 1986 to modify the dependent care credit to take into account expenses for care of parents and grandparents who do not live with the taxpayer; to the Committee on Ways and Means.

By Mr. BISHOP of Georgia:

H.R. 7037. A bill to amend the Public Health Service Act to authorize the Secretary of Health and Human Services to make grants to each State health department for community action teams to promote healthier lifestyles through physical activity and good nutrition and thereby prevent obesity and chronic disease, and for other purposes; to the Committee on Energy and Commerce.

By Mr. RYAN of Wisconsin:

H.R. 7038. A bill to establish a Health Care Services Commission to enhance the quality, appropriateness, and effectiveness of health care services, and access to such services, through the establishment of a broad base of scientific research and through the promotion of improvements in clinical practice and in the organization, financing, and delivery of health care services; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ROS-LEHTINEN (for herself, Mr. BOEHNER, Mr. BLUNT, Mr. MCCOTTER, Mr. FORTUÑO, Mr. WILSON of South Carolina, Mr. KIRK, and Mr. ROYCE):

H.R. 7039. A bill to approve the United States-India Agreement for Cooperation on Peaceful Uses of Nuclear Energy, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KUCINICH (for himself, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MCGOVERN, Ms. LEE, Mrs. CHRISTENSEN, Mr. GRIJALVA, and Mr. GONZALEZ):

H.R. 7040. A bill to amend the Help America Vote Act of 2002 to ensure that individuals who reside in a jurisdiction in a residence subject to foreclosure proceedings may continue to vote in elections for Federal office held in the jurisdiction, and for other purposes; to the Committee on House Administration.

By Mr. CARNEY (for himself, Mr. MCINTYRE, Mr. PALLONE, Mr. HOLDEN, Mr. BACHUS, Mr. BUTTERFIELD, Mr. FATTAH, Mr. PAYNE, Ms. SCHWARTZ, Mr. ALTMIRE, Mr. DOYLE, and Mr. COHEN):

H.R. 7041. A bill to authorize the Secretary of Homeland Security to award grants on a competitive basis to regional biocontainment laboratories for maintaining surge capacity that can be used to respond to acts of bioterrorism or outbreaks of infectious diseases, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CAZAYOUX:

H.R. 7042. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide adequate benefits for public safety officers injured or killed in the line of duty, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CAZAYOUX:

H.R. 7043. A bill to amend the Internal Revenue Code of 1986 to provide for expensing of installing underground electric lines within the Hurricane Gustav disaster area, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGLISH of Pennsylvania (for himself and Mr. BRADY of Texas):

H.R. 7044. A bill to amend the Internal Revenue Code of 1986 to allow a temporary dividends received deduction for taxable years beginning in 2008 or 2009; to the Committee on Ways and Means.

By Ms. ESHOO (for herself and Ms. GINNY BROWN-WAITE of Florida):

H.R. 7045. A bill to amend the Public Health Service Act to provide for a Pancreatic Cancer Initiative, and for other purposes; to the Committee on Energy and Commerce.

By Mr. FARR:

H.R. 7046. A bill to authorize the Secretary of Veterans Affairs to construct a new community-based outpatient clinic at Ord Military Community, California; to the Committee on Veterans' Affairs.

By Mr. GALLEGLY:

H.R. 7047. A bill to authorize the conveyance of certain National Forest System lands in the Los Padres National Forest in California; to the Committee on Natural Resources.

By Mr. HINCHEY:

H.R. 7048. A bill to provide additional housing assistance for certain individuals and households adversely affected by a major disaster; to the Committee on Transportation and Infrastructure.

By Mr. HOLT:

H.R. 7049. A bill to establish the National Commission on the Anthrax Attacks Upon the United States to examine and report upon the facts and causes relating to the anthrax letter attacks of September and October 2001, and investigate and report to the President and Congress on its findings, conclusions, and recommendations for corrective measures that can be taken to prevent and respond to acts of bioterrorism; to the Committee on the Judiciary.

By Mr. INSLEE (for himself, Mr. SARBANES, Mr. HINCHEY, Ms. BORDALLO, Ms. MATSUI, Ms. MCCOLLUM of Minnesota, Ms. SUTTON, and Mr. GRIJALVA):

H.R. 7050. A bill to create a 21st Century Civilian Energy Conservation Corps focused on promoting and improving the energy conservation and efficiency of residential and public buildings and spaces, creating economic opportunity for disconnected youth, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MARKEY (for himself, Mr. DELAHUNT, Mr. FRANK of Massachusetts, Mr. TIERNEY, Mr. MCGOVERN, Mr. CAPUANO, Ms. TSONGAS, Mr. ALLEN, Mr. HINCHEY, Mr. OLVER, Mr. LANGEVIN, Ms. SHEA-PORTER, Mr. WELCH of Vermont, and Mr. HODES):

H.R. 7051. A bill to prohibit issuance of any lease or other authorization by the Federal Government that authorizes exploration, development, or production of oil or natural gas in any marine national monument or national marine sanctuary or in the fishing grounds known as Georges Bank in the waters of the United States; to the Committee on Natural Resources.

By Mrs. MCMORRIS RODGERS (for herself, Ms. CASTOR, Mr. CARSON, Ms. NORTON, and Mr. REICHERT):

H.R. 7052. A bill to direct the Secretary of Education to provide grants to local educational agencies to conduct demonstration projects to screen the blood pressure of children in kindergarten through grade 6; to the Committee on Education and Labor.

By Mr. NADLER (for himself, Mr. WAXMAN, Ms. LEE, Mr. SHAYS, and Mr. CROWLEY):

H.R. 7053. A bill to amend title 49, United States Code, to expand and improve transit training programs; to the Committee on Transportation and Infrastructure.

By Mr. PAUL:

H.R. 7054. A bill to ensure that a private for-profit nursing home affected by a major disaster receives the same reimbursement as a public nursing home affected by a major disaster; to the Committee on Transportation and Infrastructure.

By Mr. PAUL:

H.R. 7055. A bill to amend the Internal Revenue Code of 1986 to allow individuals either a credit against income tax or a deduction for expenses paid or incurred by reason of a voluntary or mandatory evacuation; to the Committee on Ways and Means.

By Mr. PRICE of North Carolina (for himself, Mr. HOLT, Mr. LARSON of Connecticut, Mr. MCGOVERN, Mr. OLVER, Mr. WATT, Mr. MILLER of North Carolina, Mr. BLUMENAUER, Ms. DELAURO, and Mr. HINCHEY):

H.R. 7056. A bill to improve United States capabilities for gathering human intelligence through the effective interrogation and detention of terrorist suspects and for bringing terrorists to justice through effective prosecution in accordance with the principles and values set forth in the Constitution and other laws; to the Committee on Armed Services, and in addition to the Committees on the Judiciary, Foreign Affairs, and Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RODRIGUEZ:

H.R. 7057. A bill to establish a liaison with the Federal Bureau of Investigation in United States Citizenship and Immigration Services to expedite naturalization applications filed by members of the Armed Forces and to establish a deadline for processing such applications; to the Committee on the Judiciary.

By Mr. SCHIFF (for himself, Mr. SKELTON, Mr. HONDA, Ms. MATSUI, Mr. ABERCROMBIE, Mr. COSTA, and Mr. FARR):

H.R. 7058. A bill to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II; to the Committee on Financial Services, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TANCREDO:

H.R. 7059. A bill to require the sale of certain defense articles and defense services to Taiwan; to the Committee on Foreign Affairs.

By Mr. LARSON of Connecticut:

H.J. Res. 99. A joint resolution proposing an amendment to the Constitution of the

United States concerning the election of the Members of the House of Representatives; to the Committee on the Judiciary.

By Mr. BURGESS (for himself and Mr. GONZALEZ):

H. Con. Res. 425. Concurrent resolution expressing the sense of Congress regarding the need to pass meaningful legislation to protect commercial and government data from data breaches; to the Committee on Science and Technology, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WATERS (for herself, Mr. CLYBURN, Mr. HASTINGS of Florida, Mr. CLEAVER, Mr. AL GREEN of Texas, Mr. BUTTERFIELD, Mr. THOMPSON of Mississippi, Mr. PETERSON of Minnesota, Mr. JACKSON of Illinois, Mr. LEWIS of Georgia, Mr. DAVIS of Illinois, Mr. KUCINICH, Mr. PAYNE, Ms. SCHAKOWSKY, Ms. CLARKE, Mr. COHEN, Ms. CORRINE BROWN of Florida, Mr. PERLMUTTER, Ms. KAPTUR, Mr. HARE, Mr. SKELTON, Mr. DICKS, Ms. JACKSON-LEE of Texas, Mrs. TAUSCHER, Mr. DELAHUNT, Mr. MORAN of Virginia, Mrs. MALONEY of New York, Ms. LEE, Ms. VELÁZQUEZ, Mr. SCOTT of Virginia, Mr. WELCH of Vermont, Mrs. CAPPS, Mr. CROWLEY, Mr. ENGEL, Mr. SERRANO, Ms. PELOSI, Mr. HOLT, Mr. SHIMKUS, Mr. FARR, Mr. WEINER, Mr. CAPUANO, Mr. OLVER, Mr. KIND, Mr. JEFFERSON, Ms. NORTON, Mr. GRIJALVA, Mr. MCDERMOTT, Ms. BORDALLO, Mr. WU, Mr. TOWNS, Mrs. CHRISTENSEN, Mr. CARSON, and Mr. HINCHEY):

H. Con. Res. 426. Concurrent resolution recognizing the 10th anniversary of the establishment of the Minority AIDS Initiative; to the Committee on Energy and Commerce.

By Mr. NADLER:

H. Con. Res. 427. Concurrent resolution expressing the sense of Congress that ensuring the availability of adequate housing is an essential component of an effective strategy for the prevention and treatment of HIV and the care of individuals with HIV; to the Committee on Financial Services.

By Mr. ROTHMAN (for himself, Mr. BURTON of Indiana, Ms. BERKLEY, Mr. ENGEL, Mr. ISRAEL, and Mrs. TAUSCHER):

H. Con. Res. 428. Concurrent resolution expressing the sense of Congress that the United Nations should take immediate steps to improve the transparency and accountability of the United Nations Relief and Works Agency for Palestinian Refugees (UNRWA) in the Near East to ensure that it is not providing funding, employment, or other support to terrorists; to the Committee on Foreign Affairs.

By Mr. OBERSTAR:

H. Res. 1492. A resolution providing for agreement by the House of Representatives to the Senate amendment to the bill, H.R. 2095, with an amendment; considered and agreed to.

By Mr. SPACE (for himself and Mr. JONES of North Carolina):

H. Res. 1493. A resolution expressing the sense of the House of Representatives that there should be established a National Voter Awareness Week; to the Committee on House Administration.

By Mr. SMITH of Texas (for himself, Mr. CAPUANO, Mr. TOM DAVIS of Virginia, Mr. GOODLATTE, Mr. KILDEE, Mr. DREIER, Mr. HOYER, Mr. SHAYS, Mr. FRANK of Massachusetts, Mr. NEAL of Massachusetts, Mr. BERMAN, Mr. CALVERT, Mr. LEWIS of California, Mr. INGLIS of South Carolina, Mr. SHIMKUS, Mr. HOEKSTRA, Mr. SHADEGG, Mr. CARTER, Mr. HINOJOSA, Mr. BRADY of Texas, Mr. CULBERSON, Mr. WOLF, Mr. COHEN, Mr. YOUNG of Alaska, Mr. ROHRABACHER, Mr. COBLE, Mr. PETRI, Mr. MCKEON, Mr. DAVIS of Kentucky, Mr. PORTER, Mr. TIM MURPHY of Pennsylvania, Mr. GOODE, Mr. DOOLITTLE, Mr. DUNCAN, Mr. DAVID DAVIS of Tennessee, Mr. WHITFIELD of Kentucky, Mr. FERGUSON, Mr. RADANOVICH, Mr. KING of Iowa, Mr. WEINER, Mr. CANNON, Mr. PICKERING, Mr. MORAN of Virginia, Mr. REHBERG, Mr. CONAWAY, Mr. MARCHANT, Mr. POE, Mr. BURGESS, Mr. RODRIGUEZ, Mr. MCCAUL of Texas, Mr. GONZALEZ, Mr. SERRANO, Mr. REYES, Ms. WATERS, Mr. TOWNS, and Mr. PAUL):

H. Res. 1494. A resolution recognizing the 100th anniversary of The Christian Science Monitor newspaper; to the Committee on Oversight and Government Reform.

By Mr. ENGLISH of Pennsylvania:

H. Res. 1495. A resolution supporting the goals and ideals of National Assisted Living Week; to the Committee on Energy and Commerce.

By Mr. HASTINGS of Florida (for himself, Mr. RANGEL, Mr. PAYNE, Ms. CORRINE BROWN of Florida, Mr. LEWIS of Georgia, and Mr. JEFFERSON):

H. Res. 1496. A resolution recognizing persons of African descent in Europe; to the Committee on Foreign Affairs.

By Ms. NORTON:

H. Res. 1497. A resolution celebrating the 100th anniversary of the completion of Washington DC's Union Station; to the Committee on Transportation and Infrastructure.

By Mr. WELCH of Vermont:

H. Res. 1498. A resolution to honor the visionary and extraordinary work of Los Alamos National Laboratory and IBM on the Roadrunner supercomputer; to the Committee on Armed Services, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 154: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. FATTAH.

H.R. 643: Mr. FORTENBERRY and Mr. HINCHEY.

H.R. 661: Mr. JACKSON of Illinois, Mrs. NAPOLITANO, and Mr. WILSON of South Carolina.

H.R. 768: Ms. FOXX.

H.R. 1157: Mr. FEENEY.

H.R. 1280: Mr. PASCRELL, Mr. FATTAH, Mr. HASTINGS of Florida, Mr. JACKSON of Illinois, Mr. HOLT, Mr. WILSON of South Carolina, Mr. DICKS, and Mr. WEXLER.

H.R. 1295: Mr. HULSHOF.

H.R. 1655: Mr. WOLF.

H.R. 1738: Mr. INSLEE, Ms. LINDA T. SÁNCHEZ of California, and Mr. GOODE.

H.R. 2965: Ms. WASSERMAN SCHULTZ, Ms. WOOLSEY, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 3098: Mrs. BACHMANN.

H.R. 3109: Mr. LAMBORN.

H.R. 3407: Ms. CLARKE.

H.R. 3423: Mr. BISHOP of New York, Mr. SESTAK, Ms. ESHOO, and Ms. SCHAKOWSKY.

H.R. 3425: Ms. CLARKE.

H.R. 3618: Mr. BOREN, Mr. GRIJALVA, and Mrs. CAPITO.

H.R. 3652: Mr. BERMAN.

H.R. 3876: Ms. JACKSON-LEE of Texas.

H.R. 4054: Mr. REICHERT.

H.R. 4063: Ms. BALDWIN.

H.R. 4102: Ms. SUTTON.

H.R. 4105: Mr. FATTAH and Mr. BRALEY of Iowa.

H.R. 4107: Mr. HULSHOF.

H.R. 4126: Mr. KUHL of New York and Mrs. LOWEY.

H.R. 4138: Ms. DELAURO and Mr. BRALEY of Iowa.

H.R. 4206: Mr. MCCOTTER.

H.R. 4236: Mr. BECERRA.

H.R. 5176: Mr. CARNAHAN.

H.R. 5268: Mr. ANDREWS, Mr. MCNERNEY, and Mr. MCHUGH.

H.R. 5442: Mr. FATTAH.

H.R. 5463: Mr. FEENEY.

H.R. 5635: Ms. MCCOLLUM of Minnesota.

H.R. 5673: Mr. FRANKS of Arizona.

H.R. 5734: Mr. JACKSON of Illinois and Mr. RYAN of Wisconsin.

H.R. 5756: Mr. BLUMENAUER and Mrs. MALONEY of New York.

H.R. 5762: Mr. JACKSON of Illinois.

H.R. 5793: Ms. JACKSON-LEE of Texas, Mr. ENGEL, and Mr. SIMPSON.

H.R. 5814: Mr. CALVERT and Mr. WESTMORELAND.

H.R. 5835: Mr. PETERSON of Minnesota.

H.R. 5839: Mr. SOUDER.

H.R. 5865: Mr. LAMBORN.

H.R. 5873: Mr. SESTAK.

H.R. 5936: Mr. KUHL of New York.

H.R. 6180: Mr. HOLT.

H.R. 6194: Mr. DAVIS of Alabama.

H.R. 6281: Mr. SOUDER.

H.R. 6293: Ms. CLARKE and Mr. ETHERIDGE.

H.R. 6310: Mr. SMITH of Nebraska.

H.R. 6415: Mr. INGLIS of South Carolina and Mr. CROWLEY.

H.R. 6453: Mr. WELDON of Florida.

H.R. 6462: Mr. MCCAUL of Texas and Mr. DOGGETT.

H.R. 6548: Ms. BALDWIN, Mr. FEENEY, Mr. DENT, and Ms. FALLIN.

H.R. 6553: Mr. PERLMUTTER.

H.R. 6559: Mr. CRENSHAW.

H.R. 6562: Ms. GIFFORDS.

H.R. 6594: Mrs. MCCARTHY of New York, Mr. SESTAK, and Mr. BRADY of Pennsylvania.

H.R. 6597: Mr. LEWIS of Georgia, Mr. SHAYS, Mr. CUMMINGS, Mr. STARK, and Ms. BALDWIN.

H.R. 6598: Mrs. CAPPS, Ms. MATSUI, Mr. WHITFIELD of Kentucky, Mr. WELCH of Vermont, and Mr. COURTNEY.

H.R. 6617: Mr. BRADY of Pennsylvania.

H.R. 6654: Mr. ROTHMAN.

H.R. 6680: Ms. LINDA T. SÁNCHEZ of California.

H.R. 6696: Mr. SESTAK, Mrs. MILLER of Michigan, Ms. ROS-LEHTINEN, and Mr. BRADY of Pennsylvania.

H.R. 6709: Mr. MCCAUL of Texas, Mr. COHEN, and Mr. CRENSHAW.

H.R. 6747: Ms. GRANGER.

H.R. 6791: Mr. KENNEDY.

H.R. 6835: Mr. ROSS.

H.R. 6849: Mr. LEWIS of Kentucky.

H.R. 6856: Mr. RUPPERSBERGER.

H.R. 6873: Mr. KLEIN of Florida, Mr. HERGER, Mr. JACKSON of Illinois, Mr. WELCH of Vermont, Mr. ETHERIDGE, Mr. RYAN of Ohio, Mr. ABERCROMBIE, and Mr. RAHALL.

H.R. 6877: Ms. LEE.

H.R. 6884: Mr. CONYERS and Mr. ABERCROMBIE.

H.R. 6885: Mr. HINCHEY.

H.R. 6886: Mr. BILBRAY.

H.R. 6913: Mr. MORAN of Kansas.

H.R. 6928: Mr. MCGOVERN.

H.R. 6931: Mr. SESTAK.

H.R. 6932: Mr. BOSWELL.

H.R. 6954: Mr. KLEIN of Florida.

H.R. 6960: Mr. MEEKS of New York, Mr. TOWNS, Ms. EDDIE BERNICE JOHNSON of Texas,

Ms. KILPATRICK, Mr. PAYNE, Mr. SCOTT of Georgia, Ms. NORTON, Ms. CORRINE BROWN of Florida, Mr. MOORE of Kansas, Mr. BUTTERFIELD, Ms. WATSON, Mr. LEWIS of Georgia, Mr. CARSON, Mr. AL GREEN of Texas, Mr. JACKSON of Illinois, Mr. HARE, Mr. JOHNSON of Georgia, Ms. BALDWIN, Mr. BOYD of Florida, Ms. MOORE of Wisconsin, Mr. BOSWELL, Mr. HILL, Mr. BARROW, Ms. BORDALLO, Ms. HIRONO, Mr. HONDA, Mr. MILLER of North Carolina, Mr. COURTNEY, Ms. SCHWARTZ, Mrs. CAPPS, Mr. CROWLEY, and Mr. BOREN.

H.R. 6962: Ms. SCHAKOWSKY and Mr. NADLER.

H.R. 6966: Mr. FILNER and Mr. SHAYS.

H.R. 6970: Mr. ROGERS of Alabama.

H.R. 6973: Mr. SESTAK.

H.R. 6982: Ms. SOLIS, Ms. HARMAN, Mr. GEORGE MILLER of California, Mr. BECERRA, Mr. BILBRAY, Mr. DOOLITTLE, Mr. DREIER, Mr. GALLEGLY, Mr. HERGER, Mr. ISSA, Mr. MCKEON, Mr. NUNES, Mr. ROHRABACHER, Mr. ROYCE, Mr. HUNTER, Mr. CRENSHAW, Mr. WOLF, Mr. WAMP, Mr. WALDEN of Oregon, Ms. GRANGER, Mr. CONAWAY, Mr. SMITH of Texas, Mr. GOODLATTE, Mr. WALSH of New York, Mr. HOBSON, Mr. YOUNG of Florida, Ms. PRYCE of Ohio, Mr. COLE of Oklahoma, and Mr. RADANOVICH.

H.R. 6992: Mr. SMITH of Nebraska, Mr. BISHOP of Utah, Mr. COSTA, Mr. YOUNG of Alaska, Ms. FALLIN, and Mr. LAMBORN.

H.R. 7006: Mr. PASCRELL.

H.J. Res. 12: Mr. MARSHALL.

H.J. Res. 79: Mr. BRADY of Pennsylvania.

H. Con. Res. 40: Ms. FALLIN and Mr. PETERSON of Minnesota.

H. Con. Res. 244: Mr. UDALL of New Mexico.

H. Con. Res. 255: Mr. GARRETT of New Jersey.

H. Con. Res. 400: Mr. FATTAH.

H. Con. Res. 405: Mr. TOWNS, Mr. CASTLE, Mr. PICKERING, Mr. CUMMINGS, Mr. MCHUGH, Mr. KNOLLENBERG, Mrs. MCMORRIS RODGERS, Mr. GONZALEZ, Mrs. TAUSCHER, Mr. MOORE of Kansas, Mr. SARBANES, and Mrs. BIGGERT.

H. Con. Res. 406: Mr. SHAYS.

H. Con. Res. 411: Mr. SESTAK.

H. Con. Res. 423: Ms. ROS-LEHTINEN.

H. Con. Res. 424: Mr. GUTIERREZ, Mr. WEXLER, Mr. FILNER, Ms. LINDA T. SÁNCHEZ of California, Mr. MCDERMOTT, Ms. RICHARDSON, Ms. SUTTON, Mr. DAVIS of Alabama, Mr. COHEN, and Mr. FATTAH.

H. Res. 888: Mr. KUHL of New York.

H. Res. 988: Mr. SESTAK.

H. Res. 1171: Mr. FRANKS of Arizona.

H. Res. 1352: Mr. COHEN.

H. Res. 1386: Mr. DONNELLY.

H. Res. 1395: Mr. PAYNE, Mrs. CAPPS, Ms. ESHOO, Ms. JACKSON-LEE of Texas, Mr. BLUMENAUER, Mr. PALLONE, and Mr. GEORGE MILLER of California.

H. Res. 1397: Ms. MCCOLLUM of Minnesota, Mr. BRADY of Texas, and Mr. MOORE of Kansas.

H. Res. 1405: Mr. BRADY of Pennsylvania and Mr. BLUNT.

H. Res. 1414: Mr. WHITFIELD of Kentucky and Mr. MCINTYRE.

H. Res. 1428: Mr. ARCURI and Mr. BRADY of Pennsylvania.

H. Res. 1437: Mr. HOLDEN, Mr. OBERSTAR, Mr. LATHAM, Mr. KING of Iowa, Mr. CAPUANO, Mr. BARROW, Mr. KLINE of Minnesota, Mr. CHANDLER, Mr. DEAL of Georgia, Mr. WHITFIELD of Kentucky, Mr. HIGGINS, Mr. DAVIS of Kentucky, Mr. KLEIN of Florida, Mr. ORTIZ, Mr. CARDOZA, Mr. BOREN, Mr. SMITH of New Jersey, and Mr. SPACE.

H. Res. 1454: Mr. LINCOLN DIAZ-BALART of Florida and Mrs. MILLER of Michigan.

H. Res. 1474: Mrs. BLACKBURN and Mr. FARR.

H. Res. 1475: Mr. TAYLOR and Mr. FRANKS of Arizona.

H. Res. 1477: Mr. SHUSTER, Mrs. EMERSON, Ms. FOXX, Mr. BOREN, Mr. SOUDER, Mr. GORDON, and Mr. PITTS.

H. Res. 1478: Mr. ALTMIRE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WOLF, and Mr. MAHONEY of Florida.

H. Res. 1479: Ms. LINDA T. SÁNCHEZ of California.

H. Res. 1481: Ms. WATERS, Mr. TOWNS, and Mr. PAUL.

H. Res. 1485: Mr. PASCRELL.